

The Norm of Marriage Age Limit and Cultural Contestation of Child Marriage Law in Rural Communities

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Abstract

Changes in state legal norms regarding the age limit for marriage have been implemented to reduce the number of child marriages in Indonesia. However, child marriage is still practised, especially in rural areas of Central Java. This paper discusses three main problems, namely the prevalence of child marriage in rural areas, the dominance of tradition and dogmatic understanding of religion, the impact of poverty and social media technology as factors influencing child marriage in rural communities, and the transformation of social engineering through education and economic improvement to overcome the problem. child marriage in rural areas. This legal sociology research uses a qualitative approach. Data analysis techniques use interactive models. The study shows that the prevalence of child marriage increased by 300% after changes in norms regarding the age limit for marriage, especially in rural communities. This happens because child marriage in rural communities is a tradition passed down through generations. Traditions and religious norms understood by rural



communities as allowing child marriage have become an unwritten legal system implemented by the community. Changes in state legal norms regarding marriage age limits have the potential to disrupt established social institutions, so that sociologically they are not binding as norms for rural communities, giving rise to an apathetic public response. Therefore, efforts to improve the education and economic systems with a holistic approach are very effective in overcoming the problem of child marriage in rural communities.

KEYWORDS *Child Marriage; Contestation; Domination of Tradition; Religion; State Legal Norm.*

Abstrak

Perubahan norma hukum negara mengenai batas usia perkawinan telah diterapkan untuk menekan angka perkawinan anak di Indonesia. Namun, praktik perkawinan anak masih dilakukan terutama di wilayah pedesaan Jawa Tengah. tulisan ini membahas tiga problem utama, yaitu prevalensi perkawinan anak di wilayah pedesaan, dominasi tradisi dan pemahaman dogmatis agama, dampak kemiskinan dan teknologi media sosial sebagai faktor yang mempengaruhi perkawinan anak di masyarakat pedesaan, dan transformasi rekayasa sosial melalui pendidikan dan peningkatan ekonomi untuk mengatasi masalah perkawinan anak di pedesaan. Penelitian sosiologi hukum ini menggunakan pendekatan kualitatif. Teknik analisis data menggunakan model interaktif. Hasil penelitian menunjukkan bahwa prevalensi perkawinan anak meningkat sebesar 300% setelah perubahan norma mengenai batas usia perkawinan terutama di masyarakat pedesaan. Hal ini terjadi karena perkawinan anak di masyarakat pedesaan merupakan tradisi turun-temurun. Tradisi dan norma agama yang dipahami oleh masyarakat pedesaan sebagai membolehkan perkawinan anak telah menjadi sistem hukum tidak tertulis yang dilaksanakan oleh masyarakat. Perubahan norma hukum negara mengenai batas usia perkawinan berpotensi mengganggu pranata sosial yang sudah mapan, sehingga secara sosiologis tidak mengikat sebagai norma bagi masyarakat pedesaan, sehingga menimbulkan respon masyarakat yang apatis. Oleh karena itu, upaya perbaikan sistem pendidikan dan ekonomi dengan pendekatan holistik sangat efektif untuk mengatasi permasalahan perkawinan anak pada masyarakat pedesaan.

KATA KUNCI *Agama, Dominasi Tradisi, Kontestasi, Norma Hukum Negara, Perkawinan Anak.*

Introduction

The practice of child marriage has become a global commitment and concern to end, but approximately 15 million girls are still married before the age of 18. ¹ According to UNICEF data, of women aged 20 to 24 in less developed countries, 12% were married before the age of 15, and 38% before the age of 18. UNICEF estimates that 25 million child marriages have been prevented over the last decade, however eliminating the practice of child marriage is expected to be achieved by 2030.² This means that child marriage is still a global problem that requires serious attention from all countries in the world.

Indonesia is a country with the second highest practice of child marriage in ASEAN and number ten in the world.³ Regions with the highest child marriage practices in Indonesia, for example, Central Java, Madura, West Nusa Tenggara, West Java and Sulawesi.⁴ In the Province of West Nusa Tenggara (NTB) the national child marriage rate is 16.1%.⁵ In Sulawesi, the number of child marriages is approximately 15.2%.⁶ Meanwhile, in Central Java, the national percentage of child marriage

¹Suzanne Petroni, Mara Steinhaus, and Natacha Stevanovic Fenn, "New Findings on Child Marriage in Sub-Saharan Africa Child Marriage Prevalence Rates," *Annals of Global Health* 83, no. 5–6 (2017): 781–90, <https://doi.org/10.1016/j.aogh.2017.09.001>.

² Stephanie R Psaki et al., "What Are the Drivers of Child Marriage? A Conceptual Framework to Guide Policies and Programs What Are the Drivers of Child Marriage? A Conceptual Framework to Guide Policies and Programs," *Journal of Adolescent Health* 69, no. 6 (2021): S13–22, <https://doi.org/10.1016/j.jadohealth.2021.09.001>.

³ Triana Sofiani, "The Strategic Policy of Child Marriage Prevention on Gender-Integrated (Strengthening Best Practice Areas Toward Child Marriage-Free Zones)." *Muwazah* 14.2 (2022): 229-254. <https://doi.org/10.28918/muwazah.v14i2.6111>

⁴ Pusat Statistik, Badan "Pencegahan Perkawinan anak: Percepatan yang Tidak Bisa Ditunda", Jakarta: Puskapa, Bapennas, 2020, 20-23.

⁵ Maila D H Rahiem, "Child Abuse & Neglect COVID-19 and the Surge of Child Marriages : A Phenomenon in Nusa Tenggara Barat , Indonesia" 118, no. 95 (2021).

⁶ Sudiro Mia Hadiati, Amad Mella Ismelia Farma Rahayu, "An Empirical Study in Indonesia of Girl Child Marriage Determinants By Mia Hadiati 1 , Mella Ismelia Farma Rahayu 2 , Amad Sudiro 3," 2022, 1–13.

reached 14.23%.⁷ This is evidence that child marriage or early marriage has become a national problem still ongoing today, both in rural and urban areas.⁸ However, the prevalence rate of child marriage in Indonesia tends to be higher in rural areas than in urban areas.⁹ Various factors influence the high rate of child marriage in rural areas, including arranged marriage, marriage by accident, family demands, social pressure, low education, negative environment, limited knowledge, personal desire, economic factors, individual factors, and the influence of social media.¹⁰ Moreover, the practice of child marriage is also influenced by cultural factors that consider girls to be "old virgins" if they are not married, which becomes a disgrace to the family and parents. In addition, economic factors consider girls to be considered as a medium of exchange to survive, pay off debts, and reduce the burden of family responsibilities by marrying them off to more capable husbands¹¹.

⁷ B Rini Heryanti, "Implementasi Perubahan Kebijakan Batas Usia Perkawinan" 6, no. April (2021): 120–43, <http://dx.org/10.26623/jic.v6i1.3190>.

⁸ Hasan Bastomi, "Pernikahan Dini Dan Dampaknya (Tinjauan Batas Umur Perkawinan Menurut Hukum Islam Dan Hukum Perkawinan Indonesia)," *Pernikahan Dini Dan Dampaknya* 7, no. 2 (2016): 354–84, <http://dx.doi.org/10.21043/yudisia.v7i2.2160>. Reni Kartikawati, "Dampak Perkawinan Anak Di Indonesia," *Jurnal Studi Pemuda* 3, no. 1 (2015): 1–16.

⁹ M Riska Anandya Putri Pratiwi, "Child Marriage under Indonesian Marriage Law: Legal and Social Analysis," *Law Research Review Quarterly* 7, no. 3 (2021): 285–302. Winda Hamidah and Assyifa Junitasari, "Penyuluhan Dampak Pernikahan Dini Terhadap Psikologi, Kesehatan, Dan Keharmonisan Rumah Tangga Di Kampung Cipete," *Proceedings UIN Sunan Gunung Djati Bandung* 14, no. November (2021).

¹⁰ Eka Y. Handayani, "Faktor-Faktor Yang Berhubungan Dengan Pernikahan Usia Dini Pada Remaja Putri Di Kecamatan Tambusai Utara Kabupaten Rokan Hulu," *Jurnal Maternity and Neonatal* 1, no. 05 (2014): 200–206, <https://doi.org/10.33024/jkm.v7i1.3110>. Hotnatalia Naibaho, "Faktor-Faktor Yang Mempengaruhi Pernikahan Usia Muda (Studi Kasus Di Dusun Ix Seroja Pasar Vii Tembung Kecamatan Percut Sei Tuan Kabupaten Deli Serdang)," *Welfare State* 2, no. 4 (2013): 1–12, <https://www.neliti.com/id/publications/222063/faktor-faktor-yang-mempengaruhi-pernikahan-usia-muda-studi-kasus-di-dusun-ix-seroja>. Pratiwi, "Child Marriage under Indonesian Marriage Law: Legal and Social Analysis."

¹¹ Hamidah and Junitasari, "Penyuluhan Dampak Pernikahan Dini Terhadap Psikologi, Kesehatan, Dan Keharmonisan Rumah Tangga Di Kampung Cipete." Rini Meilandayati et al., "Kejadian Pernikahan Usia Dini Berdasarkan Karakteristik Dan Sosial Budaya Di Desa Cipacing Kecamatan Jatiningor Kabupaten Sumedang Tahun 2014," *Jurnal Sistem Kesehatan* 1, no. 2 (2018), <https://doi.org/10.24198/jsk.v1i2.18129>.

In response to the high rate of child marriage, the government has taken various steps, one of which is through Marriage Law No. 16 of 2019, which is an attempt to implement the decision of the Constitutional Court of the Republic of Indonesia Number 22/PUUXV/2017. Although the implementation of the Marriage Law was intended to mitigate the prevalent issue of underage marriage, this practice persists in the rural regions of Kaki Gunung Ungaran, Semarang, as evidenced by a rise in petitions for marriage dispensation. The novel legislation about child marriage should have prioritized the attainment of gender parity and provided a remedy to curtail the prevalence of juvenile matrimony. However, implementing this law in the rural areas of Kaki Gunung Ungaran, Semarang, remains inadequate. Certain social, cultural, or economic factors may keep the practice of underage marriage going in this area. This shows that the implementation of the Marriage Law shows that the community's response, especially in the villages, to its implementation has not been favorable and effective.

Many academics have conducted prior studies on child marriage.¹² For instance, earlier study showed that girls in rural areas are more vulnerable than children in urban areas¹³. The motive for child marriage in rural areas of Semarang is pregnancy outside marriage¹⁴. In addition, child

Delmarrich Bilga Ayu Permatasari, "Resistensi Tokoh-Tokoh Perempuan Terhadap Patriarki Dalam Novel Garis Perempuan Karya Sanie B Kuncoro," *JENTERA: Jurnal Kajian Sastra* 6, no. 2 (2017): 94, <https://doi.org/10.26499/jentera.v6i2.439>.

¹² Mohamad Rana, Tajul Arifin, and Cecep Soleh Kurniawan, "WHEN RELIGION AND CULTURE MEET ECONOMY: Socio-Legal Factors for the Early Marriages of Muslim Families in Cirebon," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 15, no. 1 (2022): 83, <https://doi.org/10.14421/ahwal.2022.15105>. I Ketut and I Gusti Ngurah Dharma Laksana Sudantra, "Di Balik Prevalensi Perkawinan Usia Anak yang Meggelisahkan: Hukum Negara Versus Hukum Adat" 7, no. 1 (2019). Umar Faruq Thohir, "Konsep Tawakkal Dalam Perspektif Pasangan Perkawinan Anak Di Desa Wedusan Probolinggo Jawa Timur" 17 (2019): 210–29. Hidayat Ma'ruf Fadli Rahman, "Penguatan dan Pengembangan Pendidikan Islam dan Transdisipliner" 08, no. 02 (2022), <https://doi.org/10.32923/edugama.v8i2.2511>.

¹³ Nova Arikhman, Tri Meva Efendi, and Gusliani Eka Putri, "Faktor yang Mempengaruhi Pernikahan Usia Dini Di Desa Baru Kabupaten Kerinci," *Jurnal Endurance* 4, no. 3 (2019): 470, <https://doi.org/10.22216/jen.v4i3.4614>.

¹⁴ May Minarni, Ari Andayani, and Siti Haryani, "Gambaran Dampak Biologis dan Psikologis Remaja yang Menikah Dini Di Desa Munding Kecamatan Bergas Kabupaten

marriage in rural areas is often seen as a way to gain social status and pride for the family¹⁵. Previous studies have discussed girls' vulnerability in rural areas to child marriage, especially in poor and low-educated families. However, the study of marriage age norms and cultural contestation in rural of Kaki Gunung Ungaran Semarang after the enactment of the Marriage Law has not been explored to determine the effectiveness of implementing the Child Marriage Law.

This paper discusses the prevalence of child marriage in rural communities in Central Java. Furthermore, it analyzes the domination of tradition and dogmatic understanding of religion, the hegemony of poverty and the influence of social media technology as factors influencing child marriage in rural communities. Finally, discussing social engineering through education and improving the economy as an effort to minimize child marriage.

Methods

The research location is in the rural area of the Foot of Mount Ungaran, Central Java Province with eight rural areas namely Brangjeng, Kalisidi, Nyatnyono, and Gogik in West Ungaran, Munding and Pagersari in Bergas, and Candi and Sidomukti in Bandungan. Primary data sources were obtained from several informants, including village heads, Ustadz, religious leaders, community leaders, and child marriage actors. Secondary data was obtained from documents from the Office of Religious Affairs (ORA) in West Ungaran, Bergas and Bandungan Districts. Collecting data

Semarang,” *Jurnal Keperawatan Anak* 2, no. 2 (2014): 95–101, <https://jurnal.unimus.ac.id/index.php/JKA/article/view/3976>. Suwito Eko Pramono, Inaya Sari Mlati, and Edi Kurniawan, “Fenomena Pernikahan Dini Di Kota Semarang : Antara Seks Bebas Hingga Faktor Pengetahuan,” *Jurnal Riptek* 13, no. 2 (2020): 107–13, <https://doi.org/10.35475/ripteck.v13i2.63>.

¹⁵ Susan B. Schaffnit, Mark Urassa, and David W. Lawson, “‘Child Marriage’ in Context: Exploring Local Attitudes towards Early Marriage in Rural Tanzania,” *Sexual and Reproductive Health Matters* 27, no. 1 (2019): 93–105, <https://doi.org/10.1080/09688080.2019.1571304>.

in this study using observation, in-depth interviews, and documentation. The analysis technique uses an interactive analysis model. This interactive analysis model is carried out in three steps, namely data reduction, presentation, and drawing conclusions or verification. Data is reduced by organizing and selecting data according to the respondent's topic and story description. The presentation of data is done by describing patterns and tendencies of data with description techniques. The last stage is data interpretation.

Discussion

The Prevalence of Child Marriage in the Village of Kaki Gunung Ungaran, Central Java Province

In recent years, there has been an increase in the number of child marriages in several rural areas of Kaki Gunung Ungaran, Semarang district. The data in Table 1 below is a recapitulation of underage marriages that can provide a clear overview:

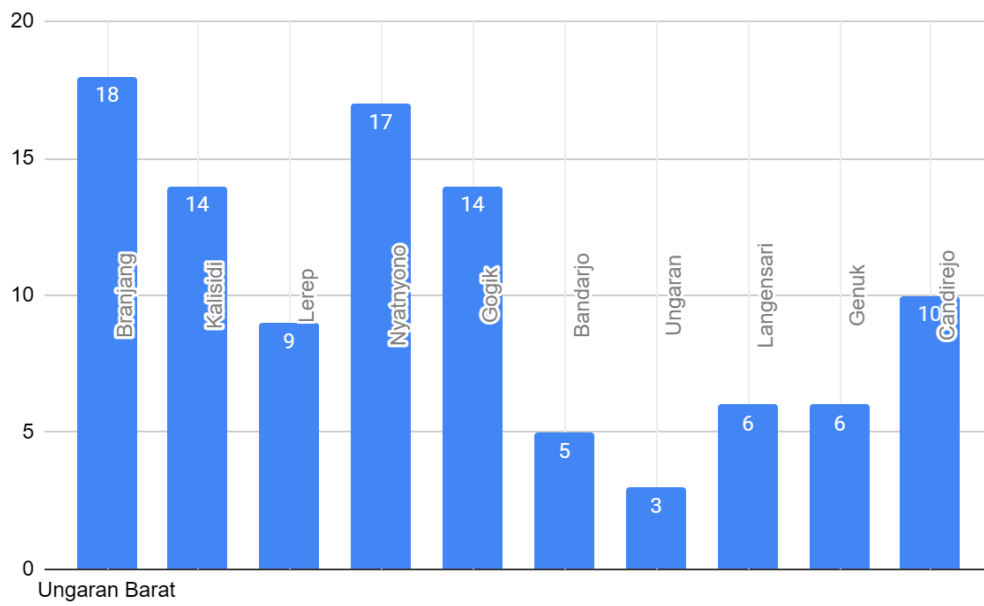
Table 1. Recapitulation data of marriages under the age of 18 in Ungaran Barat, Bergas and Bandungan sub-districts from 2017 to 2021.

Sub-district	Village	2017	2018	2019	2020	2021	Total
Ungaran Barat	Branjang	3	2	4	5	4	18
Ungaran Barat	Kalisidi	2	3	2	4	3	14
Ungaran Barat	Lerep	3	2	1	1	2	9
Ungaran Barat	Nyatnyono	4	3	3	3	4	17
Ungaran Barat	Gogik	3	3	2	3	3	14
Ungaran Barat	Bandarjo	1	0	1	1	2	5
Ungaran Barat	Ungaran	1	1	0	0	1	3
Ungaran Barat	Langensari	1	1	1	2	1	6
Ungaran Barat	Genuk	0	2	1	2	1	6

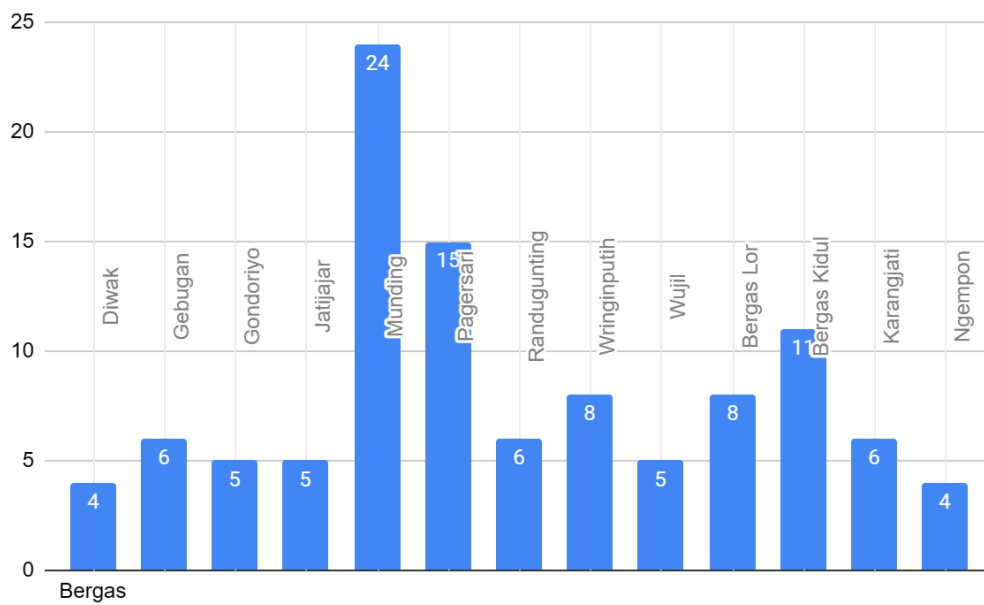
Ungaran Barat	Candirejo	2	3	1	2	2	10
Bergas	Diwak	1	1	0	1	1	4
Bergas	Gebugan	2	1	1	1	1	6
Bergas	Gondoriyo	1	2	1	0	1	5
Bergas	Jatijajar	0	1	2	1	1	5
Bergas	Munding	5	6	4	5	4	24
Bergas	Pagersari	4	3	2	3	3	15
Bergas	Randugunting	1	2	1	1	1	6
Bergas	Wringinputih	2	2	1	1	2	8
Bergas	Wujil	1	1	1	1	1	5
Bergas	Bergas Lor	2	1	2	1	2	8
Bergas	Bergas Kidul	3	2	1	3	2	11
Bergas	Karangjati	1	1	1	2	1	6
Bergas	Ngempon	0	1	1	1	1	4
Bandungan	Bandungan	2	2	1	2	3	10
Bandungan	Banyukuning	1	2	2	3	1	9
Bandungan	Candi	5	5	3	4	5	22
Bandungan	Duren	1	3	2	2	1	9
Bandungan	Jetis	1	1	2	1	1	6
Bandungan	Jimbaran	2	1	0	0	1	4
Bandungan	Kenteng	2	3	2	1	1	9
Bandungan	Mlilir	3	2	1	1	2	9
Bandungan	Pakopen	4	2	2	1	2	11
Bandungan	Sidomukti	3	5	4	4	4	20

Source: Research Result

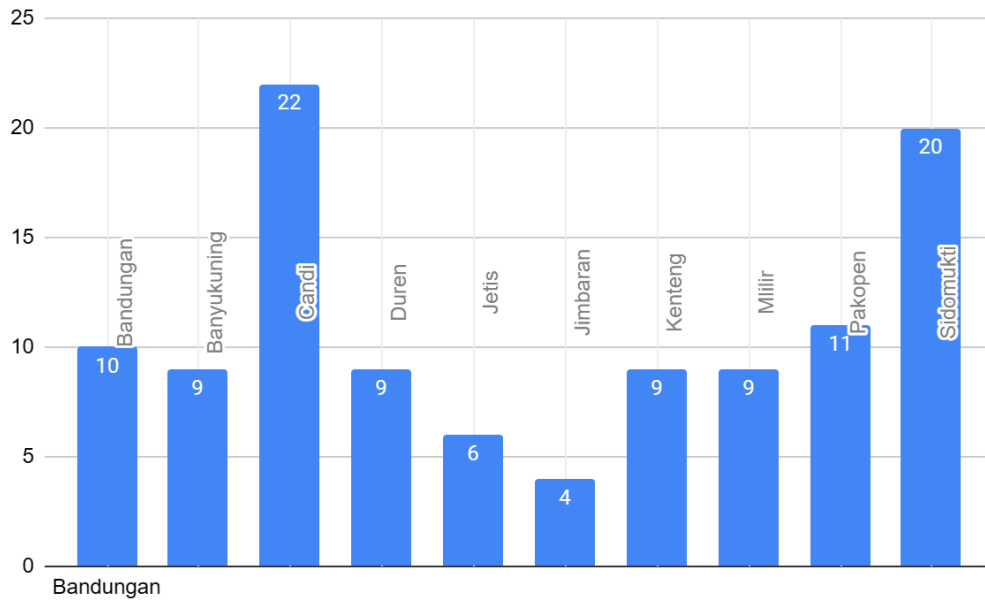
The table above shows the high level of child marriage in Branjang, Kalisidi, Nyatnyono, and Gogik villages (in dark colors), which are located in the rural areas at the foot of the mountain, compared to other villages in the non-mountainous Ungaran Barat. Similar occurrences occur in Munding and Pagersari, two villages in Bergas on the eastern side of the mountain, as well as Candi and Sidomukti villages in Bandungan on the mountain's southern side. A comparison of the trend of child marriages between villages from 2017 to 2021 is shown in the graph below:



Graph 1. Prevalence of marriage under 18 years of age in Ungaran Barat from 2017 to 2021



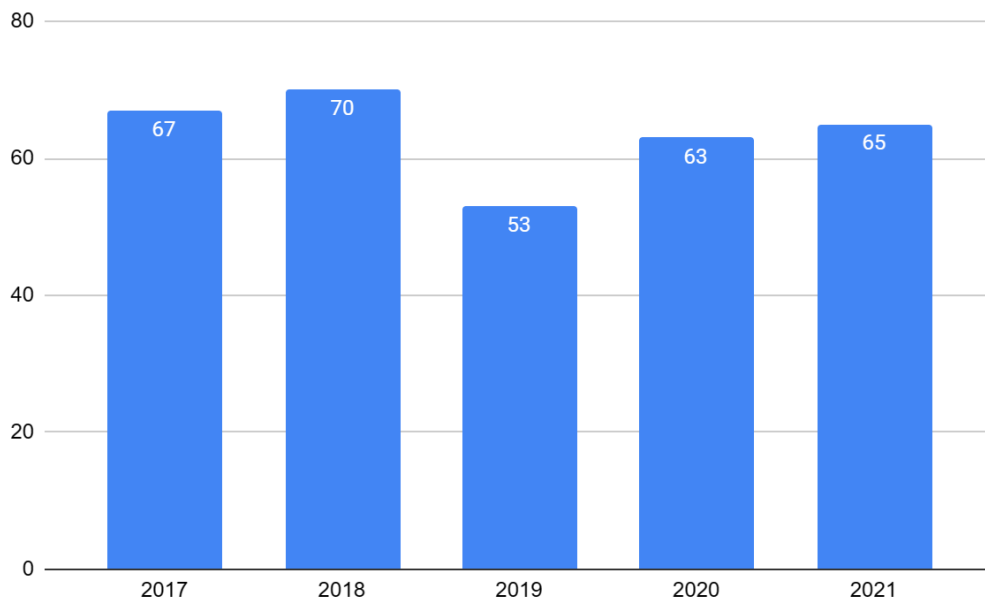
Graph 2. Prevalence of marriage under the age of 18 in Bergas from 2017 to 2021



Graph 3. Prevalence of marriage under the age of 18 in Bandungan from 2017 to 2021

In addition to the inequality between villages, the table above shows a comparison of the number of child marriages before and after the enactment of Law No. 16/2019. Although the law was enacted on October 14, 2019, it did not show a significant decrease in the number of child marriages in 2020 and 2021. This indicates that the regulations stipulated through the 2019 Marriage Law to set a minimum age of marriage still require optimization efforts so that the goal of controlling child marriage can be effectively achieved.¹⁶

¹⁶ Farah Tri Apriliani and Nunung Nurwati, "Pengaruh Perkawinan Muda Terhadap Ketahanan Keluarga," *Prosiding Penelitian Dan Pengabdian Kepada Masyarakat* 7, no. 1 (2020): 90, <https://doi.org/10.24198/jppm.v7i1.28141>.



Graph 4. Recapitulation of marriages under the age of 18 in Ungaran Barat, Bergas and Bandungan

Apart from the recorded data at the Office of Religious Affairs, the prevalence of child marriages in rural areas of Kaki Gunung Ungaran is also evident based on the significant number of marriage dispensation requests made before implementing the 2019 Marriage Law. Between 2015 and 2017, 218 children in Semarang Regency entered into marriage by applying for dispensation through the Ambarawa Religious Court. This number came from 19 sub-districts, of which 22.5% came from Bandungan¹⁷. The center of attention and scholarly journal studies on child marriage has also focused on Cemanggal of Munding Village in Bergas, located at the eastern foot of the mountain ¹⁸.

¹⁷ M Firquwwatin, "Nikah Dini Menurut Perspektif Sadd Al-Dzari'ah: Studi Kasus Di Kecamatan Bandungan Kabupaten Semarang," *Diss. UIN Walisongo*, 2018.

¹⁸ Dian Latifiani, "The Darkest Phase for Family: Child Marriage Prevention and Its Complexity in Indonesia," *Journal of Indonesian Legal Studies* 4, no. 2 (2019): 241–58, <https://doi.org/10.15294/jils.v4i2.34708>. Ana Latifatul Muntamah, Dian Latifiani, and Ridwan Arifin, "Pernikahan Dini Di Indonesia: Faktor Dan Peran Pemerintah (Perspektif Penegakan Dan Perlindungan Hukum Bagi Anak)," *Widya Yuridika* 2, no. 1 (2019): 1, <https://doi.org/10.31328/wy.v2i1.823>.

This is also the case in the rural areas of Kaki Gunung to the north and northeast, which are included in Ungaran Barat. According to Sutrisna, the Head of the KUA of Ungaran Barat, the number of marriages in his working area through the Religious Court dispensation procedure increased dramatically by almost 300% after the minimum age of marriage for women was raised to 19 years. This number is dominated by people living in mountainous areas, such as Branjang, Kalisidi, Nyatnyono and Gogik Villages. This shows that the issue of child marriage is still a serious concern in the region, especially in mountainous areas.

The Dominance of Tradition and Dogmatic Religious Understanding

Cultural factors play a significant role in law enforcement in the legal system. Culture encompasses behaviors and values that influence the way the law is implemented.¹⁹ Positive participation and support from the community towards the law are essential to achieve the desired legal objectives. Although the structure of the law may not be perfect and the substance is not good, people will still obey the law if they have solid legal awareness.²⁰ This legal awareness includes an understanding and appreciating of the importance of the rule of law and society's obligation to abide by it. On the other hand, a culture that does not support law enforcement can hinder law enforcement efforts, even if the legal structure is in order and the substance is good. A culture that does not respect the rule of law or even encourages its violation can make law enforcement difficult

¹⁹ Eddy Fadlyana and Shinta Larasaty, "Pernikahan Usia Dini Dan Permasalahannya," *Sari Pediatri* 11, no. 2 (2016): 136, <https://doi.org/10.14238/sp11.2.2009.136-41>.

²⁰ Hesti Wulandari, Nurmiaty Nurmiaty, and Sitti Aisa, "Pemberdayaan Remaja Dan Orangtua Tentang Pendewasaan Usia Perkawinan Dan Dampak Perkawinan Usia Dini Di Kelurahan Bungkutoko , Kecamatan Abeli , Kota Kendari Empowerment of Adolescents and Parents on Maturation of Marriage Age and the Impact of Early Marriage in Bungkutoko Village , Abeli District , Kendari City," n.d., 30–37.

or ineffective. Thus, legal culture is a crucial element that can encourage the implementation of the rule of law. As expressed by Friedman:²¹

“The third component of legal system, of legal culture. By this we mean people’s attitudes toward law and legal system their belief ...in other word, is the climinate of social thought and social force wicch determines how law is used, avoided, or abused.”

Legal culture is part of human daily life, which includes the behavior of law enforcement and individuals in carrying out legal rules and systems. Anthropologically, two legal systems apply in society: state law and non-state law, such as religious law and customs. However, there is a clash between state and non-state law living in the community. This has the potential to cause the degradation of legal culture. This condition can be attributed to the loss of public appreciation of the substance and structure of law, which can be seen in events that occur in the community.²²

Marriage is part of a social institution that cannot be separated from the influence of religion, social context, and culture prevailing in a community.²³ As a transactional bond between two individuals to live together, their families can determine when and with whom the bond is made. However, the state is also interested in maintaining the order of the social institutions of its citizens' lives. This intersection between the interests of the family and the state often results in a clash between the family and the state legal system. This clash can damage both legal systems and weaken law enforcement.

²¹ Sri Puji Lestari, “Tinjauan ’Urf Terhadap Praktik Ngelangahi Di Desa Bawu Batealit Jepara,” no. 1 (2004): 1–14.

²² Meandayati et al., “Kejadian Pernikahan Usia Dini Berdasarkan Karakteristik Dan Sosial Budaya Di Desa Cipacing Kecamatan Jatinangor Kabupaten Sumedang Tahun 2014.”

²³ Sania Yuva, Fuaddillah Putra, and Citra Imelda Usman, “Faktor – Faktor Yang Menyebabkan Pernikahan Dini Pada Remaja Di Nagari Mandeh Kecamatan Koto XI Tarusan Kabupaten Pesisir Selatan” 7 (2023): 4654–62, <https://doi.org/10.31004/jptam.v7i2.6446%0A>.

Many motives are put forward by the family to marry off their children at an immature age, both the family and the child being married off.²⁴ Some of these reasons include maintaining kinship relations, maintaining family reputation, helping the family economy, avoiding adultery prohibited by religion, or even because adultery and pregnancy outside marriage have occurred. All of these reasons are related to the existing legal system that the community believes in, be it religious or cultural. In addition, there are other triggers, such as the condition of children who are no longer in school or working so that they have no productivity in life, which makes families choose to marry off their children at an immature age.²⁵ However, child marriage at an early age can have a negative impact on the child's physical and mental health, education, and social and emotional development.

Marcoes' findings mention four reasons for the occurrence of child marriage in society, namely; first, changes in living space, such as due to land conversion in rural areas, which creates a lack of employment opportunities; second, the loss of parental position due to migration has an impact on changes in the division of labor and gender roles at the family level. Women become the backbone of the family to earn a living, while girls replace the role of the mother so that they drop out of school; third, rigid moral values due to the loss of power of local leaders and the weakening of traditional power; fourth, the contestation of state law with Islamic law (fiqh), and Islamic law is placed above state law. The Rumah Kitab Research and Advocacy Institute state that one in five women in Indonesia marries underage and two-thirds end in divorce. These child marriages occur as a result of unwanted pregnancies, forced marriages, concerns about children's socialization, parents' pressure to reduce the family's economic

²⁴ Cintya Ganes Budastra, "Perkawinan Usia Dini Di Desa Kebon Ayu: Sebab Dan Solusinya," *Jurnal Warta Desa (JWD)* 2, no. 1 (2020): 1–9, <https://doi.org/10.29303/jwd.v2i1.85>.

²⁵ Sita Thamar van Bemmelen and Mies Grijns, "Relevansi Kajian Hukum Adat : Kasus Perkawinan Anak Dari Masa Ke Masa," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 30, no. 3 (2018): 516, <https://doi.org/10.22146/jmh.38093>.

burden, forced marriages as a result of rape, children who are no longer in school, and reasons demanded by their parents' religious groups ²⁶.

Research in the UK shows that religion and tradition are more frequently cited reasons for child marriage than nationality or ethnicity. This is the case for Muslim women in the UK, the majority of whom marry between the ages of 16-24 ²⁷. However, not all Muslim or Non-Muslim families in the UK engage in this practice. A similar case occurs in Thailand, with many Muslim women marrying at a younger age than Buddhist women. For this reason, UNICEF calls child marriage "traditional harmful practices", which equates to the practice of female circumcision as well as honor killings.

The tradition observed in the rural community at Kaki Gunung Ungaran is not markedly different from their customary practices. This tradition involves the arrangement of marriages for their children at a tender age for reasons that include the establishment of kinship ties, economic exigencies, or the perceived shame associated with being an old maid. This cultural practice has been passed down from generation to generation and is deeply ingrained in the community's belief system. Although it is an unwritten legal regime, it is widely acknowledged and implemented. The presence of an unmarried woman above the age of 20 is often met with derision, particularly if her sister is already married. This circumstance has a significant impact on one's psychological well-being and social interactions. Consequently, in Javanese culture, the term "*dilangkahi*" is frequently used to describe this phenomenon ²⁸.

²⁶ Elisabeth Putri Lahitani Tampubolon, "Permasalahan Perkawinan Dini Di Indonesia Elisabeth" 2, no. 5 (2021): 738–45, <https://doi.org/10.36418/jiss.v2i5.279>.

²⁷ Geetanjali Gangoli, Melanie McCarry, and Amina Razak, "Child Marriage or Forced Marriage? South Asian Communities in North East England," *Children and Society* 23, no. 6 (2009): 418–29, <https://doi.org/10.1111/j.1099-0860.2008.00188.x>.

²⁸ Tiurida Lily Anita dan Nurul Sukma Lestari, "Konsep Brand Storytelling , Value Perceptions Dan Visit Intention Pada Kawasan Tujuan Wisata Di Jakarta (Survey Pada Video Iklan Taman Dan Visit Intention Pada Kawasan," no. January (2021), <https://doi.org/10.24843/IPTA.2020.v08.i02.p13>.

The existence of a daughter who is an old maid or an unmarketable virgin is a scourge that most parents must avoid because it is a disgrace to the family as well as a mental burden for the child. To avoid this, the right choice is to marry off children even though they are still not old enough, without considering the risks that will occur.²⁹ By taking their children to the marriage stage, they feel they are succeeding by releasing their responsibilities and obligations to their children, known in everyday life as *wes mentas*.

Tradition and solid religious understandings are often the dominant factors contributing to underage marriage. This is because certain traditions and religious understandings have shaped the characteristics of a patriarchal society, a social system that places women in a lower position than men. Gender inequality in this patriarchal system is believed to be the leading cause of child marriage, as marriage is considered a way to control women's sexuality and prevent extramarital relationships that can damage family honor, such as adultery. In patriarchal societies, women's chastity or virginity is often used as a symbol of family honor and is essential in maintaining the family's image in society. Therefore, marriage bonds are the only way to protect family honor and preserve women's chastity. However, the practice of underage marriage can have adverse impacts on girls, such as higher health risks and school dropouts. It can limit their access to better life opportunities and potential.

The strong combination of the influence of tradition and religious understanding in rural communities at Kaki Gunung Ungaran is evidence of patriarchal life patterns. That is when men and the lineage from the male side who have the status as guardians play a role in marrying off their children or sisters. This can be understood from the concept of marriage guardian in Islamic fiqh, which places the guardian as one of the pillars of

²⁹ Iin Karita Sakharina and Aidir Amin Daud, "Abolition of Child Marriage Practices in Indonesia According to the United Nations Convention on the Rights of the Child," *Scholars International Journal of Law, Crime and Justice* 3, no. 6 (2020): 202–7, <https://doi.org/10.36348/sijlcj.2020.v03i06.009>.

marriage according to the Shafi'i madhab, as adhered to by most Indonesian people, including rural residents of Kaki Gunung Ungaran. This understanding is reinforced by the perception of a mujbir guardian who has the right to insist on choosing a life partner to marry his daughter or granddaughter.³⁰ The concept of guardian in fiqh has placed men in an important position, making them have prerogatives that women do not have, triggered by the uncertainty of Islamic law regarding the minimum age of marriage, both of which are often used as a justification for marrying off underage girls.

The Hegemony of Poverty and Social Media Technology

Apart from religious and traditional motives, economic reasons are an alternative to young marriage at Kaki Gunung Ungaran. The marriage of a woman to a man of her choice has the consequence of shifting the responsibility of her parents to provide for her and, henceforth, to her husband. This reason reinforces parents from weak economic circles to match or at least encourage their children to look for partners from financially well-off families.³¹ This is even though many young couples do not earn a decent income and are still dependent on their parents. In the end, the parents have to carry multiple burdens and be responsible for providing for their family and their children's families. This condition further exacerbates structured poverty and is prone to divorce ³².

The study shows that child marriage tends to be more prevalent in rural areas with low economic and educational levels compared to more developed urban communities. This can be seen in countries such as Iran,

³⁰ Rini Meiandayati et al., "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), <https://doi.org/10.24198/jsk.v1i2.18129>.

³¹ Ayu Permatasari, "Resistensi Tokoh-Tokoh Perempuan Terhadap Patriarki Dalam Novel Garis Perempuan Karya Sanie B Kuncoro."

³² Schaffnit, Urassa, and Lawson, "Child Marriage' in Context: Exploring Local Attitudes towards Early Marriage in Rural Tanzania."

Nigeria, and Bangladesh, where Islamic law is applied in both rural and urban areas ³³. The same phenomenon also occurs in Dapenda village, Sumenep, East Java Province ³⁴. Therefore, it can be concluded that Islamic law is actually only used as a pretext to legitimize child marriage, while the real motive is poverty and a hereditary lack of education. This points to the need for efforts to address poverty, improve education in rural areas, and provide a better understanding of children's rights and the negative impact of child marriage on their social and psychological lives.

Based on the above phenomenon, it is known that the main factor that triggers child marriage in the rural area of Kaki Gunung Ungaran is not solely religion or tradition. This is because religious beliefs, culture, and community traditions in the area are not much different from the surrounding urban areas, such as Ambarawa and Ungaran Cities. However, the more established economic level and more advanced education in both cities have lower rates of child marriage than in the rural areas. Therefore, religion and tradition are often used to legitimize underage marriage, while the real motives are poverty and low education. Poverty results in a lack of individual competence to compete and develop themselves, while low education results in a classical mindset that only continues the pattern of life as their parents before.

In addition to the various interests that have been mentioned, including the influence of religion and classical culture that plays a role in shaping the mindset of the community to marry off their children at a young age, the dominance of information technology through social media with various application variants is a trigger that cannot be taken lightly. Easy and inexpensive social media facilities have resulted in a cultural

³³ Adeline Masquelier, "The Scorpion's Sting: Youth, Marriage and the Struggle for Social Maturity in Niger," *Journal of the Royal Anthropological Institute* 11, no. 1 (2005): 59–83, <https://doi.org/10.1111/j.1467-9655.2005.00226.x>.

³⁴ Mia Hadiati, Mella Ismelia Farma Rahayu, "An Empirical Study in Indonesia of Girl Child Marriage Determinants By Mia Hadiati 1, Mella Ismelia Farma Rahayu 2, Amad Sudiro 3."

transformation to allow individuals to communicate more quickly with anyone and anywhere, regardless of distance, time, religion, ethnicity, or anything else. This convenience becomes a communicative facilitator between men and the opposite sex, or vice versa, to get to know each other, understand each other, and eventually lead to marriage. Some applications, such as 'matchmaking bureau' content, are explicitly designed for marriage purposes.³⁵

The free use of gadgets by children without age limits can cause them to access various inappropriate adult sites easily.³⁶ This can lead to psychological disorders that make children precocious. Pornographic content on the internet can attract children and make them addicted to trying and experimenting with things they have never experienced. The ease of social interaction through cell phones can be a contributing factor to the occurrence of free sexual relations in children that are difficult to control. This can then lead to pregnancy which leads to married by accident.

The various factors mentioned above are the causes of child marriage. These factors are influenced by the legal system that lives in the community, namely the Nonstate Law legal system, which consists of culture and religion. Culture originates from a classical understanding of the social status of women and a modern culture that is immoral due to social interaction through online media, while religion is understood dogmatically and rigidly without opening up space for new interpretations that are more supportive of the importance of maturity at the age of marriage. Therefore, Law No. 16/2019 in the rural area of Kaki Gunung Ungaran as a State Law system must compete for public space filled with values the community has believed for a long time and passed down from generation to generation.

³⁵ Pramono, Mlati, and Kurniawan, "Fenomena Pernikahan Dini Di Kota Semarang : Antara Seks Bebas Hingga Faktor Pengetahuan." *Jurnal Riptek* 13, no. 2 (2020): 107–13, <https://doi.org/10.35475/ripteck.v13i2.63>.

³⁶ Hamidah and Junitasari, "Penyuluhan Dampak Pernikahan Dini Terhadap Psikologi, Kesehatan, Dan Keharmonisan Rumah Tangga Di Kampung Cipete." Rini Meiandayati et al., "Kejadian Pernikahan Usia Dini Berdasarkan Karakteristik Dan Sosial Budaya Di Desa Cipacing Kecamatan Jatiningor Kabupaten Sumedang Tahun 2014," *Jurnal Sistem Kesehatan* 1, no. 2 (2018), <https://doi.org/10.24198/jsk.v1i2.18129>.

The presence of a Marriage Law that is not in line with local community traditions has the potential to disrupt established social institutions.³⁷ However, its presence, which was not accompanied by massive and thorough socialization about the importance of maturing the age of marriage and the high risk of underage marriage on family resilience and health, plus the substance of the law itself which was not too strict, resulted in an apathetic community response.

Education and Economic Improvement: As a Tool of Social Engineering

The biggest obstacle in revising the 2019 Marriage Law to prevent child marriage is dealing with the culture of rural communities that are classified as conservative. Because tradition plays a significant role in people's lives, these concepts have been formed and embedded in their minds for many years. The habits of their cultural values will be difficult to replace with new traditions in a relatively short time³⁸. However, although cultural transformation is very difficult, it does not mean that it is impossible to change it.

In the context of the success of cultural transformation related to child marriage in rural communities, we can borrow Brookover's theory which states that community change can occur in four stages.³⁹ The first stage is the rejection of any changes that affect society. At this stage, change will not be accepted because the community is comfortable with the existing conditions and sticks to the norms that have been running for generations.

³⁷ Sakharina and Daud, "Abolition of Child Marriage Practices in Indonesia According to the United Nations Convention on the Rights of the Child." Rana, Arifin, and Kurniawan, "WHEN RELIGION AND CULTURE MEET ECONOMY: Socio-Legal Factors for the Early Marriages of Muslim Families in Cirebon."

³⁸ Esmi Warassih, Karolus Kopong Medan, and Mahmutarom, *Pranata Hukum: Sebuah Telaah Sosiologis*. Suryandaru Utama, 2005, 53-55.

³⁹ Susan B. Schaffnit, Mark Urassa, and David W. Lawson, "Child Marriage' in Context: Exploring Local Attitudes towards Early Marriage in Rural Tanzania," *Sexual and Reproductive Health Matters* 27, no. 1 (2019): 93-105, <https://doi.org/10.1080/09688080.2019.1571304>.

They are concerned that change will only damage established social institutions. In the second stage, in this phase, the community begins to experience indecision when dealing with change. However, they begin to accept by sorting and adopting changes that follow the existing culture in the community. In the third stage, people accept changes openly and prepare the next generation through education. At this stage, education becomes an effective medium of change, as "education as an agency of change" becomes essential. The fourth stage is where society is established, namely, a society with ideological, political, economic, social, cultural, defense, and security stability. At this stage, society can constantly adapt to any changes that occur ⁴⁰.

The description of rural community life at Kaki Gunung Ungaran is in the third stage of Brookover's theory of societal change. At this stage, the community has begun to accept change openly and prepare the next generation through education. Although the level of education is still lagging compared to urban areas, openness to education and technology can be an entry point for social transformation. This opinion aligns with Fegerlind's theory that the relationship between education and society is dialectical. If changes occur in society, this can trigger changes in education patterns and vice versa. Changes in education pattern will bring change in social life⁴¹.

People in the rural areas of Kaki Gunung Ungaran are more open to accepting the concept of the importance of marrying at a physically and mentally mature age, including the impact on the quality of the generation born from the marriage. This concept is usually only owned by people with a fairly well-established education level. Therefore, the best way to change the mindset of people who still practice child marriage is to improve the quality of their education. History shows that the absence of educational

⁴⁰Fadli Rahman, Hidayat Ma'ruf. "Penguatan Dan Pengembangan Pendidikan Islam Dan Transdisipliner" 08, no. 02 (2022): 22-23. <https://doi.org/10.32923/edugama.v8i2.2511>.

⁴¹ Jeanne Ballantine, Jenny Stuber, and Judson Everitt. *The sociology of education: A systematic analysis*. New York: Routledge, 2021, 42-47. <https://doi.org/10.4324/9781003023715>

instruments has hindered societal change and progress, even in more primitive rural communities.⁴² Education is essential in providing awareness and opening mindsets to change and progress. The advancement of the education sector is an attempt by a nation to prepare for its future, as educational progress dramatically influences the progress and quality of life of society as a whole.

In addition to educational instruments considered very important in the social transformation of the rural community at Kaki Gunung Ungaran, another crucial factor is improving the economy. One of the factors for child marriage is poverty, which results in school dropouts and difficulties finding work, so they rely on marriage for economic support. This poverty chain must be broken by strengthening the economy of rural communities. The government must be serious about economic development based on rural communities, including infrastructure development and employment opportunities. This is necessary to reduce poverty and the gap between urban and rural communities. A well-established, educational, and economic society will be more open to change and progress.⁴³

Referring to the thoughts of Karl Marx, economic development has a strong influence on social life. The lives of individuals and society always depend on economic aspects, including knowledge, art, family, and so on, which require economic resources to sustain their development. Modifying economic infrastructure, which includes power, capital, and production relations, is the primary driver of social transformation. In turn, the advancement of this economic infrastructure triggers improvements in the superstructure consisting of the society's overall social institutions, such as legal, political, and religious institutions. This will result in the

⁴² Hasan Bastomi, "Pernikahan Dini Dan Dampaknya (Tinjauan Batas Umur Perkawinan Menurut Hukum Islam Dan Hukum Perkawinan Indonesia)," *Pernikahan Dini Dan Dampaknya* 7, no. 2 (2016): 354–84, <http://dx.doi.org/10.21043/yudisia.v7i2.2160>.

⁴³ Reni Kartikawati, "Dampak Perkawinan Anak Di Indonesia," *Jurnal Studi Pemuda* 3, no. 1 (2015): 1–16.

development of the social system as a whole.⁴⁴ Therefore, it is very important for the central and local governments to undertake equitable development of the economic sector as a foundation for other changes and developments in the social system.

Improving the social system for rural communities at Kaki Gunung Ungaran through a legal approach with the presence of Marriage Law No. 16/2019 is a step that can help control birth rates, reduce mortality cases, and improve public health. However, its effectiveness is still in doubt if it is not balanced with education development and the economic system's improvement. This is because child marriage, the main trigger of the problem, is closely related to low education and poverty. Therefore, efforts to improve education and economic systems are also needed in addition to legal policies. A holistic approach that includes these aspects will more effectively overcome social problems in rural communities at Kaki Gunung Ungaran.

Conclusion

Child marriage is still a tradition carried out by rural communities at the foot of Mount Ungaran, Central Java Province, with prevalence increasing by 300% from 2019 to the present. The practice of child marriage in this region is caused by religious understanding, kinship, economic needs and shame due to being an old maid. Even though this practice is not regulated in a written legal system, it has been part of the social institutions that have been carried out for generations. Therefore, state legal norms that regulate marriage age limits are not by local community traditions and are considered to disrupt established social institutions. The lack of public understanding regarding the risks of child marriage and state legal norms that regulate age limits for marriage do not bind society normatively, resulting in an apathetic public response. Therefore, improving the social

⁴⁴ Agus Suryono, *Teori Dan Strategi Perubahan Sosial*, Bumi Aksara, 2019, 50.

system of rural communities at the foot of Mount Ungaran through a legal approach as an effort to control child marriage, regulate birth rates, reduce death cases, and improve public health is not effective in reducing child marriage rates so it must be development education system and improve the economy system as a medium to change people's mindset to abandon existing traditions.

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