

Marriage Exemptions for Minors in Sidoarjo Regency in 2026

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Abstract

This study examines the phenomenon of marriage dispensation for minors in Sidoarjo Regency in 2026 and analyzes the factors contributing to the increase in applications for underage marriage dispensation. Although the government has amended the minimum age requirement for marriage through Law Number 16 of 2019, applications for marriage dispensation continue to increase in several regions, including Sidoarjo Regency. This research aims to analyze the implementation of marriage dispensation policies, the factors influencing underage marriage, and the role of government institutions in preventing child marriage. The study uses a qualitative juridical-sociological approach by examining legislation, court data, and interviews with officials from the Religious Court and the Women and Child Protection Office in Sidoarjo Regency. The results show that economic conditions, low educational attainment, cultural pressure, pregnancy outside marriage, and limited public awareness are the dominant factors contributing to underage marriage. In practice, the marriage dispensation mechanism is frequently used as a legal pathway to bypass the minimum marriage age requirement. The study also finds that collaboration among the government, Religious Courts, educational institutions, and community organizations is essential to reducing child marriage rates. Therefore, strengthening supervision, public education, and stricter implementation of marriage dispensation regulations are necessary to ensure better protection of children's rights.

INTRODUCTION

Marriage is the aspiration of many people, especially women, as it is often regarded as one of the highest forms of human happiness after entering adulthood (Karim & Kakar, 2025; Meler & Marnin-Distelfeld, 2024). It marks the transition from adolescence to adult life and becomes an important phase in determining the continuity of human life. Marriage is also a right of every human being, as stated in Article 28B Paragraph (1) of the 1945 Constitution, which affirms that everyone has the right to form a family and continue offspring through legal marriage. Furthermore, Article 1 of Law Number 1 of 1974 concerning Marriage, hereinafter referred to as the Marriage Law, defines marriage as an inner and outer 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 the belief in the One Almighty God.

However, along with changing times and the emergence of various social problems, marriage regulations that ideally should be implemented in accordance with the requirements stipulated in Law Number 1 of 1974 concerning Marriage cannot always be fully applied. Therefore, the government introduced regulatory amendments, including exceptions related to the age limits for prospective brides and grooms. In the Marriage Law, hereinafter referred to as UUP Number 1 of 1974, Article 7 Paragraph (1) states that "Marriage is only permitted if the man has reached the age of 19 (nineteen) years and the woman has reached the age of 16

(sixteen) years.” However, the government has amended the age limit for both men and women through the Amendment to the Marriage Law, or PUUP Number 16 of 2019, which states in Article 7 Paragraph (1) that marriage is only permitted when both men and women have reached the age of 19 (nineteen) years.

In addition to changing the age limit for prospective brides and grooms, the government also emphasizes changes concerning child marriage dispensation, or DISKA, which has been further clarified in the PUUP.

Child marriage remains a serious global issue because it affects children’s rights, education, reproductive health, psychological maturity, and long-term social welfare (Ahmed et al., 2025; Bari et al., 2025; John et al., 2023; Pujhana, 2025; Yendork et al., 2025). UNICEF reported that around 640 million women and girls alive today were married before the age of 18, showing that child marriage is not only a private family matter but also a global development and human rights challenge. Although the global prevalence of child marriage has declined from nearly one in four young women a decade ago to around one in five, this progress is still considered insufficient to achieve the global target of ending child marriage by 2030.

In Indonesia, child marriage continues to be a significant concern despite legal reform through Law Number 16 of 2019, which equalized the minimum marriage age for men and women at 19 years. UNICEF and Statistics Indonesia previously recorded that 11.21% of women aged 20–24 in Indonesia had married before turning 18 in 2018, while the National Strategy on Child Marriage Prevention noted that the absolute number of child marriages in Indonesia reached approximately 1,220,900 cases.

The specific issue addressed in this research is the phenomenon of marriage dispensation for minors in Sidoarjo Regency. The manuscript explains that, although the minimum marriage age has been raised, applications for marriage dispensation continue to occur and even increase in certain periods. In Sidoarjo Regency, marriage dispensation applications recorded at the Religious Court reached 170 submissions in 2024 and 135 submissions in 2025, while the PPPAKB Office recorded 106 applications in 2024 and 90 applications in 2025.

This phenomenon indicates that legal reform alone has not been fully effective in preventing underage marriage. Marriage dispensation, which should function as an exception for urgent cases, may become a legal pathway used by families to bypass the minimum age requirement. The manuscript also highlights several dominant factors behind underage marriage in Sidoarjo, including economic pressure, low education, pregnancy outside marriage, family pressure, limited legal awareness, and weak social protection for children.

Previous studies have shown that poverty, limited education, patriarchal culture, and social pressure are among the main factors contributing to child marriage. Khaerani found that economic factors strongly influence early marriage in the Sasak community, while Indanah et al. emphasized the relationship between family conditions and early marriage practices. Other studies, such as Mandariati and Irfan, also identified education and socioeconomic vulnerability as important determinants of early marriage.

Other relevant studies discuss the legal and institutional dimensions of marriage dispensation. Judiasih et al. argued that marriage dispensation creates a contradiction between legal protection and efforts to minimize child marriage, while Hermawan and Widigdo

emphasized the importance of judges' consideration based on the best interests of the child. Recent studies also note that marriage dispensation cases increased after the amendment of the Marriage Law, showing the need to evaluate the effectiveness of Supreme Court Regulation Number 5 of 2019.

However, there is still a research gap in explaining how marriage dispensation works at the local level, especially in Sidoarjo Regency, where the issue is influenced not only by legal norms but also by socioeconomic conditions, institutional coordination, and community awareness. Many previous studies discuss child marriage in general, but fewer studies examine the interaction between Religious Courts, local government agencies, psychological recommendation requirements, and child protection institutions in handling dispensation applications.

The urgency of this research lies in the fact that child marriage can create long-term consequences, including school dropout, reproductive health risks, economic instability, domestic conflict, divorce, and intergenerational poverty. If marriage dispensation is not strictly supervised, the legal mechanism intended to protect children may instead normalize underage marriage. Therefore, a deeper analysis is needed to evaluate whether existing policies truly protect children's rights or merely provide administrative legality for early marriage.

The novelty of this research is its juridical-sociological focus on marriage dispensation for minors in Sidoarjo Regency by combining legal analysis, institutional data, and interviews with related officials. This study does not only examine the written law but also analyzes how the regulation is implemented in practice, including the role of the Religious Court, PPPAKB Office, psychological recommendations, and local government collaboration.

Therefore, this research aims to analyze the implementation of marriage dispensation policies, identify the factors causing underage marriage, and examine the role of government institutions in preventing child marriage in Sidoarjo Regency. The study is expected to contribute theoretically to legal and sociological studies on child marriage and practically to the formulation of stronger supervision, public education, institutional coordination, and child protection policies in local government practice.

RESEARCH METHOD

This research employed a juridical-sociological method with a qualitative approach. The juridical approach was used to examine legal regulations related to marriage dispensation and child protection, including Law Number 1 of 1974 concerning Marriage, Law Number 16 of 2019 concerning Amendments to the Marriage Law, Supreme Court Regulation Number 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation Applications, and other related regulations. Meanwhile, the sociological approach was used to analyze the implementation of these regulations in society, particularly regarding the phenomenon of underage marriage in Sidoarjo Regency.

The data used in this study consisted of primary and secondary data. Primary data were obtained through interviews with officials from the Religious Court of Sidoarjo Regency and the Women's Empowerment, Child Protection, and Family Planning Office (PPPAKB). Secondary data were collected from legislation, legal literature, scientific journals, books, official reports, and other relevant references concerning marriage dispensation and child marriage.

Data collection techniques included literature study, documentation, and interviews. The collected data were analyzed qualitatively through data reduction, classification, interpretation, and conclusion drawing to understand the factors causing the increase in marriage dispensation applications and the effectiveness of government policies in preventing underage marriage in Sidoarjo Regency.

RESULTS AND DISCUSSION

The concept of underage marriage occurs in many regions, especially in areas where customs and culture remain strong. In such communities, underage marriage is often believed to bring good fortune, strengthen kinship bonds, and preserve ancestral beliefs and cultural traditions. However, a different situation occurs in Sidoarjo Regency. Underage marriage in Sidoarjo Regency is not primarily triggered by customs or cultural factors but by economic factors. Sidoarjo is a delta area bordering Pasuruan, Malang, Mojokerto, and Surabaya Regencies. It is also a coastal area that strategically connects Western Indonesia with Central and Eastern Indonesia. Its geographical condition is notable because Sidoarjo functions as a buffer area for Surabaya, particularly South Surabaya, with significant and attractive economic growth for urban communities. Many people come to Sidoarjo to seek livelihood opportunities and create their own concept of welfare according to their understanding, sometimes without adequate skills or educational qualifications. This phenomenon of increasing urbanization affects all aspects of community life in Sidoarjo Regency, particularly in relation to social problems. Robert K. Merton (1949) stated that social problems arise from the incompatibility between the goals pursued by individuals and existing social regulations. Meanwhile, Émile Durkheim, (1896) a French sociologist who lived in the 1850s, viewed social problems as imbalances in the social structure that create conflict and disorder. Soerjono Soekanto also explained that social problems are conditions involving groups or communities that experience difficulty adjusting to social change. In the current context, this can be seen in how society responds to technological development or state policies that continue to change. From these expert views, the definition of social problems is complex because it involves various perspectives. In general, social problems can be interpreted as imbalances, mismatches, injustices, or difficulties experienced by groups or communities due to social changes occurring around them.

The social issue currently receiving attention from the Sidoarjo Regency Government is the increase in applications for child marriage dispensation over several months. This phenomenon raises important questions: is it influenced by the relaxation of government regulations outlined in the Amendment to the Marriage Law, or is it caused by greater public awareness of the protection of children's rights, especially women's rights? This awareness may encourage families to report and submit applications for child marriage dispensation while setting aside feelings of shame or family embarrassment.

Marriage dispensation is the granting of permission for a person to marry even though he or she has not reached the minimum marriage age, namely 19 years for both men and women. In certain circumstances, when marriage is considered necessary, even though one or both prospective spouses have not reached the minimum marriage age in accordance with the Marriage Law, the parties may request an exception to the minimum age requirement.

The impetus for revising the Marriage Law was based on the Constitutional Court's

view that Indonesia was in an emergency phase of child marriage. In 2020, the Center for the Study and Advocacy of Child Protection and Quality of Life (PUSKAPA), together with UNICEF, stated that Indonesia ranked 10th highest in the world for child marriage. In 2023, according to a UNICEF report, Indonesia ranked fourth in the world for the number of child marriage cases involving children under the age of 18. This figure reflects the major challenges faced by the state in protecting children's rights and preventing harmful early marriage practices. In addition, the COVID-19 pandemic contributed to the increase in underage marriage. COVID-19 not only affected the social sector but also created health, economic, and even political-security problems. During the pandemic, many children attended school online, while some stopped attending school due to pandemic conditions and economic factors, leading them to decide to marry. In some cases, many people lost their jobs because of mobility restrictions and the limitation of daily activities, causing them to become jobless. Such conditions led some families to consider marriage as a solution, believing that marriage could at least resolve one problem, namely economic difficulty. In other cases, underage marriage occurred because of family pressure to marry immediately due to pregnancy or arranged marriage.

Article 7 Paragraph (2) of the Marriage Law states that if there is a deviation from the age requirement, namely the minimum age of 19 years for prospective brides and grooms, the parents of the male or female prospective spouse may apply for marriage dispensation to the Religious Court for urgent reasons and with sufficient supporting evidence. In the new Marriage Law, supporting evidence may include a certificate proving that the prospective bride or groom is still below the minimum marriage age and a statement from a health worker supporting the parents' claim that the marriage is urgent and must be carried out immediately. This marriage dispensation provision has caused court institutions to receive many applications submitted by parents of children who have not reached the minimum marriage age. The number of applications is even higher than before the amendment to the Marriage Law.

With regard to legal norms, the regulation on child marriage dispensation after the revision of the Marriage Law must still be maintained. Article 7 of Law Number 1 of 1974 consists of three paragraphs, while Law Number 16 of 2019 consists of four paragraphs. In addition, there is a change in phrasing. In the revised Marriage Law, Article 7 Paragraph (2) states that the application for dispensation is still submitted by the parents of the prospective bride or groom. The phrase "urgent reasons and accompanied by sufficient supporting evidence" is actually well intentioned. However, because there is no clear explanation, the phrase still creates multiple interpretations, meaning that the judge's subjectivity and legal considerations become decisive due to the absence of clear regulation. Another addition is found in Paragraph (3), which states that the Court is obliged to hear the opinions of both prospective spouses to anticipate coercion in marriage. The additional articles and phrases regulating marriage dispensation remain unclear; therefore, the opportunity to grant marriage dispensation without strict rules may contradict the effort to raise the minimum marriage age, whose original purpose was to reduce the number of child marriages.

The formulation of appropriate regulations for child marriage dispensation has not yet become an effective solution to reduce the number of underage marriages. Therefore, standardization of child marriage dispensation is needed to suppress the continuing increase in underage marriage.

Restricting the reasons for granting dispensation is expected to help address this issue because child marriage is not only the responsibility of judges and legal norms. All parties must work together and build synergy to reduce the factors that cause child marriage.

In Sidoarjo Regency, applications for marriage dispensation have increased during certain months each year. Based on the latest data from 2024 and 2025, there were increases at the beginning, middle, and end of the year over the past two years. The data show that in 2024, marriage dispensation applications submitted to the Sidoarjo Regency Religious Court reached 170 applications from 18 sub-districts in Sidoarjo Regency, with 5 applications from outside Sidoarjo. In 2025, there were 135 applications for marriage dispensation for minors, with 6 applications from outside Sidoarjo. The highest numbers were recorded at the beginning, middle, and end of the year in both 2024 and 2025.

In line with this, data obtained from the Women's and Child Protection Division of the Women's Empowerment, Child Protection, and Family Planning Office (PPAKB) show that in 2024 and 2025, the office received 106 and 90 marriage dispensation applications, respectively. These figures were also dominated by applications submitted at the beginning, middle, and end of the year. However, there is a significant difference between the data recorded by the Religious Court and the PPPAKB Office. Based on interviews with one official from the Sidoarjo Religious Court and one official from the PPPAKB Office, this difference occurs because some applications for marriage dispensation are submitted directly to the Religious Court, while the data recorded by the PPPAKB Office only include applications accompanied by psychological assistance examination results from the Child and Women Protection Unit under the PPPAKB Office. In several cases, applications for marriage dispensation require psychological opinions and expert recommendations. Psychological recommendations are included among the requirements requested in the practice of applying for marriage dispensation, but the rules differ between what is "mandatory" according to the law and what is "mandatory" in field implementation. According to the core regulation of Supreme Court Regulation Number 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation Applications, Article 5 Paragraph (1) states that the mandatory administrative requirements for submitting a marriage dispensation application are:

- a. Letter of Application;
- b. Photocopy of ID card of both parents/guardians;
- c. Copy of Family Card;
- d. Or Child Identity Card and/or Child Birth Certificate;
- e. Photocopy of KTP or Child Identity Card and/or Birth Certificate of the prospective husband/wife; and
- f. Photocopy of the child's last education diploma and/or certificate of still school from the child's school.

Some of the administrative requirements do not include psychological recommendation requirements, but practice in court, psychological recommendations are additional requirements, so that the Judge can assess the overall physical, mental and economic readiness of the prospective bride. The Religious Court can ask for recommendations on the results of the psychological examination of the prospective bride in the form of:

- a. A certificate from a health or psychology worker to describe the physical and mental readiness of the prospective bride.

- b. Recommendations from Psychology
- c. Or recommendations of KPAD/PPPAKB Office

The Religious Court added that the requirement for recommendations for psychological results is used as a form of implementation of the principle of protecting the interests of children as mentioned in Supreme Court Regulation Number 5 of 2019, this is also a form of judges' discretion in filling the norm gap in order to prevent child marriage without mental readiness.

The factors that cause the high rate of underage marriage are very varied, and poverty is the main trigger for this underage marriage (Khaerani, 2019) Not a few families marry their children at a young age as an effort to reduce the economic burden of the family, in this situation girls are often seen as a burden that must be reduced immediately, and marrying them is the right solution to protect their economy (Indanah et al, 2020) Conditions like this occur especially in rural/rural areas, where access to education and employment is very limited (Mandariati and Irfan, 2019).

In addition to Economic factors (Ratnasari et al, 2021; Syarifatunisa, 2017) Cultural factors also play an important role in the occurrence of underage marriage. In rural areas that are still thick with customs and culture loaded with the social values of their ancestors, it is considered that marriage at a young age is a natural thing to happen. The strong patriarchal culture makes it impossible for girls to decide their own future, pressure from their families or communities to get married immediately after they reach puberty still occurs in many areas (Priohutomo, 2018).

Education factors also contribute to the high rate of underage marriages, (Morrow and Clark, 2020), Children who cannot go to school/drop out of school, or do not have access to education well are more vulnerable to marriage (Fernandes, 2023), low education often narrows girls' future choices. So marriage is considered the only way out. In addition, lower education levels are also correlated with low levels of awareness of health and social risks due to underage marriage (Colquhoun and Nilan, 2020; S.Depari et al, 2023).

There are so many risks posed by early marriage such as divorce which is vulnerable to occur due to immaturity of psychological factors and still dominating ego and emotions at a young age, economic instability which can lead to high levels of poverty, and inability to obtain proper education, so that this can have an impact on social problems such as high unemployment rates, high crime and child neglect and even abortion cases. Early marriage can also cause disability in the fetus conceived by the young mother, because age immaturity which affects the readiness and maturity of the reproductive organs will have an impact on babies born defective or unhealthy. In this case, the role of the central and regional governments is very important to prevent underage marriage from occurring (Rahadiani and Muslim, 2023) The government must ensure that the policies that have been made, including the arrangement of marriage dispensation, are implemented properly, effectively and successfully. And collaboration is needed not only coordination between the central government, local governments, and relevant technical agencies to ensure the protection of children's rights as a whole (Judiasih et al, 2020) besides the involvement of other parties in this case NGOs, or *grassroot* Community organizations will add optimal performance and achievements for the implementation of child marriage prevention regulations and focus on empowering and protecting women and children.

However, in fact, changes in government policies related to the minimum age limit for prospective brides have not been fully effective in reducing the rate of child marriage in Indonesia (Nurcahaya 2024 ; Sugiarti and Tridewiyanti, 2021), there are still gaps that must be corrected, especially in terms of policy implementation and supervision in the field. The marriage dispensation, which should be an exception for certain cases, is actually a mechanism that is widely used to circumvent the minimum age limit for marriage (Hermawan and Widigdo, 2023), This condition shows that policy changes are not enough without evaluation and strengthening of their implementation.

For this reason, the Sidoarjo Regency Government has pursued several strategic steps that are considered necessary to ensure efforts to prevent child marriage in its area by making policies and collaboration with all parties. In general, the Governor of East Java has made efforts to strengthen the implementation of the Marriage Law that can be implemented properly by issuing the Circular Letter of the Governor of East Java Number 474.14/810/109.5/2021 dated January 18, 2021 which the essence is:

- a. Invite all stakeholders starting from the RT, RW, Village/Village, Regency, religious shops, community leaders, NGOs and leaders of other institutions and the community to jointly participate in measures to prevent child marriage, including not providing support for child marriage acts under the minimum age of 19 years, and it is recommended that the ideal marriage be carried out if the groom is at least 25 years old and the bride is at least 21 years old.
- b. Make government budget policies and commitments to implement child marriage prevention.
- c. Implement a 12-year compulsory study program
- d. Facilitating the establishment of PUSPAGA (Family Learning Center)
- e. Facilitating and encouraging the implementation of the bride-to-be's school
- f. Encourage the public to actively report child marriage prevention measures.

In addition to implementing the contents of the East Java Governor's Circular Letter, the Sidoarjo Regency Government has also initiated cooperation with the Religious Court to require the existence of Psychological Recommendations as a condition for prospective brides who apply for Marriage Dispensation, in addition to the efforts made are: actively holding socialization at all levels of government, from the RT, RW and village levels as well as schools by collaborating with related agencies including NGOs, women's organizations, Community Stores and Religious Leaders.

CONCLUSION

This study concludes that marriage dispensation for minors in Sidoarjo Regency remains a significant legal and social issue despite the enactment of Law Number 16 of 2019, which raised the minimum marriage age to 19 years for both men and women. The increasing number of marriage dispensation applications indicates that legal reform alone has not been sufficient to reduce the practice of underage marriage. Economic hardship, low educational attainment, pregnancy outside marriage, cultural pressure, and limited public awareness were identified as the dominant factors contributing to child marriage. In practice, marriage dispensation is frequently used as a legal mechanism to bypass the minimum age requirement, creating challenges in ensuring effective child protection. The study also found that collaboration

among Religious Courts, local government institutions, educational institutions, and community organizations plays an important role in preventing child marriage and strengthening legal awareness in society. Therefore, stricter supervision, improved public education, and stronger institutional coordination are necessary to ensure that marriage dispensation is applied only in urgent circumstances and remains consistent with the principle of protecting children's rights.

For future research, it is recommended that researchers conduct broader comparative studies involving different regions in Indonesia to examine variations in the implementation of marriage dispensation policies and the effectiveness of local government interventions. Future studies may also employ quantitative or mixed-method approaches to measure the relationship between socioeconomic factors, educational background, cultural values, and the increasing number of child marriage cases. In addition, further research should explore the psychological and social impacts of underage marriage on children, particularly regarding educational continuity, mental health, reproductive health, and family resilience. Such studies are expected to provide deeper insights for policymakers, legal institutions, and child protection agencies in formulating more comprehensive and sustainable strategies to prevent child marriage in Indonesia.

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