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Implementation Of Article 7 Of *Undang-Undang* No. 1 Of 1974 And Article 7 Of *Undang-Undang* No. 16 Of 2019 Concerning The Minimum Age Limit For Marriage In Suppressing Cases Of Early Marriage

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Abstract: This study aims to examine the implementation of Article 7 of *Undang-Undang* No. 1 of 1974 and Article 7 of *Undang-Undang* No. 16 of 2019 concerning the minimum age of marriage in suppressing cases of early marriage, especially in the Sukabumi City area. Although there has been a change in the minimum age from 16 years to 19 years for women, the phenomenon of child marriage still continues to take advantage of the gap in marriage dispensation from the courts. Through an empirical juridical approach and supported by field data and interviews with judicial officials, this study shows that the high number of marriage dispensation applications after the change in the law indicates that the law is still weak in practice. Social, cultural, and lack of legal education are also the main causes of the high dispensation of child marriage. Therefore, a more progressive legal approach and the active participation of all parties are needed to strengthen child protection and suppress the practice of early marriage across the board.

Keywords: Marriage Age Limit, Marriage Dispensation, Article 7, Marriage Law, Early Marriage, Sukabumi City.

INTRODUCTION

Marriage is a physical and mental bond between a man and a woman as husband and wife with the aim of forming a happy and lasting family (household) based on. In Indonesia, marriage occurs in various age groups, including early marriage which still occurs frequently. This is due to the lack of public understanding of the importance of getting married at a mature age. Early marriage brings a variety of serious problems, such as high divorce rates and health risks for young mothers and their babies. Mothers who marry too young are not physically and mentally ready to conceive and give birth, which can endanger themselves and their fetuses. Because some people still do not understand the impact that will arise as a result of underage

marriage and consider that underage marriage is a common thing. The phenomenon of early marriage is widespread throughout Indonesia, both in rural and urban areas.¹

Undang-Undang No 1 of 1974 or UUP (marriage law) is still used as a guideline for marriages until now since it was enacted in 1974. Over time, this UUP (marriage law) is deemed necessary to change because 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". In the UUP (marriage law) article 7 paragraph 1 indicates the occurrence of child marriage on the part of women, because in the Law on Child Protection number 35 of 2014 article 1 paragraph 1 states "a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb"². This means that someone who is not yet 18 (eighteen) years old is categorized as a child or not old enough. Marriage at a child's age causes more harm than benefit.

Changing the age requirement for marriage is certainly not easy to do considering the many considerations ranging from religious, cultural, social, political and other considerations. Then the government ordered the legislators within a maximum period of 3 (three) years to make changes to *Undang-Undang No 1 of 1974 concerning Marriage*. So then this is the first step for the Indonesian legislators who passed *Undang-Undang No 16 of 2019 concerning the second amendment to Undang-Undang No 1 of 1974 concerning Marriage*.³ After undergoing changes with several stages of struggle, the current status quo in the latest marriage law is in Article 7.

Then, on October 18, 2019, *Undang-Undang No 16 of 2019* was enacted to amend the previous Law, namely *Undang-Undang No 1 of 1974 concerning marriage*, reaching changes in the age limit for women to marry. Where there is a change in article 7 paragraph 1 which previously read: "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" was changed to "marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years". The change in the minimum age limit in the Marriage Law regarding marriage requirements was carried out with the aim of reducing cases of marriage at an early age, which has a negative impact on child development because the child is not physically and psychologically ready to undergo marriage itself.

According to a report by the Central Bureau of Statistics in 2022 based on the population, Indonesia ranked 10th in the highest number of early marriages with around 1,220,900 Indonesian children experiencing early marriage.⁴ Previously, the practice of child marriage arose because of the culture that developed, where women were considered to be at home and play a role as mothers. The strengthening of patriarchal culture has marginalized women. The phrase women as kitchen, bed, well, illustrates the traditional view that places women only in a limited role, thus helping to perpetuate the practice of child marriage.

Meanwhile, in practice, sometimes things are found outside the statutory provisions where the age of the couple getting married does not meet the legal requirements, but of course this cannot be decided unilaterally, so a solution is needed in order to solve the problem.

¹ Syarifah Lisa Andrianti, Mutiara Sari, dan Windha Wulandari. "Implementasi Perubahan Batas Usia Perkawinan." *Binamulia Hukum* 11 (2022): 2

² Undang-Undang nomor 35 tahun 2014 tentang perlindungan anak pasal 1 ayat 1

³ M. Syarfi Iqbal, Moh. Asyiq Amarulloh, Pembatasan Usia Minimal Perkawinan dalam Hukum Keluarga Islam Studi Komparasi Indonesia dan Yordania, *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga*, vol. 6 (2024): 1239.

⁴ Badan Pusat Statistik (BPS) tahun 2022

However, this needs to be addressed, so that the marriage does not violate the statutory provisions.⁵

In West Java Province, especially in Sukabumi City, the phenomenon of early marriage did not show a significant increase before the implementation of new regulations related to the minimum age of marriage. This can be seen from data sourced from the Directory of Decisions of the Supreme Court of the Republic of Indonesia in the period 2017 to 2019. The data illustrates the trend of marriage dispensation applications before and after the enactment of *Undang-Undang No. 16/2019*, which is an amendment to *Undang-Undang No. 1/1974* on Marriage.

Based on the data from the previous study, in 2017 there were 25 marriage dispensation applications submitted to the Sukabumi City Religious Court. This number then decreased significantly in 2018, with only 8 applications. However, in 2019, the number of applications rose sharply again to 40. This increase is thought to be closely related to the emergence of public awareness of the existence of *Undang-Undang No. 16/2019* which provides for a change in the minimum age for marriage. Because of the increase in the age limit, prospective brides and grooms who have not yet met the legal age requirement are forced to apply to the court for dispensation in order to be able to get married.

After *Undang-Undang No. 16/2019* was officially enacted on October 18, 2019, further data shows a notable direct impact on the number of marriage dispensation applications. This is illustrated in the data for the period November 2019 to 2022, At the end of 2019, the number of applications was still at 40, but in 2020 there was a drastic spike to 92 applications.⁶

This significant increase reflects that the implementation of the new law has led to an increase in marriage dispensation applications, particularly from communities affected by the now equalized minimum age for men and women of 19. This shows that regulatory changes have had a real impact on patterns of early marriage, and demonstrates the extent to which laws can influence social practices at the local level.

METHOD

The research method used in this study is the empirical juridical method, which is an approach that examines the applicable legal regulations and their implementation in society. This research aims to understand the legal reality in the field by exploring the facts that occur, to then be analyzed and used in developing solutions to the legal issues raised. The research was conducted in Sukabumi Religious Court by involving primary data sources such as direct interviews with judges, as well as secondary data obtained from books, journals, scientific documents, and tertiary legal materials such as legal dictionaries and internet publications that support the understanding of the main data.^{7,8}

Data collection was conducted through three main techniques: direct observation in the field, interviews with relevant parties in court, and documentation of various supporting documents and evidence. All data collected was analyzed using the descriptive qualitative method with the Miles and Huberman approach which includes the process of collecting,

⁵ Rahmat Karyadi, "Hukum Perkawinan Menurut Undang Undang No 16 Tahun 2019 Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Pasal 7 Ayat 1 Tentang Batas Usia Perkawinan," *Journal Pusat Studi Pendidikan Rakyat*, Vol.2 (2022): 12

⁶ Direktori putusan Mahkamah Agung [[Direktori Putusan](#)] diakses pada tanggal 08 febuari 2025 pukul 20.40

⁷ Bambang Waluyo, *Penelitian Hukum Dalam Praktek* (Jakarta: Sinar Grafika, 2002), 15–16.

⁸ Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020), 101.

reducing, presenting, and verifying data. This analysis allows researchers to draw conclusions based on relevant and in-depth findings from field research. ,⁹¹⁰

RESULTS AND DISCUSSION

One of the government's efforts to tackle the high rate of early marriage is to make changes to the provisions of the minimum age for marriage as stipulated in article 7 of *Undang-Undang No. 1* of 1974 concerning marriage, which was later amended through *Undang-Undang No. 16* of 2019. This change raises the age limit for marriage for women from the previous 16 years to 19 years, equalizing with the minimum age for men. The aim is to provide stronger legal protection for children and to reduce the number of marriage dispensation applications submitted to the court.

From the facts that occurred in Sukabumi Religious Court, from 25 (twenty-five) in 2017, 8 (eight) in 2018, 40 (forty) in 2019 the high spike in the number of applications at the end of 2019 shows the direct impact of the change in marriage age policy, which makes people have to show dispensation for under 19 years old even though they were previously considered old enough to get married. The significant increase in 2019-2020 was due to fundamental regulatory changes in Indonesia's marriage law system, and the impact of these changes was immediately felt in the field, including in Sukabumi. Girls who had previously been considered of legal marriage age now had to apply to the court for dispensation because they had not yet reached the age of 19. This has led to a drastic increase in the number of cases, especially between October and December 2019, after the promulgation of *Undang-Undang No. 16/2019*.

In Sukabumi Religious Court, the implementation of this article showed interesting dynamics from 2017 to 2025. There were fluctuations in the number of marriage dispensation applications, with sharp spikes in 2019 and 2020, followed by a significant decline from 2021 to mid-2025. This shows the process of adjusting regulations to the legal and social culture in society. Data from the Sukabumi Religious Court shows the number of marriage dispensation applications as follows:

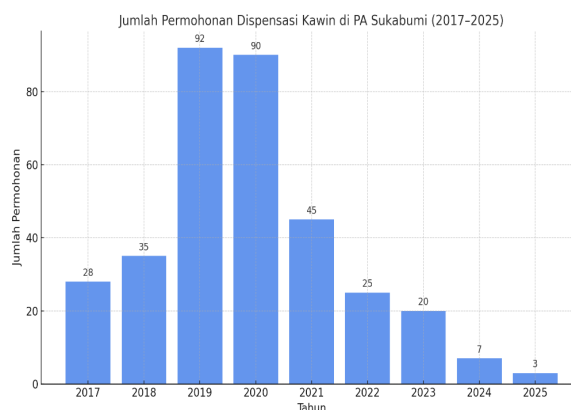


Figure1. Number of Marriage Requests PA Sukabumi 2017-2025

Based on an interview with a Judge from the Sukabumi Religious Court, Apep Andriana, the surge in applications for dispensation of marriage in 2019 to 2020 was mainly due to changes in the age of marriage regulations enacted through *Undang-Undang No. 16* of 2019. When the minimum age of marriage was raised to 19 years for both men and women, many

⁹ Qotrun A, *Apa Itu Observasi? Berikut Pengertian, Ciri, Tujuan, Dan Jenisnya*, [<https://www.gramedia.com/literasi/apa-itu-observasi/>] diakses pada tanggal 16 Februari 2025

¹⁰ Nanda Akbar Gumilang, *Pengertian Wawancara: Jenis, Dan Teknik, Dan Fungsinya*, [<https://www.gramedia.com/literasi/wawancara/>] diakses pada tanggal 16 Februari 2025

couples who previously met the age requirements under the old law became ineligible, and had to apply for dispensation.

The judge also highlighted that socialization of these changes was minimal, especially in areas with low education levels. Many parents had already planned their children's marriages before realizing the change in the law. In addition, the judge also mentioned that the COVID-19 pandemic that occurred in 2020 exacerbated the situation, as it caused children to miss out on face-to-face schooling, weakening social control over teenagers and leading to an increase in out-of-wedlock pregnancy cases. This then became an urgent reason in the dispensation application submitted to the court.

According to the judge, another factor that contributed to the surge was the local social and cultural pressures that are still very strong. In certain communities, especially religious communities and pesantren, a close relationship between two teenagers is often considered a disgrace if not married off immediately. Requests for dispensation to marry have become a legal middle ground.

However, according to the author, the surge in marriage dispensations in 2019-2020 was not only triggered by changes in regulations, but also indicates the unpreparedness of the social and legal systems in anticipating these changes comprehensively. The revision of articles in *Undang-Undang No. 16 of 2019* is a normative step forward, but its implementation in the field faces major challenges because:

1. The legal culture of the community is not yet in line with the new legal values. There is still an assumption that marrying off children is a solution when pregnancy, social pressure, or economic inability occurs.
2. Legal structures are not ready to support change. The lack of involvement of schools, religious leaders and village officials in legal education has resulted in the community not understanding the consequences of the new law.
3. Dispensation has become a legal loophole used to legalize early marriage, rather than a strict form of exclusion.

The author also believes that the law will not be effective without social engineering. Law revision must be accompanied by real intervention in the form of parent training. School curricula that address reproductive health and family law, and economic empowerment of poor families. Without this, the surge in marriage dispensations will continue to be a recurring phenomenon every time the norms change.

This increase also shows that the revision of the marriage age regulation is effective in filtering the age of prospective brides, although it indirectly causes an increase in the number of dispensation applications. On the one hand, this shows the public's awareness of the importance of following the new legal procedures, on the other hand, it also reflects the strong practice of child marriage in the community, so that applying for dispensation is still considered a legal way out.

Furthermore, this trend also indicates that the implementation of legal regulations has not been fully accompanied by social and cultural changes. Many families still want to marry off their children despite not meeting the age requirements of the law, making dispensation the quickest and most accessible legal solution.

Based on observations and interviews conducted by the author with judges at the Sukabumi Religious Court, the author obtained the following results. In the last 6 years (2017-2022) the number of marriages of minors/early marriages in the category of marriage dispensation in religious courts has decreased and increased. There are many factors or causes related to the increase or decrease in the marriage dispensation case.

Based on the results of interviews with the judge of the Sukabumi Religious Court, Apep Andriana, it is true that after the enactment of the latest law, namely 16 of 2019, it shows that there is a significant increase. In the period 2017 to 2019, the majority of marriage dispensation

applications submitted to the Sukabumi Religious Court were dominated by applicants who were parents or guardians of prospective brides aged between 15 and 17 years. Meanwhile, the prospective bridegrooms were generally above the statutory minimum age of 19 years. This shows that the main reason for applying for dispensation is because the female party has not reached the minimum age of marriage as specified in Article 7 paragraph (1) of *Undang-Undang No. 16 of 2019*, which is 19 years for both parties.¹¹

He further stated that based on the reasons for applying for dispensation of marriage submitted by the applicant to the judge of the Sukabumi Religious Court, it is relatively the same, which departs from the concerns of the applicant's parents, including:

1. The two prospective brides and grooms have had a long relationship (mutual love).
2. Parents are worried that their children will fall into sexual behavior before marriage due to the high intensity of dating relationships.
3. There is concern that there will be a violation of social norms or customs that apply in the community.
4. The prospective bride and groom have had sexual relations outside the bonds of a legally valid marriage.
5. The bride-to-be is known to be pregnant before marriage.

The factors that cause the high rate of underage marriage in marriage dispensation in the Sukabumi religious court are as follows.

a. Parental Factors

The role of parents has important significance in supporting the process of optimal child development. However, in the context of marriage dispensation applications, the presence of parents can actually be one of the factors contributing to the increasing number of cases, which is caused by the lack of adequate supervision and guidance of children. Parents also expect to receive favors from their children after marriage due to low family finances.¹²

As a result of the lack of understanding and supervision from parents, many children experience unexpected events, such as pregnancy outside of marriage or marriage *by accident* (MBA). In addition, there is also a tendency for some parents to encourage their children who are still underage and have just completed junior high school (SMP) to get married immediately.

This is driven by social concerns, such as the power of the spinster stigma, which stems from the personal experiences of parents who also married at a young age in the past. This kind of thinking reflects a traditional perspective that is less adaptive to social development and the current conditions of modern society.¹³

b. Environmental/Social Factors

Promiscuity also greatly influences the increase in marriage dispensation cases. Inaccuracy in choosing a social environment can lead adolescents into behavior that is not socially or morally healthy. Currently, many underage adolescents are less selective in their associations, making them vulnerable to negative influences from the surrounding environment. This condition contributes to the increasing involvement of adolescents in deviant behavior, such as consumption of alcoholic beverages, unsupervised activities outside the home at night, and sexual behavior outside of marriage. In the Sukabumi region, the rate of teenage pregnancy outside of marriage is high, which in turn encourages them to marry at an immature age.

¹¹ Interview with Mr. Apep Andriana as a judge at the Sukabumi Religious Court, 11 June 2025, at 13.00 WIB

¹² Interview with Mr. Apep Andriana as a judge at the Sukabumi Religious Court, 11 June 2025, at 13.00 WIB

¹³ Hakiki, Gaib. "Prevention of Child Marriage: Acceleration that cannot be delayed". t.k.: PUSKAPA, 2020.

c. Economic Factors

In Sukabumi, underage marriage can occur because of the family's low economic background. Child marriage is often motivated by parents' desire to improve the family's economic situation. In this case, marriage is seen as a solution to the parents' inability to financially provide for their children. However, various findings in the field show that the practice of early marriage based on economic reasons often does not have the expected positive impact. On the contrary, this condition can actually worsen the problem, by causing new problems both in the social, psychological and economic aspects of the family.

When viewed from the perspective of progressive legal theory developed by Satjipto Rahardjo, the law should not only be understood in a normative-legalistic manner, but must take sides with human values, substantive justice, and siding with vulnerable groups, including children. In this context, the practice of child marriage based on economic reasons reflects the failure of the law to protect children's rights to grow and develop properly. Therefore, the progressive legal approach encourages that laws and regulations are not only enforced formally, but also interpreted contextually to answer social realities that harm children, and encourage legal reforms that are more humanistic and responsive to community dynamics.

d. Pandemic Factor

In early March 2020, the Covid-19 pandemic began to spread in Indonesia and had a significant impact on all aspects of people's lives. As a form of preventing the spread of the virus, the majority of community activities were diverted into the domestic environment, including educational activities. Adolescents, as an age group that is in a transitional and self-discovery phase, are also affected by this change. The learning system that was previously conducted face-to-face at school has changed to an online system, leaving teenagers with more free time at home. The lack of supervision from parents and educators during online learning contributes to the increased risk of teenagers' involvement in promiscuity. In some cases, this has led to pregnancy outside of marriage, which has been one of the main causes of the increase in marriage dispensation applications during the pandemic.¹⁴

As a result of these factors, marriage at an early age can have various negative impacts, such as the interruption of children's education, the low quality of harmony in the family, the risk of domestic violence, increased population growth rates, and health problems due to pregnancy at a young age. In addition, early marriage also has the potential to end in divorce because couples do not have sufficient thinking and emotional maturity.¹⁵

One of the main factors driving this decline is the increase in legal education and socialization. After 2020, various institutions such as the Supreme Court, the Ministry of Religious Affairs, and the Office of Population Control and Family Planning (B2KB) conducted counseling and campaigns through social media, schools, and villages. This effort is strengthened by the presence of institutions such as PUSPAGA (Family Learning Center) which also educates the community on the importance of delaying the age of marriage for the sake of children's future.

In addition, the application of PERMA No. 5/2019 has become stricter over time. Dispensation applications cannot be submitted carelessly without supporting documents such as psychological examination results, medical recommendations, and statements from biological parents. This indirectly filters out applications that are not truly urgent.

The decline also reflects the improved quality and readiness of the legal structure, particularly the role of judges handling children's cases. Judges have begun to apply a progressive approach, rejecting applications despite pregnancy if the prospective bride and

¹⁴ Interview with Mr. Apep Andriana as a judge at the Sukabumi Religious Court, 11 June 2025, at 13.00 WIB

¹⁵ Surmiati Ali, "Perkawinan Usia Muda di Indonesia dalam Perspektif Negara dan Agama serta permasalahannya", *Jurnal Legislasi Indonesia*, Vol.12 No.2, 2015, hal 10-12.

groom are considered psychologically and socially unprepared. This approach indicates that the principle of child protection is starting to become a major consideration in every decision.

In addition, awareness among parents has also shifted. If previously marrying off children was considered a solution, many parents are now more cautious. This is especially true in urban areas such as Sukabumi, which has better access to education and social services. This shows that the law can be an effective social engineering tool if it is consistently applied and actively involves the community.

Finally, post-pandemic lifestyle changes have contributed to the decline in dispensation rates. With the return of the education system and teaching and learning activities, teenagers' free interaction has become more limited. Parental attention has also increased, reducing the risk of pregnancy outside marriage as the dominant reason for marriage dispensation.

In addition to the differences that exist, the implementation before and after the revision of *Undang-Undang No. 16/2019* on marriage age limits also has several similarities. This equation has actually existed since the enactment of *Undang-Undang No 1 Year 1974*. Both Article 7 of *Undang-Undang No 1 Year 1974* and *Undang-Undang No 16 Year 2019* regulate the minimum age limit for marriage.

Although the provisions of the marriage age limit have been determined normatively, in practice, there are applications for dispensation of marriage, especially from various factors and less impact on the future of children.

In dealing with applications for dispensation of marriage, judges do not necessarily grant applications without careful consideration. Therefore, it is important to examine how the judge's consideration in determining a marriage dispensation application can be granted and rejected. In practice, urgent reasons are the main basis for judges to consider applications for dispensation to marry, as stated in Article 7 paragraph (2) of *Undang-Undang No 1 of 1974* as amended by *Undang-Undang No 16 of 2019*. However, it should be understood that the phrase "very urgent reasons" in the provision is abstract and not explained in detail, either in the law or in the Supreme Court Regulation (PERMA). The PERMA only mentions in general terms that there must be urgent reasons, without defining specifics such as pregnancy outside of marriage, threat of suicide, or risk of death if not married.

Therefore, judges have ample room for interpretation in assessing whether a reason is truly urgent or not. According to Apep Andriana, "for example, in one case, even though they have had conjugal relations and the woman is declared pregnant, the application will not necessarily be granted if according to the assessment of the panel of judges the situation has not fulfilled the element of emergency or if it is feared that it will cause greater harm in the future". Conversely, it is possible to grant an application even though there is no physical pregnancy, but there are conditions that lead to an emergency situation, for example, the bride-to-be is experiencing severe psychological pressure, has a tendency to harm herself, or is about to fall into deeper promiscuity.

The judge's consideration also includes the psychological condition of the bride and groom, mental and emotional readiness, family economic factors, and whether the child can still be directed to a better education or life path. There are also cases where the application is rejected because it turns out that the reason for filing is merely parental concern, without any concrete threat. In this case, the judge weighs up the harm and the good, whether the marriage will provide protection or worsen the child's future. Thus, the judge's decision relies heavily on the results of the examination at trial, including the testimony of the parents, the child, and if available, the opinion of a psychologist or medical party regarding the child's reproductive and mental health conditions.

CONCLUSION

Based on the results of research conducted at the Sukabumi Religious Court, it can be concluded that the application of Article 7 of *Undang-Undang No. 1 of 1974* as amended by *Undang-Undang No. 16 of 2019* has had a significant impact on the increase in the number of marriage dispensation cases, especially after the introduction of the new minimum age limit of 19 years for prospective brides and grooms. Previously, some people still thought that the age of 16 for women was eligible for marriage. However, with this change, any prospective bride and groom who have not reached the prescribed age are legally obliged to apply to the court for dispensation. Thus, the surge in applications reflects the growing public awareness to follow official legal procedures.

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