

Optimizing Legal Protection for Women in Early Age Unregistered Marriages: A Socio Legal Analysis in Indonesia

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Abstract: *The practice of unregistered or sirri marriages among children remains prevalent across various regions in Indonesia, driven by economic pressures, low levels of education, as well as the strong influence of socio-cultural norms and religious understanding within the community. Although this practice strictly contradicts Law Number 16 of 2019 concerning Marriage and Law Number 35 of 2014 concerning Child Protection, these marriages continue to take place without administrative recognition from the state. This research aims to thoroughly analyze the forms of legal protection for women bound in early-age sirri marriages and to explore strategies for optimizing this protection within the Indonesian legal system. This study employs a normative juridical research method using a statutory approach and literature review. The findings reveal that the absence of marriage registration fundamentally weakens women's legal standing, making them highly vulnerable to losing their rights to joint property, spousal support, and child legitimacy, as well as losing protection and access to justice against threats of domestic violence. Additionally, the lack of biological and mental readiness triggers significant reproductive health risks and high psychological burdens. Therefore, optimizing legal protection can be achieved through comprehensive preventive and rescue strategies. These steps include massive education and socialization regarding the urgency of marriage registration, family economic empowerment, the proactive involvement of the Office of Religious Affairs (KUA) and religious leaders, and the establishment of a holistic support environment. Furthermore, tightening the criteria for granting marriage dispensations by the court, strictly enforcing the law against underage marriage prohibitions, and facilitating marriage confirmation (isbat nikah) applications are essential keys to ensuring comprehensive legal certainty.*

Keywords: Legal Protection, Women, Unregistered Marriages, Early Age.

Abstrak: *Praktik pernikahan tidak tercatat atau nikah siri pada usia anak masih marak terjadi di berbagai wilayah Indonesia, yang didorong oleh himpitan ekonomi, rendahnya tingkat pendidikan, serta kuatnya pengaruh norma sosial-budaya dan pemahaman agama di masyarakat. Meskipun secara tegas bertentangan dengan Undang-Undang Nomor 16 Tahun 2019 tentang Perkawinan dan Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak, pernikahan ini tetap dilangsungkan tanpa adanya pengakuan administrasi dari negara. Penelitian ini bertujuan untuk menganalisis secara mendalam bentuk perlindungan hukum bagi perempuan yang terikat dalam ikatan pernikahan siri di usia dini, serta mengeksplorasi strategi optimalisasinya di dalam sistem hukum Indonesia. Kajian ini menggunakan metode penelitian yuridis normatif dengan pendekatan perundang-undangan dan studi kepustakaan. Hasil penelitian menunjukkan bahwa ketiadaan pencatatan perkawinan secara fundamental berdampak pada lemahnya kedudukan hukum perempuan, membuat mereka sangat rentan kehilangan hak atas harta bersama, hak nafkah, status legitimasi anak, hingga hilangnya*

perlindungan dan akses keadilan dari ancaman kekerasan dalam rumah tangga. Selain itu, ketiadaan kesiapan biologis dan mental juga memicu dampak kesehatan reproduksi yang berisiko serta tingginya beban psikologis. Oleh karena itu, optimalisasi perlindungan hukum dapat diwujudkan melalui strategi pencegahan dan penyelamatan yang komprehensif. Langkah tersebut mencakup edukasi dan sosialisasi masif mengenai urgensi pencatatan nikah, pemberdayaan ekonomi keluarga, pelibatan aktif Kantor Urusan Agama (KUA) serta tokoh agama, dan penciptaan dukungan lingkungan yang holistik. Lebih lanjut, pengetatan syarat pemberian dispensasi nikah oleh pengadilan, penegakan hukum secara tegas terhadap larangan perkawinan di bawah umur, serta fasilitasi permohonan isbat nikah menjadi kunci esensial untuk memberikan kepastian hukum yang menyeluruh.

Kata Kunci: *Perlindungan Hukum, Perempuan, Pernikahan Sirri, Usia Dini.*

Introduction

In the context of national and state life, children hold a crucial position as the next generation of the nation's ideals. Therefore, every child has the right to protection and the opportunity to grow and develop optimally. In Indonesia, the practice of underage marriage remains widespread, both in rural and urban areas.¹ Early marriage remains a serious challenge in Indonesia from 2025 to early 2026. Although data from the Central Statistics Agency (BPS) shows a national decline to 5.9% in 2024, the lowest figure in the last ten years, the number of cases in some regions remains relatively high. This condition is influenced by customary, economic, and out-of-wedlock pregnancies factors.²

Early marriage refers to marriages conducted when one or both parties are under 18 years of age. This violates Law Number 16 of 2019 concerning Marriage and Law Number 35 of 2014 concerning Child Protection. In addition to violating legal provisions, early marriage also has the potential to lead to human rights violations. In practice, early marriages are conducted in secret, so they are not officially registered by the state. This impacts the legal position of women due to the lack of administrative recognition. As a result, women are potentially at risk of losing their rights to livelihood, property, and protection from violence. The practice of early, unregistered marriages in some regions is often motivated by religious and customary beliefs.³

¹ Sonia Afrilia Sari et al., "Dampak Pernikahan Dini Pada Remaja Bagi Pendidikan Karakter Anak Dalam Keluarga Di Muaro Paiti Kecamatan Kapur IX Kabupaten Lima Puluh Kota", *Observasi : Jurnal Publikasi Ilmu Psikologi* 2, no. 4 (August 2024): 203–11, <https://doi.org/10.61132/observasi.v2i4.731>.

² mail@fransfp.dev, "Melalui SEKATA, BPHN Soroti Tantangan dan Upaya Hukum Tekan Pernikahan Usia Dini", accessed 16 April 2026, <https://bphn.go.id/berita-utama/melalui-sekata-bphn-soroti-tantangan-dan-upaya-hukum-tekan-pernikahan-usia-dini>.

³ Sakinah, Nanda Rohmawati, and Mohammad Naufal Ramadan, "Analisis Dampak Pernikahan Dini Terhadap Cerai Gugat Di Desa Betet Kecamatan Kepohbaru, Bojonegoro", *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 5, no. 2 (May 2024): 344–60, <https://doi.org/10.24252/qadauna.v5i2.43204>.

Early marriage is also understood as a form of long-term bond between a man and a woman to establish a household, even though both or one of them have not yet reached adulthood. From a legal perspective, this practice is prohibited because at that age, the couple lacks sufficient mental and emotional readiness.⁴ This phenomenon does not only occur in Indonesia, but in several other countries, and shows concern especially among teenagers.

The Ministry of Child Empowerment and Protection (Kemen PPPA) noted that several provinces with child marriage rates still above the national average signed commitments in 2018. An estimated 1,220,900 women married before the age of 18, placing Indonesia among the highest rates of child marriage in the world. Data from Bappenas and BPS shows that women aged 20-24 drop out of school due to early marriage.⁵

Various factors contribute to early marriage, including social pressure, cultural norms, and family economic conditions. The resulting impact extends beyond the individual to society. Teenagers who marry at an early age tend to face a burden of responsibilities that is not commensurate with their readiness, which can hinder their personal development.⁶ This problem raises the pressing question: how can we actually optimize legal protection to protect women in early unregistered marriages?

Therefore, although Indonesian legal regulations clearly prohibit child marriage, the implementation and legal protections in the field, particularly for victims of early unregistered marriages, are far from optimal. This is evident in the negative impacts of unregistered marriages on girls' lives, ranging from dropping out of school to the burden of family support. economic, to physical and mental health risks, making legal protection for them is something that is urgent and very much needed.⁷

Unregistered and underage marriages remain significant socio-legal issues in Indonesia, particularly affecting women and children. Although the state has established legal frameworks regulating marriage, such as Law No. 1 of 1974 and its amendment in Law No. 16 of 2019, the persistence of *nikah siri* and child marriage indicates a gap between legal norms and social practices.

Previous studies have highlighted the legal consequences of unregistered marriages and the socio-economic drivers of child marriage. However, limited research

⁴ Agus Jayadi, Zul Anwar, and Ari Irawan, "Analisis Pernikahan Dini Dan Dampaknya Pada Remaja Di Desa Karang Bayan", (Journal Transformation of Mandalika, 2023).

⁵ Tim Harian Kompas, "Pernikahan Usia Anak Menghambat Pembangunan", Kompas.id, 5 February 2020, <https://www.kompas.id/artikel/pernikahan-usia-anak-menghambat-pembangunan>.

⁶ Junita Friska et al., "Analisis Sosial Ekonomi Dampak Pernikahan Dini Dikalangan Remaja", *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora* 2, no. 1 (November 2024): 40–64, <https://doi.org/10.62383/aliansi.v2i1.636>.

⁷ Kemenkopmk, "Tak Tercatat, Tak Terlindungi: Kemenko PMK Tekankan Bahaya Sunyi Perkawinan Anak Tanpa Bukti Hukum | Kementerian Koordinator Bidang Pembangunan Manusia Dan Kebudayaan", 18 Dec, 2025, <https://www.kemenkopmk.go.id/tak-tercatat-tak-terlindungi-kemenko-pmk-tekanan-bahaya-sunyi-perkawinan-anak-tanpa-bukti-hukum>.

critically examines the intersection between religious legitimacy and state law, particularly from a gender justice perspective. This article addresses this gap by analyzing legal protection mechanisms through a socio-legal framework.

This research is crucial for deeper analysis to address the causes of early marriage, the impacts on women, and strategies for optimizing legal protection for women who enter into unregistered marriages at an early age. A review of previous research reveals limited studies specifically addressing the optimization of legal protection for women in the context of unregistered marriages. Addressing this issue requires a comprehensive and multidimensional approach, including improvements in education, public legal awareness, and effective law enforcement.

Method

This research uses a normative juridical approach, which focuses on the analysis of applicable legal norms, specifically Law No. 16 of 2019. This approach aims to understand and evaluate the legal provisions governing the protection of children from early marriage and their implications in practice. This type of research is qualitative research, which aims to explore and analyze data in depth regarding the protection of children from early marriage. This research not only focuses on the legal aspects, but also... considering social and cultural factors that influence the practice of early marriage.⁸ This approach was chosen epistemologically because the focus of the research is not on how the law works empirically in society but rather on efforts to optimize the construction of legal norms themselves in the issue of legal protection for women in early unregistered marriages.

The primary data to be studied comes from laws and regulations such as Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage, Law Number 23 of 2004 concerning the Elimination of Domestic Violence, and the Compilation of Islamic Law (KHI). The type of data source used by researchers in this study is secondary data. The secondary data used consists of primary legal materials in the form of laws and regulations, secondary legal materials in the form of books and scientific journals, and tertiary legal materials in the form of internet sites, where the data is analyzed using qualitative data analysis methods.⁹ Qualitative legal analysis focusing on the gap between normative regulation and social practice. So as to obtain a deep, detailed and contextual understanding.

⁸ Sela Rahmadana Sari and Nuri Hidayati, "Analisis Yuridis Faktor Terjadinya Perkawinan Di Usia Dini", *Konstitusi : Jurnal Hukum, Administrasi Publik, Dan Ilmu Komunikasi* 2, no. 1 (December 2024): 206–15, <https://doi.org/10.62383/konstitusi.v2i1.417>.

⁹ Sonia Afrilia Sari et al., "Dampak Pernikahan Dini Pada Remaja Bagi Pendidikan Karakter Anak Dalam Keluarga Di Muaro Paiti Kecamatan Kapur IX Kabupaten Lima Puluh Kota", 205

Discussion

A. Factors That Encourage the Occurrence of Unregistered Marriages at an Early Age

1. Economy

Lack of income is one of the factors contributing to unregistered marriages, particularly among lower-middle-class families seeking to reduce their financial burden. Basic needs for everyone are food, clothing, and shelter. This problem is believed to be resolved through unregistered marriages, as the financial burden is shifted to the husband.¹⁰ In the Compilation of Islamic Law (KHI), the husband's obligation to provide maintenance is stated in Article 80 paragraph 2, which states that, "The husband is obliged to protect his wife and provide all the necessities of household life according to his ability."

The phenomenon of unregistered marriages often occurs among those in the high-income group who face financial constraints in fulfilling the administrative requirements for a formal marriage. The dispensation process for prospective brides and grooms under 19 also requires legal fees, legal consultations, and a relatively long time. The high cost of organizing a reception, influenced by social prestige, often leads to excessive weddings, exceeding the financial capabilities of the parties involved. Yet, Islam mandates only the announcement of a marriage.¹¹

A unregistered marriage is seen as an alternative that eliminates almost all formal costs, requiring only a guardian, witnesses, and a symbolic dowry. This ensures the marriage is considered religiously valid and economically affordable, making it more accessible to those with limited financial means. This is because it requires no administrative fees or other additional expenses. Furthermore, the procedural simplicity of a unregistered marriage offers convenience and time savings compared to a formal marriage.¹²

2. Education

In this case, those involved in early marriages marry because they dropped out of school, leaving them jobless and unoccupied, leading them to choose marriage. This is especially common if their parents are also low education and With limited economic resources, marriage is an alternative option for unemployed children who are unemployed and out of school. Therefore, the low level of education and knowledge of parents,

¹⁰ Qurrotul Ayuni, Yoyo Hambali, and Suprihatin Suprihatin, "Faktor-Faktor Penyebab Praktik Nikah Siri Di Desa Cibuntu Kecamatan Cibitung", *Maslahah (Jurnal Hukum Islam Dan Perbankan Syariah)* 14, no. 1 (July 2023): 15–24, <https://doi.org/10.33558/maslahah.v14i1.7088>.

¹¹ Mochammad Agus Rachmatulloh et al., "Faktor-Faktor Yang Mendorong Praktik Nikah Siri Dalam Konteks Sosial Modern", *SAMAWA : Jurnal Hukum Keluarga Islam* 4, no. 2 (July 2024): 065–076, <https://doi.org/10.53948/samawa.v4i2.135>.

¹² Amam Fahrur, "Nikah Sirri, Fenomena Gunung Es", 19 Februari 2019, <https://pajakartabarat.go.id/nikah-sirri-fenomena-gunung-es/>.

children, and the community influences their mindset in understanding and comprehending the meaning and purpose of marriage. This leads to a tendency to marry off underage children.¹³

Research suggests that education is one of the contributing factors to the prevalence of early marriage in Indonesia. This is due to children's lack of awareness of sexuality, and their lack of understanding of the consequences of premarital sex. To address this, With problems like this, education can be said to be the front guard in overcoming them.¹⁴

According to data from the 2022 National Statistics Agency (BPS) Susenas (National Survey of the Indonesian Population and Childhood Education), the percentage of 16-18-year-old girls who are not attending school is higher among those who are married (whether officially or not) than among those who are unmarried. This indicates a strong correlation between dropout and early marriage.¹⁵ Then, data from the Indonesian Demographic and Health Survey (SDKI) shows that women with low education (not completing elementary/junior high school) have a child marriage rate 4 times higher than women with secondary or higher education.¹⁶

3. Socio-Cultural and Religious

In some regions, there's a belief that girls should marry immediately after completing primary or secondary education. This is influenced by a patriarchal culture that places marriage as a means of maintaining family honor and avoiding the "spinster" label often attached to them by society.

In addition, social pressure on couples who have been dating for a long time also contributes to this. accelerated marriage. The stigma against pregnancy outside of marriage is also a factor This is a significant step in quickly carrying out a unregistered marriage, which aims to maintain the family's reputation and reduce moral pressure from the existing social environment.

Some people believe that a valid marriage is determined solely by fulfilling the pillars of marriage according to Islamic law, so registration at the Office of Religious Affairs (KUA) is not considered to affect the validity of the marriage contract. A

¹³ Ayu Puspita Dewi et al., "Analisis Mendalam Faktor-Faktor Penyebab Pernikahan Dini Di Indonesia: Implikasi Untuk Kebijakan Sosial Dan Pendidikan", (*Relinesia: Jurnal Kajian Agama dan Multikulturalisme Indonesia*, 2024).

¹⁴ Riani Shr, "5 Faktor Penyebab Pernikahan Usia Dini", IDN Times, 9 February 2023, <https://www.idntimes.com/life/inspiration/5-faktor-penyebab-pernikahan-usia-dini-media-masa-pun-berpengaruh-01-87nxp-cx6zxd>.

¹⁵ Herjuno Bagus Wicaksono and Diahhadi Setyonoluri, "Partisipasi Pendidikan Menengah Atas dan Perkawinan Remaja Perempuan 16–18 Tahun di Indonesia ", 26, no. 1 (2026).

¹⁶ admin, "Pernikahan Dini Masih Tinggi, Masa Depan Anak Terancam", *IDSCIPUB*, 8 August 2025, <https://idscipub.com/id/dampak-pernikahan-dini/>.

unregistered marriage is also considered a practical solution to prevent promiscuity and adultery, especially in risky teenage relationships.

B. The Impact of the Practice of Unregistered Marriage at an Early Age on Women as Wives

As previously explained, regarding the factors causing unregistered marriages, this practice cannot be separated from the impacts that will be felt. specifically For women from a unregistered marriage, here are the impacts that will be experienced from a unregistered marriage:

1. Legal and Administrative Impacts

Unregistered marriages create legal uncertainty, particularly for women and children, as they lack formal recognition. Although religiously valid, such marriages often deny women access to legal rights such as inheritance and marital property. A critical issue lies in the dualism between religious and state legitimacy, where society prioritizes religious validation over legal registration.

Marriage is a marriage conducted according to religious law, fulfilling the pillars and requirements of marriage, but not registered with the Office of Religious Affairs (KUA). Consequently, the marriage has no legal force in the eyes of the state and does not have an official marriage certificate, even though it is considered valid in the eyes of the state. Religion.¹⁷ The lack of marriage registration poses serious problems, particularly the lack of legal protection for the wife. Women will have difficulty accessing justice if problems arise within the household, such as domestic violence (KDRT), because the wife lacks proof of the marital relationship. In such circumstances, the wife's report will only be processed as a general case, not under family law.

Children born from unregistered marriages are considered illegitimate children under state law. According to the Marriage Law, a legitimate child is one born from a legally recognized marriage. Meanwhile, a child considered illegitimate only has a civil relationship with the mother and her mother's family. Law No. 1 of 1974 regulates child issues in Articles 42, 43, and 44. The implications of this status are significant, particularly in inheritance rights and legal recognition of biological fathers. Children will not receive inheritance rights from their father directly except through a specific legal recognition process. The inheritance rights they will receive are also limited, unlike legitimate children in the eyes of the law. This is regulated in Article 43 paragraph 1 of the UUP in conjunction with Article 100 of the Compilation of Islamic Law. However, according to Article 863 of the Civil Code, if a child born from an unregistered marriage

¹⁷ Andri Wahyudi, "Perlindungan Hukum Terhadap Anak Nikah Siri Dari Perspektif Hukum Positif", *The Juris* 6, no. 1 (June 2022), <https://doi.org/10.56301/juris.v6i1.419>.

is recognized by the father (after going through a series of legal processes), he or she is entitled to inherit 1/3 of what he or she should receive.¹⁸

Other problems arise in population administration, such as obtaining birth certificates. In many cases, the father's identity cannot be established without additional procedures such as a statement of responsibility and a court order. This emphasizes the weak legal position of women and children in unregistered marriages. The impacts felt by women include non-recognition of their legal wife status, no rights to joint property, and loss of inheritance rights. This demonstrates that unregistered marriages Sirri places women in a legally vulnerable position.¹⁹

2. Economic impact

Women who marry at an early age generally lack the education or skills necessary to obtain employment. This leaves them economically dependent on their husbands or their partners' families, potentially leading to economic instability in the household. Although husbands are legally obligated to provide for their families, not all couples are capable of fulfilling this responsibility. As stated in Article 34 Paragraph 1: "A husband is obligated to protect his wife and provide all the necessities of life within the household according to his ability." This situation can worsen a family's economic situation, especially if the husband does not yet have a stable job or sufficient income.²⁰

In unregistered marriages, the lack of marriage registration weakens women's position in claiming economic rights. Women face difficulties in claiming rights to joint property or receiving maintenance after a divorce. As a result, husbands often abdicate their responsibility to provide for their wives without facing any clear legal consequences.

3. Health impacts

Early childhood has a very significant impact on women. At that age, the reproductive organs The reproductive system is not fully prepared for pregnancy and childbirth, as a woman's body, which is still growing, is not yet fully mature enough to handle pregnancy and childbirth. Early marriage negatively impacts physical health (risk of pregnancy complications, anemia, STDs, stunting in children) and mental health (depression, anxiety, PTSD) because the body and psyche are not yet ready. This, coupled with a lack of reproductive knowledge and social support, can lead to postpartum hemorrhage, premature birth, and even death. According to the National Population and

¹⁸ Andri Wahyudi, "Legal Protection for Children of Unregistered Marriages from a Positive Law Perspective", 86.

¹⁹ Ikaundipbogar, "Legal Consequences of Siri Marriage According to Law No. 1 of 1974 Concerning Marriage", Alumni Stories, *Ika Undip Bogor Raya*, April 25, 2026, <https://ikaundipbogar.org/akibat-hukum-nikah-siri-menurut-undang-undang-no-1-tahun-1974-tentang-perkawinan/>.

²⁰ Junita Friska et al., "Socio-Economic Analysis of the Impact of Early Marriage Among Teenagers", 52.

Family Planning Agency (BKKBN), there are two things that everyone needs to prepare before marriage: biological and psychological factors. Biological factors are optimal physical and nutritional readiness, which are important before starting a family, especially for women who will experience pregnancy and childbirth.²¹

Early marriages often face administrative difficulties due to marital status, resulting in women in unregistered marriages being unable to access maternal and child health services during pregnancy. Many end up not receiving adequate prenatal care. The National Population and Family Planning Agency (BKKBN) also recommends that the ideal age for marriage is 21 for women and 25 for men, to ensure reproductive and mental health readiness.²²

4. Psychological impact

From a psychological perspective, women who marry at an early age tend to face various pressures due to limited mental readiness and experience in carrying out household roles. A lack of knowledge and skills in household management can increase psychological burdens and emotional. This condition is caused by Due to poor emotional control and conflict management skills, this can trigger tensions that can potentially lead to domestic violence. Ultimately, this creates an unstable environment and negatively impacts a child's psychological development.

Various studies show that Teenagers who marry before the age of 18 have a 41% higher risk of experiencing mental disorders such as depression, anxiety disorders, and dissociative disorders, especially if they experience domestic violence or pressure from family and society. Young couples tend to be unstable, disappointed, and depressed, which often leads to disharmony in relationships and divorce. The inability to handle domestic conflict and economic burdens, coupled with mental unpreparedness, triggers severe stress and increases the risk of domestic violence (DV) due to immature emotions and poor communication skills.²³

C. Legal Protection Strategy for Women Whose Marriages Are Unregistered and Also for Women Under Marriage Age

Problems in unregistered marriages are generally rooted in unclear legal status, which weakens protection for the parties. In this situation, the wife tends to be in a

²¹ Halodoc Editorial Team, "6 Consequences of Early Marriage for the Mental and Physical Health of Teenagers", halodoc, accessed April 16, 2026, <https://www.halodoc.com/artikel/6-akibat-pemikahan-dini-untuk-kesehatan-mental-dan-fisik-remaja>.

²² Kompasiana, "Teenagers and Early Marriage: Between Hope, Pressure, and Social Reality", Kompasiana.Com, accessed April 16, 2026, <https://www.kompasiana.com/ukmpuniversitasjember/68bef228ed64157f1176d8a3/remaja-dan-pemikahan-dini-antara-harapan-tekanan-dan-realita-sosial>.

²³ Halodoc Editorial Team, "Married Under 18 Years Old, Beware of Psychological Disorders", 2018, https://www.halodoc.com/artikel/belum-usia-18-tahun-sudah-menikah-awas-rentan-gangguan-psikologi?srsltid=AfmBOoqd_emgnwUIX45DWUgg6V01eUTpKqQ_9QuBXmo8AUaBKuUgMjR.

vulnerable position because she does not receive the legal rights guaranteed in a formal marriage. need They are aware that unregistered marriages can carry legal risks and uncertainties that could impact their rights and the protections they receive. Therefore, it is important to obtain appropriate legal advice or information before entering into an unregistered marriage or any other marriage not legally recognized.²⁴

Unregistered marriages and underage marriages (child marriage) in Indonesia are complex issues, due to the tensions between positive law, religious law, customary law, and social norms. We can summarize the strategies as follows:

1. Protection for women in unregistered marriages

a. Prevention Strategy

1) Education and Socialization

Socialization and education regarding the protection of women in unregistered marriages are crucial because this practice places women in a vulnerable position, is not recognized by state law, and often violates their basic rights. Without official registration, women lose their rights to maintenance, inheritance, and protection from domestic violence (KDRT).²⁵

Public awareness campaigns need to be implemented to raise legal awareness among the public regarding the importance of marriage registration as a means of protecting women's rights. This can be done through religious institutions, educational institutions, and local government officials, with the aim of ensuring comprehensive and easily accessible information for all levels of society.

Strengthening policies and support services for women in unregistered marriages is needed. Providing access to assistance is essential. law, counseling, and social protection mechanisms are strategic steps to minimize vulnerability and ensure the fulfillment of women's basic rights.²⁶

2) Empowerment and Welfare

Economic problems are a contributing factor to unregistered marriages in our country today. One possible approach is to empower families economically through training and economic assistance. This training could involve developing creative resources from each region to generate income.

²⁴ Ahmad Thorik et al., "Tinjauan Yuridis Terkait Pernikahan Siri Di Indonesia MenurutIusContitutum", (Tebuireng: Journal of Islamic Studies and Society, 2024).

²⁵ Tim Redaksi, "Hj. Rusmini Paparkan Dampak Nikah Sirri Terhadap Perempuan Dan Anak Dalam Pengajian KPRK MUI Sumut", MUI - Majelis Ulama Indonesia, accessed 15 April 2026, <https://muisumut.or.id/hj-rusmini-paparkan-dampak-nikah-sirri-terhadap-perempuan-dan-anak-dalam-pengajian-kprk-mui-sumut/>.

²⁶ dp3ak, "SE Pencegahan Pernikahan Dini untuk Menurunkan Pernikahan Anak", accessed 16 April 2026, <https://dp3ak.jatimprov.go.id/berita/link/16>.

Support in the form of access to capital, business mentoring, and product marketing are crucial factors in maintaining the sustainability of this program. It is hoped that by strengthening the economy, communities will have more stable alternative solutions without resorting to unregistered marriages as a way out of financial constraints.²⁷

3) Strengthening Institutions and Figures

The KUA (Religious Affairs Office) and religious leaders must actively provide premarital guidance and legal education, as well as educate the public about the legality of marriage and explain the legal implications of unregistered marriages, so that they no longer facilitate unregistered marriages. Invite parents, youth, and the government to create an environment that supports legal marriages and healthy. ²⁸The KUA and Religious Courts can carry out service traveling to villages to reach remote communities or those with difficult access, thereby minimizing the practice of underhanded marriages.²⁹

Provide legal counseling to women on the risks of unregistered marriages and the importance of having a marriage certificate. Strengthen women's economic independence so they are not financially dependent on their partners, which is often the reason women remain in unequal, unregistered marriages. Implement sanctions for those who commit unregistered marriages by implementing stricter regulations (including the new Criminal Code) for those who commit unregistered marriages that harm women. And involve the Social Services, Village, and Family Welfare Movement (PKK) to register and assist with the legalization of residents' marriages.³⁰

b. Rescue Strategy

1) Marriage Confirmation

Marriage confirmation is an application for marriage validation submitted to a religious court to determine the validity of a marriage that has been carried out according to Islamic law, but has not been officially registered at the KUA office.³¹ Applying for

²⁷ unairnews, "Mencegah Perkawinan Anak: Sebuah Kajian Awal", *Universitas Airlangga Official Website*, 31 December 2025, <https://unair.ac.id/mencegah-perkawinan-anak-sebuah-kajian-awal/>.

²⁸Humas Cabang APRI Sulawesi Selatan, "Gerakan Sadar Pencatatan Nikah sebagai Edukasi Hukum Perkawinan dalam Acara Lepas Sambut Camat Bantimurung", Asosiasi Penghulu Republik Indonesia, accessed 15 April 2026, <https://apripusat.or.id/gerakan-sadar-pencatatan-nikah-sebagai-edukasi-hukum-perkawinan-dalam-acara-lepas-sambut-camat-bantimurung>.

²⁹ Nur Fitri Khumairoh and Syarif Hidayatullah, "Peranan Lembaga KUA dalam Mengatasi Masalah Perkawinan Siri (Studi Kasus KUA se-Kota Administrasi Jakarta Selatan)", Skripsi, 2022.

³⁰ Rahajeng Naomi Hesri and Dwi Harsono, "Peran Dinas Pemberdayaan Perempuan Dan Perlindungan Anak, Pengendalian Penduduk Dan Keluarga Berencana Kabupaten Sleman Dalam Menekan Pernikahan Dini", *Journal of Public Policy and Administration Research* 2, no. 5 (October 2024): 11, <https://doi.org/10.21831/joppar.v2i5.22499>.

³¹ pa-tigaraksa, "Permohonan Itsbat/Pengesahan Nikah", accessed 15 April 2026, <https://pa-tigaraksa.go.id/permohonan-itsbat-pengesahan-nikah/>.

marriage confirmation aims to obtain a legally binding marriage certificate, thereby providing legal protection for the parties, especially the woman and children. This application for confirmation also secures civil rights, including inheritance rights, child status, and joint property.³²

Legal strategies and protections for unregistered and child marriages need to focus on strengthening regulations and consistent law enforcement. This includes improving access to legal services, including the marriage confirmation mechanism, which legalizes unregistered marriages and provides legal certainty.

2) Mediation and Marriage Counseling

This is intended if the problem of a unregistered marriage is in a relationship conflict, and both parties want to save the household, then the solution that can be taken is to seek advice from religious figures, or trusted clerics to resolve the dispute based on Islamic principles.³³

The role of religious figures is important in providing guidance and mediation based on Islamic principles, so that it is hoped that they will be able to resolve disputes wisely and maintain harmonious relationships, especially when both parties are trying to maintain the integrity of the household.

3) Legal Action (If Rescue Fails)

If amicable efforts fail and the marriage must end, the divorce process must still proceed through legal channels after the marriage confirmation.³⁴ If a wife wishes to divorce, she can file for divorce. The best strategy is to combine the marriage confirmation and divorce proceedings simultaneously. This way, the wife requests that the court validate the unregistered marriage and simultaneously issue a divorce decree. This way, the divorce has a clear legal basis.³⁵

This approach provides legal certainty for the parties, particularly regarding marital status and divorce, which are recognized by the state. With a court decision, civil rights are processed more clearly and securely. This mechanism also serves as a form of protection for the parties who are more vulnerable, especially women and children.

2. Protection for Women Married Under the Legal Age of Marriage

a. Prevention Strategy

³² Ahmad Fauzi, "Isbat Nikah Solusi Bagi Nikah Siri", *Jurnal Sosial Dan Sains* 1, no. 9 (September 2021): 978–84, <https://doi.org/10.59188/jurnalsosains.v1i9.192>.

³³ Syaiful Bahri, "Peran Kyai Dalam Mediasi Untuk Penyelesaian Konflik Pasca Pemikahan Dini Di Madura | Al-Manhaj: Journal of Indonesian Islamic Family Law", accessed 25 April 2026, <http://ejournal.iaimadura.ac.id/index.php/almanhaj/article/view/3419>.

³⁴ Noer Sida, "Urutan Sidang Perceraian Di Pengadilan Agama", *Blog Justika - Situs Konsultasi Hukum via Online*, 9 April 2023, <https://blog.justika.com/perceraian/urutan-sidang-perceraian/>.

³⁵ Muh Aidil Akbar, "Permohonan Itsbat Nikah Sekaligus Cerai di Pengadilan", *Legal Keluarga*, 7 August 2020, <https://www.legalkeluarga.id/permohonan-itsbat-nikah-sekaligus-cerai-di-pengadilan/>.

1) Education and Awareness

Educational efforts need to be directed at increasing understanding among parents, communities, and children about the risks of early marriage, maintaining reproductive health, and the importance of education. This includes strengthening the 12-year compulsory education program and ensuring equal access to education. This aligns with Law No. 16 of 2019 concerning amendments to Law No. 1 of 1974 concerning Marriage, which sets the legal minimum age for marriage in Indonesia at 19 years for both men and women.

Raising parental awareness about their children's future so they don't rush into marriage. Strengthening family bonds by instilling religious values and morals from an early age to foster self-control. Encouraging adolescents to participate in counseling to prepare physically, mentally, and financially.³⁶ Furthermore, providing guidance to adolescents to prepare mentally and emotionally for starting a family.

2) Environmental Support

This can be achieved by creating an environment that supports adolescent growth through programs aimed at adolescents to support their future. On the other hand, an environment that supports the prevention of child marriage can be created by strengthening the role of parents, families, social/community organizations, schools, and Islamic boarding schools (pesantren) in preventing child marriage. It is important to ensure the implementation and enforcement of regulations related to child marriage prevention, as well as to increase capacity and optimize institutional governance. This can be achieved by: done by strengthening capacity religious court institutions, KUA, and educational units.

Ensuring the implementation and enforcement of regulations related to child marriage prevention is essential. Strengthening the capacity of institutions, such as religious courts, the Religious Affairs Office (KUA), and educational institutions, is a strategic step in ensuring optimal policy effectiveness. Furthermore, improving legal literacy and reproductive education for adolescents is a crucial aspect in preventing child marriage.³⁷

b. Policy and Institutional Strategy

1) Tightening of Marriage Dispensations

This tightening is based on urgent reasons and is oriented towards child protection. It encourages religious courts to be very strict in granting dispensations, with judges trained on the psychological and health impacts of early marriage, and stricter

³⁶ Halodoc, "6 Akibat Pernikahan Dini untuk Kesehatan Mental dan Fisik Remaja".

³⁷ 'Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak', 2021, <https://www.kemenpppa.go.id/index.php/siaran-pers/kemen-pppa-terapkan-lima-strategi-pencegahan-perkawinan-anak>.

sanctions for violators. Parental consent is required, as stipulated in Article 6, paragraph 2 of the Marriage Law, which stipulates that anyone under 21 must obtain the permission of both parents to marry. This permission is a crucial administrative requirement for a marriage to be valid in the eyes of the state.³⁸

The granting of marriage dispensation should not be based on general reasons, but should be limited to specific conditions. truly Urgent consideration for the best interests of the child. If a dispensation is granted that does not meet the criteria, a law enforcement mechanism is required, including sanctions against the relevant judicial officials. Periodic evaluation of the implementation of the marriage dispensation policy is a crucial step to ensure consistent application of the rules and prevent abuse of authority.

2) Integrity and Coordination

Imron Rosadi, Assistant Deputy for Fulfillment of Rights and Protection of Children at the Coordinating Ministry for Human Development and Culture, stated that the government has made efforts to prevent child marriage through outreach and education for parents, especially in areas with high child marriage rates. "We continue to reduce the number of child marriages in Indonesia by continuing to coordinate, synchronize, and control efforts involving local governments and community elements so that we can realize Indonesia is Child-Friendly 2030," Imron explained while speaking at the KBR Public Space Program on Thursday (August 3, 2023).

Indonesia has a National Strategy for the Prevention of Child Marriage (Stranas PPA), a National Action Plan for Improving the Welfare of School-Age Children and Adolescents (RAN-PIJAR) and Holistic-Integrative Early Childhood Development (PAUD-HI) as integrated programs that can make an important contribution to the realization of a Child-Friendly Indonesia (Idola) by 2030.

Deputy Assistant Imron also emphasized that preventing child marriage requires optimal acceleration and convergence between various parties, not only the government, because it can be both a cause and effect of extreme poverty, stunting, and education.³⁹

c. Legal Strategy and Protection

Law enforcement against the prohibition of underage marriage The provisions stipulated in Law No. 16 of 2019 must be implemented consistently, accompanied by efforts to ensure that children's rights are still fulfilled after early marriage, especially

³⁸ 'Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak', accessed 19 April 2026, <https://www.kemenpppa.go.id/siaran-pers/lindungi-hak-anak-pemerintah-perkuat-pencegahan-dan-penanganan-perkawinan-anak>.

³⁹ 'Pencegahan Perkawinan Anak Perlu Menjadi Prioritas Demi Wujudkan Indonesia Layak Anak 2030 | Kementerian Koordinator Bidang Pembangunan Manusia Dan Kebudayaan', accessed 16 April 2026, <https://www.kemenkopmk.go.id/pencegahan-perkawinan-anak-perlu-menjadi-prioritas-demi-wujudkan-indonesia-layak-anak-2030>.

regarding health.⁴⁰ Furthermore, violations of these provisions can be subject to criminal sanctions for both the victim themselves, parents, teachers, community leaders, or other parties involved. This is in line with Law No. 35 of 2014 (child protection), which emphasizes the state's obligation to protect children, especially girls, from violence and exploitation, including in the context of early marriage.⁴¹

Then in Article 26 paragraph 1 letter c (preventing child marriage with the obligation to fulfill children's rights) and Article 76D and Article 81 of Law 35/2014 (regulating criminal sanctions for those who carry out child marriages). (children under 19 years old). If a child is already married, they must receive psychological support, ensure their health, and ensure that the girl's rights are fulfilled after marriage.⁴²

Conclusion

Optimizing legal protection for women in early unregistered marriages is not sufficient through a normative approach alone; it requires alignment between state law and societal religious understanding. As long as society continues to believe in the theological validity of unregistered marriages, even without state approval, opportunities for violating women's rights will remain open. Therefore, strengthening Article 2 of the 1974 Marriage Law with administrative and criminal sanctions for both the perpetrator and the marriage guardian is an appropriate strategic step. Furthermore, a new perspective is needed on the classical Islamic jurisprudence that has been used as justification, as well as streamlining marriage registration to make it more accessible and affordable. Legal protection for women in unregistered and underage marriages requires not only normative regulation but also structural and cultural transformation. Harmonizing religious and state law through purposive reinterpretation is essential to ensure justice and legal certainty. Ultimately, optimal legal protection requires harmony and conformity between religious and legal validity, accompanied by ongoing education regarding the legal consequences of the lack of a marriage certificate on inheritance rights, child support, and the status of children.

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⁴⁰ Gunawan, "Penyeludupan Hukum Perkawinan Dibawah Umur Melalui Pengesahan Nikah" (18/6)', Direktorat Jenderal Badan Peradilan Agama MA RI, 16 April 2026, <https://badilag.mahkamahagung.go.id/artikel/sebuah-upaya-mereduksi-efektifitas-undang-undang->

⁴¹ Imam Sukadi, Charles Gustaf Rudolf Banoet, and Zakia Amilia, "Perlindungan Hukum Terhadap Perempuan Dibawah Umur Akibat Perkawinan Dini Perspektif Maqashid Syariah", *EGALITA Jurnal Kesetaraan Dan Keadilan Gender* 19, no. 2 (November 2024), <https://doi.org/10.18860/egalita.v19i2.29726>.

⁴² R. Fahmi Natigor Daulay and Beverly Evangelista, "Kajian Yuridis Pemberian Izin Perkawinan Anak Di Bawah Usia Minimum", *Perahu (Penerangan Hukum) : Jurnal Ilmu Hukum* 13, no. 2 (October 2025): 123–39, <https://doi.org/10.51826/perahu.v13i2.1702>.

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