

# The Existence of Marriage Dispensation After the Revision of the Marriage Law at the Religious Court of Donggala, Central Sulawesi

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## ABSTRACT

The Indonesian government regulates the age of marriage through Law Number 16 of 2019. This rule states that the minimum age for marriage is 19 years. Nevertheless, marriage dispensation given by the government is often used as a loophole for deviation and legalization of child marriage. This study describes this phenomenon after the revision of the Law on Marriage, the factors, and impacts of the dispensation based on judicial practice at the Religious Courts in Donggala Regency. The examination uses a socio-juridical model with theological-normative, juridical-normative, and legal sociology approaches. The data were collected by interview, documentation, and observation methods. The analysis was carried out using reduction techniques, data presentation, and conclusion formulation. The dispensation of marriage caused by the disharmony of regulations and the contradictory nature between the Marriage Law and the Child Protection Act results in weak law enforcement and minimal compliance with it from the community. Multi-factor considerations, including religion, social, culture, economy, education, health, and other factors, are often considered in giving marriage dispensation.

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## ARTICLE INFORMATION

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## 1. Introduction

Based on sharia regulations, Muslims believe the husband and wife relationship should be formalized through an institution that legalizes marriage. This regulation has social implications concerning reproduction, child status, and distribution of inheritance in every Muslim family. The formalization of husband and wife relations through the institution of marriage is intended to avoid behavior contrary to Islamic morality and maintain human honor.<sup>1</sup>

One aspect of marriage that is regulated in the Islamic legal system is the standard of eligibility for each person to marry. However, this regulation does not mention the age limitation explicitly but only refers to biological changes, especially puberty. Therefore, when a male and female person is considered to have entered puberty, he has the right and can legally marry. The *Mashlahah al-Mursalah* perspective in Islamic jurisprudence, for example, stipulates that marriage must be carried out by a person who is considered capable in terms of maturity and mental health.<sup>2</sup>

The provisions in Islam are different from the legislation in Indonesia that rigidly regulates the age

of marriage. To prevent child marriage, the government also provides a legal mechanism to prevent marriage at an early age. This mechanism is known as marriage dispensation. The provisions in Article 7 Paragraph 1 Letter C in Law Number 35 of 2014 state that (1) Parents are obliged and responsible for preventing marriage at the age of a child. Also, Paragraph 2 states that if there is a deviation from the age provisions as regulated in Paragraph 1, the parents of the male and the female may request a dispensation from the Court for reasons of great urgency accompanied by sufficient supporting evidence.

Regarding the provision of the marriage dispensation, A. Zahri believes that this mechanism can lead to a deviation from the Marriage Law and, at the same time, prevent legal and civilized child marriage. To avoid this deviation, the Supreme Court needs to formulate special rules that are different from the rule of law in general. The regulation in question is to provide detailed and comprehensive guidelines in examining and adjudicating applications for marriage dispensation. With this regulation, the Court can make a fair and dignified decision for the child's benefit in the future.<sup>3</sup>

Given that Islam does not provide a rigid age limit for marriage, fiqh experts

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<sup>1</sup> Sayyid Sabiq, *Fikih Sunnah Vol. 8* (Bandung: Al-Maarif, 1994), 142.

<sup>2</sup> D.Y. Witanto, *Hukum Keluarga Hak dan Kedudukan Anak Luar Kawin (Pasca Keluarnya Putusan Mahkamah Konstitusi tentang Uji Materiil UU Perkawinan)* (Jakarta: Prestasi Pustakarya, 2012), 61.

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<sup>3</sup> Hilman Hadikusuma, *Hukum Perkawinan Indonesia Menurut Perundangan, Hukum Adat dan Hukum Agama* (Bandung: Mandar Maju, 2007), 129.

and ulama have made various efforts to obtain standard standards in this context. The figures referred to, for example, are Ahmad Musthafa al-Maraghi, Abdullah Yusuf Ali, M. Quraish Shihab, Sayyid Sabid, and Ibrahim Hosen. They reinterpret and understand the word *baligh*, the standard of marriage in the shari'ah conception, by being characterized by adult dreams and the onset of menstrual experiences as parameters of physical and psychological maturity. This conclusion was developed with several variables to conclude that the ideal marriage age for men and women is 25 years.<sup>4</sup>

In 2019, the House of Representatives passed Law No. 15 as an amendment to Law No. 1/1974. This latest law stipulates that the minimum marriage age for men and women is 19 years. This minimum age formulation was obtained from the National Socio-Economic Survey conducted by the Central Statistics Agency in 2019. The survey showed that 18.47 percent of women in Indonesia aged 20-24 years were married at 19.

The efforts of the House of Representatives in formulating the revision of the minimum marriage age limit through Law Number 15 of 2019 include three objectives. *First*, to reduce the birth rate; *second*, to reduce the danger of maternal and child mortality; and *third*, to meet the developmental needs of children through parental assistance to fulfill children's education

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<sup>4</sup> M. Quraish Shihab, *Wawasan al-Qur'an: Tafsir Maudhu'i atas Pelbagai Persoalan Ummat* (Bandung: Mizan, 1996), 351.

for the sake of creating a better generation.<sup>5</sup>

This article discusses the implementation of the marriage dispensation mechanism after determining the new minimum age for marriage through Law Number 15 of 2019. The cases studied in this article focus on the Religious Courts in Donggala Regency, Central Sulawesi Province. Considering that the population of this district is predominantly Muslim, this article also discusses the impact of marriage dispensation on society with a socio-judicial approach.<sup>6</sup>

## 2. Literature Review

### A. Definition and concept of marriage in Islam

In Arabic, marriage comes from the three-letter structure of the verb (*n-k-h*). In the same context, it is not uncommon to use the word *z-w-j* for the same purpose. The word *n-k-h* represents two meanings: literal and metaphorical. The former means to crush, squeeze, and gather, while the latter has intercourse, a contract, or an agreement. According to Wahbah al-Zuhayli, the word *nikah* is commonly used for intercourse (coitus) and also a marriage contract.<sup>7</sup>

M. Quraish Shihab describes that the word *azwaj* is the plural form of *zawaj*

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<sup>5</sup> Chuzaemah T Yanggo and Anshary, Hafiz, *Problematika Hukum Islam Kontemporer* (Jakarta: PT Pustaka Firdaus, 1994), 137.

<sup>6</sup> Adam Podgorecki, *Pendekatan Sosiologis Terhadap Hukum* (Jakarta: PT. Bina Aksara, 1987), 55-56.

<sup>7</sup> H. Abd. Rahman Ghazaly, *Fiqh Munakahat* (Jakarta: Kencana, 2006), 39.

which means two things that combine into a pair or in pairs. Husband and wife are called *zawj* because the separation between them is impossible. Before pairing up, each husband and wife are separate and independent. They are distinct, united, and complementary. Shihab presupposes that this situation is like a pair of footwear on the right and left. Each is different but must exist together to complement each other.<sup>8</sup>

The definition of marriage in the Indonesia legal system is stated in Law Number 1 of 1974.

“Marriage is an inner and outer bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on the One Godhead.”

The definition of marriage is also stated in Article 2 of the Compilation of Islamic Law.

“Marriage according to Islamic law is a marriage that is a very strong contract or *mitsaqan ghaliidzan* to obey Allah’s commands and carry it out is worship.”

Islamic law scholars formulate five categories of marriage law that are adapted to the conditions of the prospective bride and groom. First, marriage is mandatory for people who can marry and are afraid that they will fall into adultery if they do not marry. This provision is taken based on the consideration of the rules in Islamic jurisprudence that require self-preservation from significant sins. “What

cannot be done without it is an obligation.”

Marriage has a *sunna* status if a person already has the ability but is not afraid of committing adultery. Meanwhile, marriage is forbidden for people unable to meet their partners’ needs. Quoted from Sayyid Sabiq, al-Tabarani stated:

“When a person knows for sure that he will not be able to provide for his wife, pay her dowry, or bear all the consequences of marriage, he is prohibited from marrying until he truly senses capable.”<sup>9</sup>

Marriage is *makruh* for Muslims who cannot meet their partner’s needs, in this case his future wife, because she does not demand fulfillment of needs. After all, she is already wealthy and does not require a physical relationship between the two. Moreover, marriage becomes *mubah* if the reasons that hinder marriage do not come from the personal limitations of each partner.

### ***B. Concept of Adult Age according to Islamic Law and National Law***

Adult age is defined by the time a person enters puberty, which is characterized by physical and mental maturity. This phase is considered a time when a person deserves to choose a partner, get married, and build a household. However, there is a difference between the parameters used by Islamic law and positive law in Indonesia regarding the age of maturity.

As already mentioned, Sharia does not provide specific figures for the age at

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<sup>8</sup> M. Quraish Shihab. *Tafsir Al-Mishbah, Pesan, Kesan dan Keserasian Al-Qur'an*, Vol. 6 (Jakarta: Lentera Hati, 2002), 217.

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<sup>9</sup> Sayyid Sabiq, *Fikih Sunnah* Vol. 8, 151.

which a person is considered fit for marriage. However, scholars have conducted ijihad to find solutions to this issue. Sayyid Sabiq and M. Quraish Shihab's opinion can be used as an example.

According to Sabiq, people who are religiously legalized for marriage are reasonable, mature, and independent people. He formulated this limitation because married people are perceived as equal to transaction standards in Islam which require similar things. In contrast to Sabiq, who did not set a minimum age, Shihab set 25 years as the ideal age for a Muslim to marry. He argues that marriage is a moment that is sanctified by religion as implied in the Qur'an, surah al-Baqarah (2) verse 187.<sup>10</sup>

Provisions regarding the appropriate age for marriage are also regulated in the legal system in Indonesia. Discussions regarding this matter are contained in five types of legislation, including Law Number 1 of 1974 concerning Marriage, Law Number 16 of 2019, Law Number 35 of 2014 in conjunction with Law Number 23 of 2002 concerning Children Protection, Law Number 13 of 2003 concerning Employment, and the Compilation of Islamic Law.

1. Law Number 1 of 1974 concerning Marriage

"Following Article 6 paragraph (2), every person under the age of 21 (twenty-one) years is required to

obtain permission from both parents; Article 7 paragraph (1), 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."

2. Law Number 16 of 2019

"Article 7 paragraph (1) Marriage is only permitted if a man and a woman have reached the age of 19 (nineteen) years."

3. Law Number 35 of 2014 in conjunction with Law Number 23 of 2002 concerning Children Protection

"Article 1 paragraph (1) Child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb."

4. Law Number 13 of 2003 concerning Manpower

"Article 1 paragraph (26) Child is every person under 18 (eighteen) years old."

5. The Compilation of Islamic Law

"Article 5 paragraph (1). For the benefit of the family and household, marriage may only be carried out for couples who have reached adulthood as regulated in Article 7 of Law Number 1 of 1974, namely prospective husbands aged 19 (nineteen) years and over and prospective wives aged 16 (sixteen). twelve) years and over; Article 5 paragraph (2). For prospective brides who are not yet 21 (twenty-one) years old, they are required to apply for a permit

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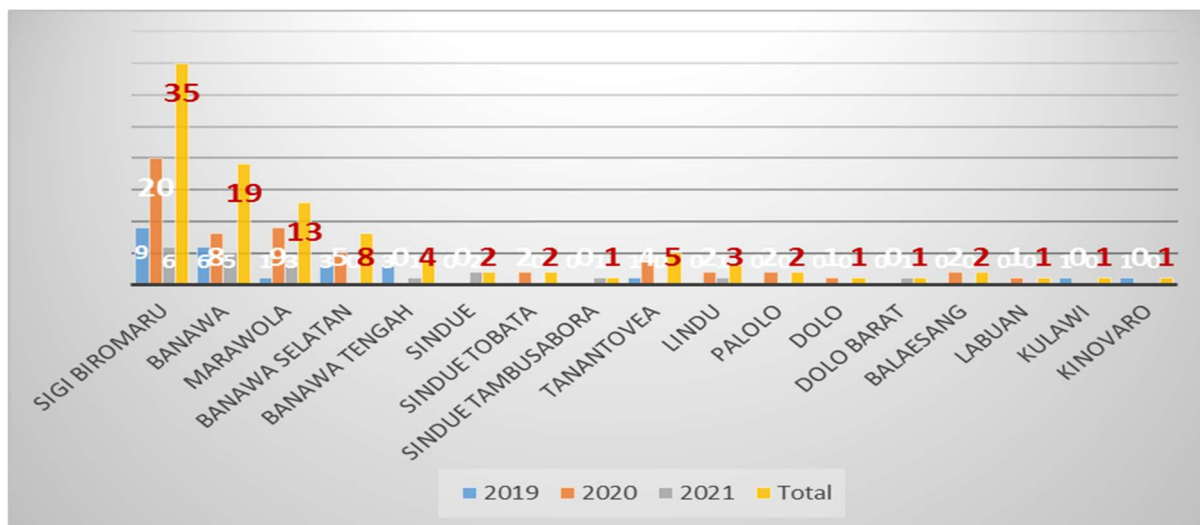
<sup>10</sup> Andi Syamsu Alam, *Usia Ideal Memasuki Dunia Perkawinan (Sebuah Ikhtiar mewujudkan Keluarga Sakinah)* (Jakarta: Kencana Mas Publishing House, 2005), 76.

following the provisions of Article 6 paragraphs (2.), (3.), (4.), and (5.) of Law Number 1 of 1974.”<sup>11</sup>

### 3. Methodology

This research is included in the category of field research with normative-theological, juridical-normative, and legal sociology approaches. Data was collected using observation, documentation, and interview techniques. Meanwhile, the data analysis technique was carried out

Primary data sources in this study consist of the 1945 Constitution of the Republic of Indonesia, Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, Law Number 35 of 2014 concerning Amendments to Laws Law Number 23 of 2002 concerning Child Protection, Law Number 36 of 2009 concerning Health, Law Number 23 of 2002 concerning Child Protection, Law of the Republic of Indonesia Number 24 of 2013 concerning Amendments to Law Number 23 of 2006



using data reduction methods, data presentation, and formulation of conclusions to provide an overview of the marriage law’s implementation and marriage dispensation at the Religious Courts in Donggala Regency.<sup>12</sup>

Regarding Population Administration, Compilation of Islamic Law (KHI), Supreme Court Regulation Number 5 of 2019 concerning Guidelines for Adjudicating Applications for Marriage Dispensation, Book II Guidelines for the Implementation of Duties and Administration of Religious Courts. In addition to the sources of the statutory documents, the results of interviews with the Head of the Religious Courts in

<sup>11</sup> Muhammad Haekal, Abidin Abidin, Siti Musyahidah, “The Effectiveness of the Implementation of the Principle of Simple Court Procedures, Fast and Low Cost in a Case of Divorce Lawsuit,” *International Journal of Contemporary Islamic Law and Society* 2, no. 1 (2020), 81-100.

<sup>12</sup> Harry Hikmat, *Metodologi Penelitian Sosial; Pendekatan dan Implikasi Pilihan Metode dan*

*Teknik* (Jakarta: Dirjen Pendidikan Tinggi, Direktorat Pembinaan Penelitian dan Pengembangan Pada Masyarakat, 2000), 87.

Donggala Regency, judges, clerks, and non-governmental organizations related to cases of marriage delays are also included in the primary data category. The secondary data sources include case reports, judicial decisions, book literature, and related journal articles.<sup>13</sup>

#### 4. Result and Discussion

The number of child marriages continues to increase and the application for marriage dispensation at the Religious Courts in Donggala Regency continues to increase from 2019 to 2021. Therefore, it can be concluded that this phenomenon occurred in line with the enactment of Law Number 16 of 2019.

##### 4.1 *Marriage dispensation after the revision of the Marriage Law at the Religious Courts in Donggala Regency*

The application for a marriage dispensation submitted and processed by the Religious Courts in Donggala Regency within three years (2019-2021) shows fluctuations. From 2019 to 2020, for example, there was an increase in the ratio of marriage dispensation cases to 128 percent. The most significant increase was seen in the first two months (November and December) since the enactment of the Marriage Law. However, in the following year, 2021, dispensation requests decreased by 67 percent or from 57 to 19 cases compared to the previous year. The reality of the accumulation of application cases for marriage dispensation based on the

distribution of the applicant's area of origin during 2019-2021 is shown in the table.

The statistics for the accumulation of dispensation requests above lead to four assumptions. *First*, the application for marriage dispensation is dominated by areas located in the capitals of Donggala Regency and Sigi Regency. As the capital of Sigi Regency, Sigi Biromaru District contributed 35 applications for dispensation cases, while the remaining 19 cases came from Banawa District. *Second*, the areas directly adjacent to the two sub-districts contributed to a relatively significant number of applications. *Third*, the sub-districts with significant figures are generally areas affected by natural disasters that occurred in Central Sulawesi at the end of 2019. *Fourth*, Dolo District in Sigi Regency has a large population. However, there was only 1 case of marriage dispensation from the district. The existence of the Madinatul Ilmi Alkhairaat Islamic Boarding School in the Dolo District has played a role in reducing the number of underage marriages.

It can be concluded that the working areas of the Religious Courts in Donggala Regency, with modern society and relatively close to the center of government, have high cases of marriage dispensation. Meanwhile, densely populated areas, such as Dolo District, which has a dominant Islamic religious school, play a role in reducing the number of cases of marriage dispensation.

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<sup>13</sup> Irwansyah, *Penelitian Hukum: Pilihan Metode and Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2020), 69.

**4.2 Factors causing marriage dispensation from sociological and juridical aspects**

Article 7, paragraph 2 of Law Number 16 of 2019, is the legal basis for implementing the marriage dispensation.

People apply for marriage dispensation to the religious court for various reasons. The same thing was found in the application received by the Religious Court in Donggala Regency, as shown in the table below.

Num.	Year	Reason for Application for Marriage Dispensation						Description
		Pregnant	After marriage consummation (Ba'da Dukhul)	Have engagement	Forced Marriage/Matchmaking	Dating, Hard to Separate	Unregistered marriages	
1	2019	5	1	18	-	1	-	
2	2020	31	6	9	1	10		
3	2021	12	3	-	-	3	1	
Total		48	10	27	1	14	1	

“Suppose there is a deviation from the age provisions in paragraph (1). In that case, the parents of the male and/or female parents may request a dispensation from the Court because it is very urgent, accompanied by sufficient supporting evidence.”

The marriage dispensation in the regulation provides legal leeway and loopholes for the community to legalize child marriage. This regulation also overlaps with Article 26, paragraph 1 letter C of Law Number 35 of 2016. In addition, the spirit of preventing child marriage is also degraded by the regulation on marriage ratification (*itsbat al-nikah*) in the Compilation of Islamic Law Article 7. If a marriage certificate cannot prove the marriage, then a marriage ratification can be submitted to the Religious Court.<sup>14</sup>

The reason that dominates the application for dispensation in the table above is the factor of pregnancy out of wedlock. This factor indicates five social realities in Donggala Regency:

1. Religious values and cultural norms are being eroded.
2. Lack of parental supervision and control so that children enter the area of promiscuity.
3. Easy access to pornographic content on social media.
4. Lack of knowledge and education about sexual and reproductive health.
5. The impact of natural disasters in Central Sulawesi in 2018 changed people's lifestyles, behavior, and habits. However, natural disasters limit people's access and space to fulfill their basic needs.

The decline in numbers also occurred in the dispensation of child marriage at the Religious Courts in Donggala Regency, which was driven by engagement. In fact, throughout 2021, there were no cases based on this reason.

<sup>14</sup> Marzuki Marzuki, Abidin Abidin, Hilal Malarangan, “Effectiveness of The Implementation of Supreme Court Regulation Number 1 Year 2016 on Divorce Settlement,” *International Journal of Contemporary Islamic Law and Society* 3, no. 1 (2021), 28-40.



The success of socializing and educating the Marriage Law before exceeding the minimum age limit has also contributed to reducing these cases. In addition, the number and reasons for applying for a marriage dispensation in Donggala Regency also show the tendency of people to no longer practice matchmaking with their children.

#### 4.3 Sociological and juridical impact of marriage dispensation

The study of the application and determination of marriage dispensation at the Religious Courts in Donggala Regency has an impact on three aspects. *First*, setting the minimum limit regulated in Law Number 16 of 2019 is counter-productive with the provision of dispensation as a form of easing. Irresponsible actors can use this as a legal loophole to commit irregularities. Increasing the minimum age limit for marriage is a more stringent implementation of prevalence, mainly to avoid cases of unregistered marriages. Findings in the field show that several parties engaged in unregistered marriages because they saw loopholes in the legal system. Even though they are aware of the violations they have committed by marrying children under the minimum age (19 years), there are still legal instruments that provide access to dispensation even though they are accompanied by strict requirements and supporting evidence in the best interests of the child. In addition, legal concessions to legalize the marital status of minors can also be obtained through the marriage ratification mechanism (*itsbat al-nikah*).

*Second*, the findings of this study show that 124 cases of legalization of marriages occurred in 2021. Seventeen percent or 21 cases came from married couples under 19 years of age. Meanwhile, ten percent or the remaining 13 cases are cases of marriages under 19 years old and getting married between 2019 and 2021.

*Third*, the high prevalence of child marriage, as shown by the dispensation application received and processed by the Religious Courts in Donggala Regency for three years (2019-2021), has a direct impact on the social order, especially in terms of the economy, education, and public health.

#### 5. Conclusions

The discussion on applying marriage dispensation at the Religious Courts in Donggala Regency from 2019 to 2021 led to three conclusions.

1. From a social perspective, the marriage dispensation clause is still needed to ensure the children's promising future by recording legal documents of residence and marital status. Meanwhile, from a juridical perspective, marriage dispensation is needed in fulfilling the rights of every citizen to form a family as written in Article 28B Paragraph 1 of the 1945 Constitution of the Republic of Indonesia. Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration.
2. Cases of pregnancy outside marriage are the main factors that

often encourage child marriages below the minimum age standard. Arrangements and forced marriages based on meeting the family's economic needs are other reasons behind the request for a marriage dispensation by residents in Donggala Regency. From a juridical perspective, the factors that influence the marriage dispensation given by the judges at the Religious Court in Donggala Regency are the provision of legal certainty and the fulfillment of children's rights, especially for prospective brides who are already experiencing pregnancy outside of marriage.

3. The social perspective on the impact of marriage dispensation after the revision of the Marriage Law in the legal system in Indonesia shows an increase in quality, considering that there are no more applications for dispensation for marriages under the age of 16. However, there has been an increase in the number of requests for dispensation in quantity. Meanwhile, from a juridical perspective, changes to the provisions regarding the age of marriage have not been effective enough to reduce the number of dispensation applications. Likewise, the existence of provisions for ratification of marriage in the Compilation of Islamic Law results in overlaps in considering legal arguments as a basis for granting marriage

dispensations by judges.

This study recommends the significance of socialization and education on the minimum age of marriage standards carried out by all elements of the government and society. At the same time, there is a need to rearrange the regulations that form the basis for granting marriage dispensations. Similar research needs to be carried out in various regions in Indonesia and among Muslim communities living in countries that combine regulations in positive law and Islamic law.

#### REFERENCES

- Asmawi, Muhammad.(2004). *Nikah dalam Perbincangan dan Perbedaan*. Yogyakarta: Darussalam.
- Amin Summa, Muhammad.(2005). *Hukum Keluarga Islam di Dunia Islam*. Jakarta: PT. Raja Grafindo Persada.
- Anshory, Faizin.(2005). *Perkawinan di Bawah Umur Pada Perkara Dispensasi Nikah di Pengadilan Agama Kabupaten Malang*. Malang: UIN.
- Alam, Andi Syamsu.(2005) *Usia Ideal Memasuki Dunia Perkawinan (Sebuah Ikhtiar mewujudkan Keluarga Sakinah)*. Jakarta: Kencana Mas Publishing House.
- Arto, Mukti.(2003). *Praktek Perkara Perdata Pada Pengadilan Agama*. Yogyakarta: Pustaka Pelajar.
- Adan & Christopher J. Whelan.,

- Podgorecki.(1987). *Pendekatan Sosiologis Terhadap Hukum*. Jakarta . Pt. Bina Aksara.
- Bruggink, JJ. H.(2011). *Refleksi Tentang Hukum: Pengertian-Pengertian Dasar Dalam Teori Hukum*. Bandung: PT. Citra Aditya Bakti.
- Ghazaly, H. Abd. Rahman. *Fiqh Munakahat*. Jakarta: Kencana, 2006.
- Candra, Mardi. (2008). *Rekonstruksi Norma Perlindungan Anak Dalam Perkara Dispensasi Nikah di Pengadilan Agama Perspektif Harmonisasi Peraturan Perundang-undangan*, (Disertasi), Universitas Islam Bandung, Bandung.
- Hadikusuma, Hilman. (2007). *Hukum Perkawinan Indonesia Menurut Perundangan, Hukum Adat dan Hukum Agama*. Bandung: Mandar Maju.
- Hikmat, Harry. (2000). *Metodologi Penelitian Sosial; Pendekatan dan Implikasi Pilihan Metode dan Teknik*. Jakarta: Dirjen Pendidikan Tinggi, Direktorat Pembinaan Penelitian dan Pengembangan Pada Masyarakat.
- Irwansyah. (2020). *Penelitian Hukum: Pilihan Metode and Praktik Penulisan Artikel*. Yogyakarta: Mirra Buana Media.
- Ishaq. (2017). *Metode Penelitian Hukum Dan Penulisan Skripsi, Tesis, Serta Disertasi*. Bandung: Alfabeta.
- Djazuli, H.A.(2005). *Ilmu Fiqh Penggalan, perkembangan dan penerapan Hukum Islam*. Jakarta: Kencana.
- Kauntur, Ronny.(2005). *Metode Penelitian untuk Penulisan Skripsi dan Tesis*. Jakarta: PPM.
- Komisi Perlindungan anak Indonesia.(2021). " Undang-Undang Republik Indonesia Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak",. Online di <https://www.kpai.go.id/kanal/hukum>. Accessed 2 January 2021.
- .(2021).“Siaran Pers Nomor: B-033/SETMEN/HM.02.04/02/2021 ”, Online di <https://www.kemenpppa.go.id/index.php/page/read/29/3064/cegah-perkawinan-anak-turunkan-stunting-dan-tingkatkan-kesehatan-anak>. Accessed 15 December 2021.
- Majelis Permusyawaratan Rakyat Republik Indonesia. (2020). *Undang-undang Dasar Negara Republik Indonesia Tahun 1945*, Jakarta: Sekretariat Jenderal MPR RI.
- Mahkamah Agung Republik Indonesia, Direktorat Jenderal Badan peradilan Agama. (2014). *Buku II Pedoman Pelaksanaan tugas dan administrasi Peradilan Agama Edisi Revisi*, Jakarta: Mahkamah Agung Republik Indonesia, Direktorat Jenderal Badan peradilan Agama.
- Mahkamah Agung RI. (2019). *Peraturan Mahkamah Agung Nomor 5 Tahun 2019*. Jakarta: Mahkamah Agung.
- Madkur, Muhammad Salam.(1993). *Al-Qadh'u Fi Al-Islamy*. Terj. Drs. Ali

- Imron., Peradilan Dalam Islam.* Surabaya : PT.Bina Ilmu.
- Mukhtar. (2007). *Bimbingan Skripsi, Tesis dan Artikel Ilmiah.* Jakarta: Gaung Persada Press.
- Matthew B. Miles & A. Michael Huberman. (2009). *Analisis Information Kualitatif.* Jakarta: UI Press.
- Mukhtar, Kamal.(1974). *Asas-asas Hukum Islam Tentang Perkawinan.* Jakarta: Bulan Bintang.
- Munawir.(2010). *Sosiologi Hukum.* Ponorogo: STAIN Po. Pres.
- Muhammad, Abdulkadir.(2004). *Hukum dan Penelitian Hukum.* Bandung: Citra Aditya.
- M. Zein &H. Satria Effendi.(2004). *Problematika Hukum Keluarga Islam Kontemporer (Analisis Yurisprudensi dengan Pendekatan Ushuliyah).* Jakarta: Kencana.
- Sabiq, Sayyid. (1994) *Fikih Sunnah Vol. 8* Bandung: Al-Maarif, 1994.
- Shihab. M.Quraish.(2002). *Tafsir Al-Mishbah, Pesan, Kesan dan Keserasian Al-Qur'an, Vol. 6.* Jakarta: Lentera Hati.
- .(1996). *Wawasan al-Qur'an; Tafsir Maudhu'i atas Pelbagai Persoalan Ummat.* Bandung: Mizan.
- Sarwono, Sarwito Wirawan.(1981). *Memilih Pasangan dan Merencanakan Perkawinan; dalam Bina Keluarga No 99.* Jakarta: BKKBN.
- Shalihah, Fithriatus.(2017). *Sosiologi Hukum., Cet. I.* PT.Rajagrafindo Persada.
- Suadi, Amran.(2019). *Pembaruan Hukum Acara Perdata di Indonesia. Menakar Beracara di Pengadilan secara Elektronik.* Jakarta: Kencana.
- .(2020). *Filsafat Keadilan Natural Equity dan Praktiknya dalam Putusan Hakim. Cetakan ke-1;* Jakarta:Kencana.
- Soemiyati. (1999). *Hukum Perkawinan Islam dan Undang-Undang Perkawinan,* Yogyakarta:Liberty.
- Sugiyono. (2017). *Metode Penelitian Kualitatif. Untuk Penelitian yang Bersifat: Eksploratif, Enterpretif, Interaktif, dan Konstruktif.* Bandung: Alfabeta.
- Salim. (2000). *Metodologi Penelitian Kualitatif. Bandung: Citapustaka Media, 2016.* Sa'id, Umar. *Hukum Islam di Indonesia Tentang Pernikahan, Edisi I.* Surabaya: Cempaka.
- Syarifuddin, Amir.(1999). *Usul Fiqh., Cet I, jilid II.* Jakarta: logowacana ilmu.
- SF. Marbun & Moh. Mahfud M.D.(2011), *Pokok-pokok Hukum Administrasi Negara dan Upaya Administratif di Indonesia.* Yogyakarta: FH.UII-Press.
- .(2005). *Hukum Pernikahan Nasional, Cet. III.* Jakarta: Rineka Cipta.
- T. Yanggo. Chuzaemah & Anshary, Hafiz.(1994). *Problematika Hukum Islam Kontemporer.* Jakarta: PT Pustaka Firdaus.
- Tim Penyusun Direktorat Jenderal Badan

- Peradilan Agama Mahkamah Agung RI.(2019). *Mewujudkan Peradilan Agama yang Agung. Cetakan pertama*, Yogyakarta: Phoenix Publisher.
- Uman, Caerul .Dkk.(1998). *Ushul Fiqh 1*. Pustaka Setia: Bandung.
- Umar, Mukhsin Nyak. (2006). *Rekonstruksi Pemikiran Hukum Islam Di Indonesia*. Banda Aceh: Yayasan PeNA.
- Witanto, D.Y. (2012). *Hukum Keluarga Hak dan Kedudukan Anak Luar Kawin (Pasca Keluarnya Putusan Mahkamah Konstitusi tentang Uji Materiil UU Perkawinan)*. Jakarta: Prestasi Pustakarya.