

## The Core Problem and Impact of Child Marriage in Wonosobo: Phenomenological Study

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### **Abstract:**

*This phenomenological study aims to analyse the root cause and impact of child marriage in Wonosobo. Social facts show that child marriage has multiple effects on children, including the right to access information and education, and girls' reproductive health. Through a qualitative approach, this study generates the result: First, the demographics of Wonosobo as a poor area correlate with child marriage. The impact is severe and often leads to domestic violence, divorce, and the parenting style. Second, child marriage has the potential to violate the right to grow, the right to access educational information, and the right to reproductive health. Therefore, the process of socialization, education, and involvement of all stakeholders in Wonosobo are hugely needed. Even though the Wonosobo authorities have issued Regent Regulation Number 34 of 2019 concerning Strategies to tackle child marriage, it has not been effective in preventing the issue.*

**Key Words:** Child Marriage, Children's Rights, Parenting Style, Reproductive Health.

### **INTRODUCTION**

Child marriage legally in Indonesia was initially legitimized by the Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage. In the law, it is allowed for girls aged 16 years old to marry, as stated in article 7 paragraph 1, "Marriage is only permitted if the man has reached 19 (nineteen), and the woman has reached 16 (sixteen)." While the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection Article 1 states that a child refers to anyone who has not reached the age of 18 (eighteen). While Article 26 of Law no. 23 of 2002 states that parents are obliged to protect their children from early marriage. However, In line with the Marriage Law, no legal sanctions are included in this article, so this provision almost provides limited protection against child marriage for children. Weak supervision and the absence of legal sanctions offer a loophole for anyone, including parents of the Muslim community in Wonosobo. This condition is worsened by the emergence of revisions to Law Number 16 of 2019, which states that the minimum age for marriage is 19 (nineteen) years for both women and men. Deviations from the age provisions as referred to in Law Number 16 Year 2019, parents of the male and female parties may request a Court dispensation on the grounds of being very urgent, accompanied by sufficient supporting evidence.

The 2018 Basic Health Research conducted by the Ministry of Health Republic of Indonesia revealed that among women aged 10-54 years, 2.6 percent of them married for the first time at the age of less than 15, and 23.9 percent married at the age of 15-19. Thus, about 26 percent of underage women have been married before the functions of their reproductive organs develop optimally. This indicates that child marriage in Indonesia is not concerned with the loss of girls' rights, including their reproductive health rights. Free sex and the loss of social norms have encouraged high child marriages among adolescents and the low understanding of women's reproductive health rights, resulting in an increased number of cases of pregnancy prior to marriage in the community (I.B. Wirawan, 2012).

Another fact is that formal marriage or informal union between the children under the age of 18 in Wonosobo, based on data from the Ministry of Religion of Wonosobo in 2020, the marriage of children under 19 (nineteen) has reached 968 cases. From the data, there are 859 cases of child brides aged 16 (sixteen) to 18 (eighteen). There were 46 cases of boys under 19 (nineteen) and 66 cases of girls under 16 (sixteen). Even though the Wonosobo Government has issued Regional Regulation Number 34 of 2019 concerning the Strategy for Overcoming Child Marriage, however, until 2020, there are 306 cases of pregnancy before marriage or 4.6 percent of the number of total marriages, and there are 124 or 1.9 percent of marriages with a stipulation or dispensation cases. With a more specific breakdown of data on marriages with child brides up to the age limit of 19 years, totaling 2186. This data shows that child marriage cases in Wonosobo are still relatively high. The average first marriage of women in Wonosobo is 17.9 years old. This figure is much lower with the average age at first marriage for women at the Central Java province level, which is 22.27 years old. The low age for marriage in Wonosobo has also not paid attention to the rights of the child bride's reproductive health and a healthy reproductive period, which is between 20 - 30 years. . (In Wonosobo PPKBP3A service, 2020)

In terms of socio-economic demography in Wonosobo, the poverty rate reached 17.58%, and the poverty rate for Central Java at 11.32% had multi-impact in various shifts in social norms and cultural values, especially in the institution of marriage. The change in the nature of marriage in the Wonosobo community, which is predominantly Muslim, is mainly formed from society's social structure, which is inherent in the reality of understanding Islamic teachings. There are still multiple interpretations when using the concept of *baligh* (maturation) without paying attention to the health of women's reproductive rights. Based on the current survey, the meaning and values of marriage have shifted in terms of meaning and purpose. It also reflects the decreasing religious sacredness yet creates the impression that marriage is only a socio-economic transaction. The quality of the age for marriage has not been integrated into the life cycle to provide maternal and child health services, especially on the *continuum of care*, starting from pre-pregnancy, pregnancy, childbirth, and postpartum, infants, toddlers, to adults.

The study shows that child marriage is strongly associated with poverty, although the prevalence is high in sub-districts with relatively low poverty levels. In certain cases, couples are forced to do child marriage because the girls are pregnant prior to marriage until the end of 2020 there are 306 (4.6%) of the data on the number of 6645 marriages. There are 124 (1.9%) marriages with dispensation with details of child grooms 83 (67%), and child brides 41 (33%) (Wonosobo, 2010-2023). Data for the population of Wonosobo in 2020 with details of 449,665 men (51.1%), and 428,946 women (48.8%), while the poverty rate in Wonosobo is at the level of 17.58%, and the Central Java level is in 11th

position 11.32%. In general, poverty that occurs in Wonosobo is influenced by authority governance, the quality of human resources, the environment, and regional disparities between the upper and lower regions. These conditions affect economic factors, education (formal, religion, and parenting), health, and socio-cultural factors (In, Bappeda Wonosobo, 2020). This research uses a symbolic interaction approach to analyse the issue of child marriage by emphasizing interactions and symbols to be examined holistically, which are depicted in social life, how the interaction between informants with family, social community, peers until the marriage happened. Blumer argues that social interaction refers to the personality of particular interactions between humans, as well as the interaction of parents with traditional actors in the interaction of the formation of child marriage. The reactions of the actors, either directly or indirectly, are based on the description and evaluation of the meaning (Margaret M. Poloma, 2014).

## DISCUSSION

### Phenomenon and Core Problem of Child Marriage in Wonosobo

Based on data from the Ministry of Religion of Wonosobo until 2020, child marriage under the age of 19 (nineteen) is 67.18% with pregnant women (become pregnant prior to marriage) under marriage dispensation, as depicted in the data below:

Data of Marriage in 2020	1274	%
Number of child brides aged 16-18	856	67.18
Number of child grooms under the age of 19	46	3.61
Number of child brides under the age of 16	66	5.18
Child brides become pregnant	306	24.01

Marriage in Islam is a contract legalised by the state and religion. Law Number 1 of 1974 Articles 6 to 11 regulate the terms of marriage. The substance of the arrangement is sufficient because there is no penalty for those who violate the rule. In this case, there are weaknesses and legal vacuums. In the marriage law, marriage is seen as a solid inner and outer bond between a man and a woman as husband and wife to create a family full of peace, love, and blessing. The noble purpose of marriage is often limited only to fulfill biological needs and desires as the data depicted for child brides who become pregnant prior to the marriage contract.

Nowadays, the change in the minimum marriage age standard to 19 years old for both grooms and brides has increased the number of marriage dispensations. Based on the data above, 124 couples are married over dispensation. However, the difference in the minimum marriage age standard is strongly influenced by the socio-cultural aspects of each country with a Muslim majority. Why is it necessary to limit the minimum age for marriage, to protect the partner's benefit or as a preventive measure for marital manipulation. In the Islamic perspective, marriage is not only a sacred bond and worship but also a bond of social, relative and social relations between husband and wife, which gives the consequence of balanced rights and obligations between the couple. Therefore, the terms and pillars of marriage must be carried out to legalise the relationship between the couple.

The definition of child marriage with an age range below 19 years is still debatable. One of them is that marriage is a formal bond legally recognized as husband and wife who must understand the rights and obligations, especially the rights of women (wives) regarding reproductive health. Normatively, the quality of marriage age with the purpose of physical and spiritual happiness as stated in Law Number 16 of 2019 amendments to Law Number 1 of 1974 concerning marriage, the minimum age for marriage for women and men is 19 (nineteen) years. The Convention on the Rights of the Child (CRC), defines child marriage as marriage between a child under the age of 18. If the minimum age for marriage is not below the minimum age standard, the marriage is dispensed, as in many cases in Wonosobo, dominated by marriage. Data from the Wonosobo Religious Court as of the end of February 2021, 373 child brides applied for a dispensation in court, 279 were granted because they were pregnant prior to their marriage (Djamilah, Reni Kartikawati, 2014).

The standard for the minimum marriage age in *fiqh*, which is *baligh*, is no longer relevant in today's conditions, yet it is still considered valid in terms of customs. However, a marriage conducted without the consent and supervision of the marriage registrar and is not registered does not have legal force. The legal system in Indonesia does not recognize the term "marriage under the hand." Sociologically, it is the marriage that is not registered and considered does not meet the provisions of the law (Marriage Law article 2 verse 2).

Child marriage is a traditional practice that has existed for a long time, even in Wonosobo. The number of cases of child marriage is categorized as relatively high. The literature records 306 (three hundred and six) women of 18 years of age at marriage and 124 cases of marriage under 19 years of age due to unintended pregnancy or pregnancy prior to their marriage. Thus, child marriage, especially for women who are not ready for their reproductive health, often refuses to get pregnant and have abortions. Even now, the pattern of child marriage due to unintended pregnancy is a burden for parents because they are ashamed and want to keep it secret. On the other hand, it is also a burden for young couples to prepare for the life cycle starting from pregnancy, babies, and school-age children who are not well prepared. If the psychological and economic burden of the young couple is not reasonable, the impact will be a fight that leads to the young couple's divorce (Choe, M.K, S. Thapa, and S. Achmad, 2017).

The quality of marriage age, especially in Wonosobo, is triggered by many factors. One of them is often accused of being the problem of poverty. Conceptually, poverty does not stand alone, but many factors are connected, including economic, social, educational, cultural, and religion. To measure poverty, as the Central Statistics Agency (BPS) conceptualized is to use the concept of the ability to fulfill needs (BKKBN, 2018). In this approach, poverty is seen as an inability from an economic point of view to meet basic food and non-food needs as measured from the expenditure side. In other words, poverty is seen as an economic inability to meet basic food and non-food needs.

### **Women's Reproductive Rights and Social Change**

Women's reproductive health rights are currently being discussed regarding child marriage (CST Cansil, 2019). From a legal perspective, the concept of 'rights' is the power or authority that a person has to get or do something. When it comes to the concept of reproduction as a biological process, it refers to how the individual defends himself by the predecessors to produce the next generation. There is a life cycle process for each individual (Asghar Ali Engineer 2018). The implementation of Women's Reproduction

covers all aspects of human life from birth to death. Using a life cycle approach to get definite targets and transparent services are carried out in an integrated manner by concerning individual reproductive rights based on available service programs. Women's reproductive rights have become a global ethic, including the local level of Wonosobo is a plan to educate the public about child marriage. Although the role of women in development does not necessarily improve women's welfare, it is a double burden for them in terms of reproduction.

The current social changes have shifted the pattern of social relations and interactions. The case of child marriage and women's reproductive rights has a pattern of interconnectedness, including the fading of social norms in today's modern society. Thus, child marriage does not violate social norms but rather opens up subjective interpretations of Islamic law (*fiqh*). Similarly, this also applies to social institutions, including marriage and how to enforce women's reproductive rights. There is a shift in the social structure in society, especially in the forced maturation of the age for marriage without regard to the impact on the service life cycle of future generations. (Maria Ulfa Anshor, 2006). Although women's reproductive rights have become natural (Surah Al-Ahqab: 46:15), in terms of the function, the role of women's reproduction is to conceive, give birth, breastfeed and take care of children. Thus, a mother in Islam is positioned in an honorable and noble place, as a tribute to her role in preparing the human generation. (Eny Kusmiran, 2018).

### **Impacts of Child Marriage and Child Rights**

Wonosobo is known as a religious community because the majority are Muslim. Of course, the behavior and practices of people's daily lives are adjusted to what they believe and religious teachings. It is included in marriage by following religious teachings and adapting to local cultural traditions. The demographic bonus with a productive age of more than 40% of the total population has a positive impact on the quality of human resources. The demographic bonus with a productive age of more than 40% of the total population has a positive impact on the quality of human resources. However, an area with a poor predicate impacts education, maternal and child health, housing sustainability, high divorce rates, poor parenting style, and low parental education. Therefore, child marriage and the lack of public understanding of women's reproduction are like a snowball that is getting bigger until the problem of getting divorced.

Based on the theory by Blumer that symbolic interaction contains several "root images" or basic ideas on some social interactions or joint actions to form what is known as an organization or social structure. It is created through social processes that are carried out repeatedly with patterns of interaction relationships. The real impact of this social process is conflict, assimilation, competition, accommodation, acculturation, and urbanization that are intertwined with Islamic law which changes the social order (George A. Theodorson and Achilles G. Theodorson, 1969).

Factors from the family, parents, and community habits have become traditions carried out consciously. The practice of marriage between the children under the age of 19 is still happening until today, as it has been practiced for generations. There is nothing that is violated by marriage at a young age, and in religious terms, it is not prohibited. The quality of the age of marriage is determined by long-standing traditions. This kind of action is considered as an interpretation of the sign that if a boy invites a girl to date out of the house, it is a form of courage. It is also the sign that the woman's parents want their daughter to be married (Muh. Sahli, F. Idriani, 2020)

In determining the quality of marriage age standard, besides following the formal legal provisions of the law, there is also a disparity between religious interpretation and maturity (baligh), so that people assume that the age of 16 to 19 years for the prospective bride and groom is considered an adult and is justified by religion. The study results found that several factors influence the quality of marriage age standard, including the education factor, the lack of understanding of women's reproductive health by the community, parents, and adolescents, and social changes marked by the development of communication technology. It results in a decline in adolescent moral ethics so that sexual behavior prior to marriage is risky among children. Economic factors (poverty), cultural factors (traditions/tools), matchmaking by parents, promiscuity (unintended pregnancy before marriage), and religious interpretation (*fiqh*) by religious leaders are the parts of the cumulative case of child marriage. Then, its impact on women's reproductive rights is not understood. (Agustin Hanapi and Edi Yuhermansyah, 2020).

General education, especially for parents, is a factor causing and impacting child marriage in Wonosobo. Thus, it also influences women's reproductive health rights. The reason is that teenagers try to do sexual activity when dating their partners. Trial behavior is more dominant driven by biological lust, and such a situation is considered proof of a partner's love.

However, due to the lack of openness regarding reproductive health education, which is still considered a taboo conversation by adolescents, they are trapped in a difficult circle to escape. When it is too late, what happens then is like a domino effect, unintended pregnancy happens, dropping out of school because of shame or being "forced" to resign from the school for violating the school rules. Economic, physical, and psychological unpreparedness to become parents impacts the 1000 day life cycle of infants/children. Then it can cause them to receive less care, experience malnutrition, and socio-economic aspects impact increasing disguised unemployment and creating a new cycle of poverty. (Erna Yuniawati, Head of PPPA Wonosobo, 2020).

The interview results with young married teenagers reveal that promiscuity that occurs in today's society has become a common symptom and occurs in rural communities. Unintended pregnancy due to a lack of understanding of reproductive health among adolescents is one of the leading causes of child marriage. The lack of communication and openness of children with their parents impacts the distribution of information through the media or among adolescents. Then, it makes them not aware of the risks of choices in determining what happens to reproductive health, especially for women, to the risk of poor parenting style. They have sex because they want to try or are influenced by friends who have practiced it. Although there is a risk of pregnancy when having sex, they have not been prepared for the impacts.

The lack of understanding regarding the risk of choice also impacts understanding the concept of relationship and their self-concept found in the case of child marriage. One of the factors is the lack of sexual and reproductive health education for adolescents, which also causes them to have no choice or weak bargaining position, especially for female adolescents. The girls are vulnerable to sexual violence during love relationships and marriage. Some teenagers admitted they had sexual intercourse for the first time because they wanted to please their girlfriend as a form of service and loyalty (the result of an in-depth interview with a married child).

Among adolescents, especially teenage boys, there is an assumption that having sex before marriage is pride and can show masculinity. This was revealed from the results

of the FGD with a young unmarried girl. The men are more open and admit their actions. They even have sex while still dating as a form of pride and arrogance. On the other hand, women are shy to talk about taboo things, even to their peers. They have sex because they want to try and make the girlfriend dependent on the guy, so girls tend to keep things secret. Sex before marriage poses a risk to women's reproductive health. Easy access to information media through the internet with the slogan 'the world in your hands' is an irony in itself in the case of child marriage and the lack of knowledge about female reproduction. It is undeniable that social media, which is very easy and difficult to limit, enables children to make friends with people they do not know. Unfortunately, access to such easy and fast information is not matched by sufficient knowledge and supervision from the family. Not to mention the lack of proper reproductive health knowledge because this issue is still considered taboo, making children have no precise control limits over their bodies and have a weak bargaining position when faced with reproductive health and sexuality choices.

Parents' level of education also influences child marriage cases in Wonosobo. Low level of parents' education due to economic limitations and the difficulty of getting access to education when they are still teenagers is one of the problems. Therefore, a low parental education level causes a low understanding of reproductive health. Parents' limited understanding of reproductive health causes marriage at an early age to be considered a normal thing and has happened to most people in the village. Parents do not motivate children to prioritize continuing education, so children are less serious about learning and less enthusiastic about having a better future. Likewise, limited education costs cause parents to limit their children's desire to continue their education at a higher level. (in Sumaedi, SH, Assistant for Development of the Wonosobo Regional Secretary, 2020).

Although "the economic background of parents is not the only factor causing child marriage, the reason for poverty is an intermediate factor among other factors. The poverty of the parents' household is the dominant factor in child marriage, including family limitations to meet basic needs such as food, shelter, buying clothes, and health. Poverty can occur by prioritizing education for boys, especially when parents have limited ability to send their children to school, so girls are married off as soon as possible to reduce the economic burden. According to several community factors, it is about boys getting education up to high school education priority and finding work and supporting the family. The reason parents force their children to marry because they do not have a fixed income and cannot fulfill their daily needs. This happens especially from the characteristics of family groups in rural areas. Forcing children to get married is a practice to reduce the burden of costs, especially education.

The other cause is the condition of parents that work outside home (migrant and urban workers) by leaving their children without sufficient knowledge and education. So, their children seek knowledge elsewhere. Wonosobo is a major sending area for migrant workers from out of town, even overseas, to become female migrant workers. When parents work, they are absent from supervising their children. This is what causes a child to receive imbalanced information. Neglect of child supervision and control does not exist, thus, children tend to be free and they will seek other inappropriate information.

There is a need for education regarding reproductive health right in recent times. The lack of information is sometimes becoming a problem for parents and schools. Thus, women's reproductive issue is get stigmatized, and at the same time, people refuse to talk about them. There is an assumption that child marriage is one of the right solutions for



unintended pregnancies and avoids sin and community "talk" about the status of future children. Child marriage is also considered to avoid adultery and sin. There are even children who experienced an arranged marriage to get good offspring, even though the child's age is still far below the minimum age.

The impacts identified on the quality of marriage age include education, causing children to drop out of school. It also leads to maternal and child health issues, household continuity to divorce, instability in building a family, domestic violence, and the subordination of women, which impacts women's social condition, economic, reproductive health, and psychological.

### 1. Socio-Economic

"The quality of the age for marriage or early marriage in the socio-economic aspect leads to a new "poverty cycle." Teenagers aged ( $\leq 15-16$  years) are often immature and not well-established yet. They do not have a proper job due to their low level of education (Munif Chatib, 2014). This condition causes the married child to be very dependent on the family, especially the husband's parents. As a result, parents have a double burden. Besides supporting family members, parents also have to support new family members. This condition is then categorized as low-income families. It will repeatedly occur from one generation to the next to form structural poverty. The economic impact as above is happening in the Wonosobo community, which causes the high rate of early marriage. This condition will be different if the male partner is much older (adult) in terms of the quality of his age (23-27 years) and has a reasonable level of education, so he has a job and a decent income to support his family.

From the social point of view, "Children who marry at a very young age are economically less secure. They have no economic readiness which has the potential to terminate marriage or divorce and infidelity among young newly married couples. The existence of conflicts sometimes also causes domestic violence. Sexual abuse can especially happen experienced by the wife due to an imbalanced relationship. The number of violence against children in 2020 occurred involving 87 cases. This condition led to the wife's breakup of marriages or divorce lawsuits. This condition causes the divorce rate in the Wonosobo district to be very high. Thus, Wonosobo becomes the 3 (three) districts in Central Java with the highest divorce rate. The domino impact on the high divorce rate in Wonosobo, including child marriage, is one of the contributors to the high divorce rate in Wonosobo. Other social effects, such as incest and sexual abuse cases against children and the breakup of marriage relationships, are very high. The last is the number of young widows becoming migrant workers, and the negative impact is becoming commercial sex workers in several nearby urban areas.

Dropping out of school due to unintended pregnancy and having to be exiled out of the environment, then married, and finally forced to give birth has an impact on reproductive health for women. This condition has a real impact on social aspects. Pregnancy prior to marriage has led to public justification for the child's legal status being born. Children born without legal status and a birth certificate will trouble the state's parents and legally prosecuted families. If a divorce occurs, it has no legal force as it is not recorded in the state administration and is only conveyed informally. Without taking legal procedures or going through a religious court, women will be deprived of their rights and the children affected by the divorce (Muh. Zainuddin, Head of the Wonosobo Religious Court, 2020).



## 2. Reproductive Health Rights

Children who marry at a very young age ( $\leq 19$  years) are not ready to give birth and take good care of children. If they get an abortion, it is more likely to have an unsafe abortion, which can endanger the safety of the baby and mother even can cause death. The low quality of marriage age - especially for women - also has the potential for violence to be occurs. If there is a tendency to keep the pregnancy secret, not getting adequate maternity care health services is possible. Data from prosperous families in Wonosobo Regency in 2020 shows the average age of marriage/first marriage at 16 to 19 years. This figure is much lower than the average age at marriage/first marriage at the Central Java level, 22.27 years.

Women with unwanted pregnancies will encounter the problem of disgrace because they are pregnant prior to marriage. They will feel guilty for getting an abortion as the baby's age in the womb gets bigger. They are increasingly depressed because they are afraid to tell their parents and have disagreements with their families because they are pregnant. These actions are considered immoral in their community and violate social and religious norms. They have the possibility of not being recognized and being abandoned by their partner. They get a moral sanction from the community of being expelled. Therefore, if they are forced to marry, they will marry in pregnant conditions. However, there are several cases of child marriages where immature mothers experience death because their reproductive organs are not ready. In addition, they do not understand reproductive health. It can affect the health of women and babies even bring to death, also can lead to domestic violence, including child trafficking.

## CONCLUSION

Marriage aims to get a good, healthy generation with suitable parenting methods. The impact of child marriage is the deprivation of children's rights in education because they have to get married before completing education. It also impacts maternal and child health. The best time to get pregnant is between 20-30 years old. This age range is associated with the best outcomes for a healthy baby and mother. The sustainability of a happy household life leads to a breakup marriage or divorce and less parenting for children because of parents' insufficient education.

The cause of the high rate of child marriages in Wonosobo is because the role of parents in preventing child marriage is not optimal. It also happens due to the absence of legal sanctions for violations of the age of child marriage as regulated in Law Number 1 year 1974 concerning Marriage which was then revised by Law Number 16 year 2019. Then, it was worsened by disharmony with Law Number 23 year 2002 concerning Child Protection, making it harder to prevent child marriage. Even though the Wonosobo local authorities have issued Regent Regulation Number 34 year 2019 concerning the Strategy for solving Child Marriage, it has not been implemented effectively and massively.

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