



Al-Ihkam: Jurnal Hukum dan Pranata Sosial, 21 (1), 2026: 1-28
ISSN: 1907-591X, E-ISSN: 2442-3084
DOI: <https://doi.org/10.19105/al-ihkam.v21i1.21163>

Child Marriage in Indonesia: How Communities Navigate Marriage Practices within Islamic, Adat, and State Norms

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Article history: Received: July 13, 2025, Accepted: March 19, 2026,
Published: June 30, 2026

Abstract:

This qualitative study, based on interviews and focus group discussions, examines how communities in South Kalimantan address child marriage within a plural legal framework. It addresses two central questions: how communities in South Kalimantan negotiate child marriage within the context of legal pluralism, and how the concept of marital readiness is constructed and understood within the legal consciousness of families, religious leaders, and community members. Using Participatory Qualitative Research, the study was conducted in two villages with distinct social characteristics: Cukan Lipai in Hulu Sungai Tengah Regency and Berangas Timur in Barito

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Kuala Regency. The findings reveal that communities in both villages prioritize customary norms and religious teachings, particularly Islamic law, over state law when determining the appropriate age and readiness for marriage. In many cases, religious reasoning and biological signs of maturity are used to justify child marriage, aligning with some classical *fiqh* interpretations that link marital eligibility to puberty. Meanwhile, formal legal provisions such as Law Number 16 of 2019 on Marriage and its dispensation mechanism are often viewed merely as administrative formalities that can be negotiated or bypassed through practices like unregistered marriages (*kawin siri*), which are considered religiously valid. Within this context, communities construct and obey their own norms. Therefore, efforts should bring together state law, Islamic principles, and local customary practices to narrow the gap between legal systems and how communities actually live and make decisions.

Keywords:

Child marriage; Legal consciousness; Legal pluralism;
South Kalimantan

Introduction

Child marriage poses an obstacle to the Sustainable Development Agenda set by the United Nations (UN). Indonesia itself views child marriage as a risk to achieving the dream of a Golden Indonesia 2045 and one of the five (5) specific presidential directives. As stipulated in the Regulation of the Minister of Women's Empowerment and Child Protection Number 2 of 2021 concerning the Bureaucratic Reform Roadmap of the Ministry of Women's Empowerment and Child Protection for the period 2020–2024, the five directives are as follows: 1. To increase women's empowerment in entrepreneurship. 2. To enhance the role of mothers and families in child education/parenting; 3. To reduce violence against women and children 4. To reduce child labor, and 5. To prevent child marriage. These directives signify the need for immediate action in handling the

risk of child marriage, given that Indonesia is one of the top 10 countries with the highest rates of child marriage globally.¹

One significant effort is raising the minimum marriage age for women from 16 to 19 years old, like men, as stated in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 on Marriage. This is followed by a further step taken through Law Number 12 of 2022 on Sexual Violence Crimes to prevent coerced marriage, which often happens in some areas of Indonesia, where children potentially fall victim.²

On the other hand, the amendment of the marriage law does not strictly prohibit child marriage. Instead, it still preserves the windows of marriage dispensation, allowing child marriage to be still officiated by the courts, which raises questions about the effectiveness of these measures in eliminating the practice. Marriage dispensation refers to a legal exception granted by the court in cases where prospective spouses do not meet the minimum age requirement for marriage as stipulated by law. This dispensation can only be requested by the parents of the prospective bride or groom under very urgent circumstances and must be supported by sufficient evidence. The number of dispensation applications stays relatively high, although it has declined in recent years. For instance, in 2020, the number of marriage dispensation applications in Indonesia reached 64,222 cases, decreasing to 52,095 cases in 2022.³ This descending trend continued, with applications falling to 32,400 cases in 2024 and further declining to 19,790 cases as of September 2025.⁴

¹ Badan Pusat Statistik (BPS), Badan Perencanaan Pembangunan Nasional (Bappenas), UNICEF, and Pusat Kajian Perlindungan Anak Universitas Indonesia (PUSKAPA), *Prevention of Child Marriage: Acceleration That Cannot Wait* (Jakarta: Badan Pusat Statistik, 2020).

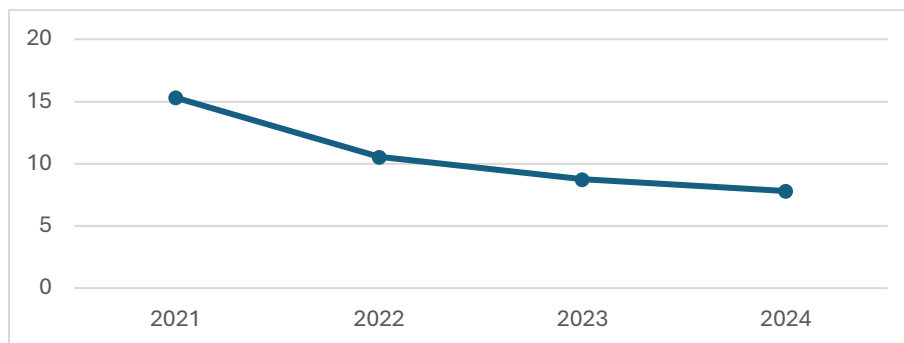
² Masthuriyah Sa'dan, "Menakar Tradisi Kawin Paksa di Madura dengan Barometer HAM," *Musāwa: Jurnal Studi Gender dan Islam* 14, no. 2 (2015): 143-56, <https://doi.org/10.14421/musawa.2015.142.143-156>; Dian Kemala Dewi, "Tradisi Kawin Tangkap Sumba dan Prespektif Undang-Undang RI Nomor 1 Tahun 1974 tentang Perkawinan," *Law Jurnal* 2, no. 2 (2022): 107-15, <https://doi.org/10.46576/lj.v2i2.1812>.

³ Direktorat Jenderal Badan Peradilan Agama, "Rekap Data Jenis Perkara Dispensasi Kawin Peradilan Agama Tahun 2022," *Direktorat Jenderal Badan Peradilan Agama*, March 26, 2026, https://kindsatker.badilag.net/JenisPerkara/perkara_persatker/362/2022.

⁴ Direktorat Jenderal Badan Peradilan Agama, "Dirjen Badilag: Dispensasi Kawin Menurun, Namun Waspadai Nikah di Bawah Tangan," *Direktorat Jenderal Badan*

However, the age limit for marriage will only be practical for registered marriages, not unregistered marriages (sometimes referred to as "kawin Siri" or "kawin bawah tangan"). Such marriages are often justified and legitimized through religious norms, particularly Islamic legal reasoning. In many communities, Islamic teachings are interpreted to allow marriage once a girl reaches puberty (*bāligh*). This interpretation is often linked to Qur'an 65:4, a verse discussing women who are divorced while no longer menstruating or who have not yet menstruated. However, some Islamic scholars agree that the verse is not intended to justify marrying underage girls.⁵

This issue is especially noticeable in South Kalimantan, where child marriage remains prevalent. According to BPSdata on women aged 20–24 who were married or living together before the age of 18, as can be seen in Figure 1, the province ranked fourth nationally in 2021. Although the proportion has gradually declined, from 8.74% in 2023 to 7.80% in 2024, South Kalimantan remained among the provinces with higher rates of early marriage.⁶



Peradilan Agama, November 24, 2025, <https://pta-bali.go.id/v1/dirjen-badilag-dispensasi-kawin-menurun-namun-waspadai-nikah-di-bawah-tangan/>.

⁵ Faqihuddin Abdul Kodir and Lies Marcoes Natsir, *Fikih Hak Anak: Menimbang Pandangan al-Qur'an, Hadis, dan Konvensi Internasional Untuk Perbaikan Hak-Hak Anak* (Jakarta: Yayasan Rumah Kita Bersama, 2022).

⁶ Badan Pusat Statistik, "Proporsi Perempuan Umur 20-24 Tahun Yang Berstatus Kawin Atau Berstatus Hidup Bersama Sebelum Umur 18 Tahun Menurut Provinsi (Persen), 2024," *Badan Pusat Statistik Indonesia*, March 25, 2025, <https://www.bps.go.id/id/statistics-table/2/MTM2MCMY/proporsi-perempuan-umur-20-24-tahun-yang-berstatus-kawin-atau-berstatus-hidup-bersama-sebelum-umur-18-tahun-menurut-provinsi.html>.

Figure 1. Proportion of Women Aged 20–24 Who Were Married or Living Together Before the Age of 18 in South Kalimantan (Percentage)

The reasons vary, ranging from love and out-of-wedlock pregnancy to destiny (*jodoh*). According to data from the Indonesian Supreme Court, South Kalimantan recorded 857 applications for marriage dispensation, with love being the most common reason (663 cases). Economic factors, which are often assumed to be the main cause, ranked second with 118 applications.⁷

Among these reasons, out-of-wedlock pregnancy remains one of the most sensitive and feared, as it is seen as the result of adultery, a grave sin in both religion and *adat*. According to the data above, there were 72 applications for this reason. This belief, deeply rooted in traditional norms, often leads to social stigma and *denda adat* (customary fines) in the form of money, labor, or goods as compensation for bringing shame to the family and the community.⁸

These cultural and moral pressures are reflected in local communities such as Berangas Timur Village in Barito Kuala and Cukan Lipai in Hulu Sungai Tengah Regency. Barito Kuala is a small settlement near Banjarmasin that continues to uphold strong *adat* and religious values. Here, local norms and social expectations play a major role in shaping family decisions, including when and whom a child should marry. Berangas Timur Village, located in Barito Kuala Regency near the urban center of Banjarmasin, is populated by 503 people, comprising 257 women and 246 men. The majority of its

⁷ Direktorat Jenderal Badan Peradilan Agama, “Kumpulan Dataset Perkara Peradilan Agama,” *Direktorat Jenderal Badan Peradilan Agama*, 2022, <https://pusatdata.badilag.net/perkara/Direktorilist>.

⁸ Ikhwan Fawwas, “An Analysis of Criminal Sanctions for Adultery Under Islamic Law and the National Legal System : A Study of Legal Pluralism in Indonesia,” *SYARIAT: Akhwal Syaksyah, Jinayah, Siyasah and Muamalah* 2, no. 2 (2025): 1–7, <https://doi.org/10.35335/7ckykk29>; Novea Elysa Wardhani et al., “Dayak Ngaju Customary Law’s Criminal Sanctions Against Perpetrators of Adultery in Palangka Raya,” *MEDIA SYARI’AH: Wahana Kajian Hukum Islam dan Pranata Sosial* 26, no. 1 (2024): 133–49, <https://doi.org/10.22373/jms.v26i1.19603>; Sugeng Muntaha and Ade Saptomo, “Comparison of Sanctions For The Crime of Adultery in Toraja Customary Law and National Law in Indonesia,” *Jurnal Hukum, Politik dan Ilmu Sosial* 3, no. 1 (2024): 341–49, <https://doi.org/10.55606/jhpis.v3i1.3385>.

residents are Muslims (417 people), with small minorities of Christians (20) and one Buddhist.⁹ The community is predominantly ethnically Banjar, which is reflected in their language, daily customs, and adherence to local norms and *adat*. Due to its proximity to the Barito River systems, river-based livelihoods and transport influence the local way of life. The educational attainment of the population shows a relatively broad distribution: 29.03% have completed elementary school, followed by 19.28% with junior high education and 3.18% holding a Diploma IV or university degree. However, a considerable portion (15.90%) have never attended school,¹⁰ indicating limited access to education and cultural barriers. Socioeconomically, the largest group of residents is homemakers (22.47%), followed closely by individuals who are unemployed or not working (22.07%) and students (22.07%). Others are engaged in entrepreneurship (14.51%) and private sector employment (9.74%). These figures suggest that despite proximity to an urban center, Berangas Timur retains rural characteristics in labor patterns and education outcomes, with *adat* and religion continuing to play a central role in shaping life trajectories, including perceptions of marriage readiness and gender roles.¹¹

On the other hand, Cukan Lipai is situated inland in Hulu Sungai Tengah Regency. The village is a semi-rural area located 175 kilometres from Banjarmasin. 100% of the population (1,623 people) adheres to Islam and practices the religion obediently. No other religions are recorded in the village. The main livelihood of the residents is rice farming, which employs approximately 82% of the population. The remaining villagers work as small-scale traders, agricultural laborers, transport service providers (drivers), plantation farmers, and a few as civil servants or retirees. There is no recorded data on the education levels attained by the villagers. However, only one public elementary school and the absence of junior or senior high schools or Islamic educational institutions within the village suggest

⁹ Pemerintah Desa Brangas Timur, "Data Kependudukan Berdasarkan Agama," *Pemerintah Desa Brangas Timur*, June 26, 2024, <https://desa-berangastimur.com/statistik-desa/agama>.

¹⁰ Pemerintah Desa Brangas Timur, "Data Kependudukan Berdasarkan Pendidikan," *Pemerintah Desa Brangas Timur*, June 26, 2024, <https://desa-berangastimur.com/statistik-desa/pendidikan>.

¹¹ Pemerintah Desa Brangas Timur, "Data Kependudukan Berdasarkan Pekerjaan," *Pemerintah Desa Brangas Timur*, June 24, 2024, <https://desa-berangastimur.com/statistik-desa/pekerjaan>.

that most residents attain only basic formal education. While access to higher educational facilities in nearby villages is considered "very easy," socio-economic limitations, particularly the village's dependence on rice farming, are likely to restrict continued schooling beyond the primary level. Available indicators, including school availability and occupational patterns, suggest that most adults likely completed only elementary education.¹² The community's firm adherence to religious and customary norms, combined with its semi-rural setting, plays a significant role in shaping local legal consciousness, particularly regarding marriage and family matters.

These two villages presented how social structures, economic conditions, and religious and customary norms shape communities' understanding of the law. In Berangas Timur, despite its proximity to Banjarmasin, women still face barriers to education and employment. In Cukan Lipai, rice farming and limited schooling shape marriage decisions. In both places, adat and religion influence how people view marriage and the law.

Child marriage remains a serious concern that threatens children's health, education, and future. Neither Berangas Timur nor Cukan Lipai is immune to this issue, which emerges from a convergence of poverty, restricted access to education, religious reasons, social and cultural pressures, and limited awareness of the long-term consequences of early marriage. The legal pluralism approach becomes essential in analyzing their legal consciousness, where national law, *adat* law, and Islamic law play a role. The central government has issued various policies and regulations to prevent child marriage, but their implementation at the local level often faces multiple obstacles. Tension usually arises when *adat* norms or religious leaders endorse early marriage, while state law prohibits it except via dispensation.¹³

¹² Badan Pusat Statistik Kabupaten Hulu Sungai Tengah, *Kecamatan Batang Alai Selatan dalam Angka 2025* (Hulu Sungai Tengah: Badan Pusat Statistik Kabupaten Hulu Sungai Tengah, 2025).

¹³ Muhammad Yousif, "Early Marriages in Lower-Income Countries : A Serious Threat to Maternal - Child Health and Economic Sustainable Development," *Sustainable Development*, 2025, 1-9, <https://doi.org/10.1002/sd.70207>; Arne Huzaimah et al., "Disregarding the Reproductive Rights of Women in Child Marriage in Indonesia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 2 (2023): 1097-1120, <https://doi.org/10.22373/sjhk.v7i2.17392>; Wawan Hermawan et al., "Implementing Islamic Law in Diaspora Naturalization: A Middle East, Southeast Asia, and West,"

A number of studies have discussed child marriage in Indonesia, mostly focusing on its impacts rather than its socio-legal aspects. Huzaimah et al. and Yousif show that young mothers and their infants face various health problems, from maternal complications to mental health issues, rooted in the neglect of children's reproductive rights. Cameron also notes that early marriage not only affects young women, but it also affects young men, who often have lower education, limited access to formal work, and poorer well-being.¹⁴ Other studies highlight that the persistence of child marriage cannot be explained by economic factors alone. Research in East Java demonstrates that sociocultural conditions, such as limited education and patriarchal norms that normalise early marriage for girls, play a significant role in sustaining the practice. Rather than securing girls' futures, early marriage has been shown to expose them to heightened risks of psychological stress and domestic abuse within marriage.¹⁵

Meanwhile, a study using the Child Marriage Acceptability Index (CMAI) in South and Central Sulawesi found that even though most respondents disagreed with marrying girls under 18, many still supported patriarchal values such as male authority and female obedience.¹⁶

AHKAM: *Jurnal Ilmu Syariah* 25, no. 1 (2025): 71-86, <https://doi.org/10.15408/ajis.v25i1.41465>.

¹⁴ Lisa Cameron, Diana Contreras Suarez, and Susan Wieczkiewicz, "Child Marriage: Using the Indonesian Family Life Survey to Examine the Lives of Women and Men Who Married at an Early Age," *Rev Econ Household* (2023) 21, no. 3 (2023): 725-56, <https://doi.org/10.1007/s11150-022-09616-8>; Yayan Sopyan et al., "Child Exploitation by Parents in Early Marriage: Case Study in Cianjur West Java, Indonesia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 3 (2023): 1921-42, <https://doi.org/10.22373/sjhk.v7i3.14804>.

¹⁵ Nadia Egalita, "The Causes and Impacts of Early Marriage: The Ordeal of Girls in East Java, Indonesia," *Sociologia, Problemas e Práticas* 101, no. 1 (2023): 71-94, <https://doi.org/10.7458/SPP202310126851>; Nurul Husna et al., "Children Citizenship Status of Acehnese-Rohingya Mixed Marriage in Aceh: *Maqāṣid Shari'ah* Perspective," *Al-Ahkam* 34, no. 1 (2024): 169-92, <https://doi.org/10.21580/ahkam.2024.34.1.20162>.

¹⁶ Muliani Ratnaningsih et al., "Child Marriage Acceptability Index (CMAI) as an Essential Indicator: An Investigation in South and Central Sulawesi, Indonesia," *Global Health Research and Policy* 32, no. 7 (2022): 1-12, <https://doi.org/10.1186/s41256-022-00252-4>; Syarif et al., "Negotiating Sacred Law: Qur'anic Hermeneutics, Legal Pluralism, and Interfaith Marriage in Muslim-Majority Countries," *Syariah: Jurnal Hukum dan Pemikiran* 25, no. 2 (2025): 379-401, <https://doi.org/10.18592/sjhp.v25i1.18166>.

Some studies pointed out that child marriage happens within a complex legal setting where state law, religion, and adat intersect. Research on the *bunting lolo* tradition in the Spermonde Islands (*Kodingareng* and *Pangkajene*) of South Sulawesi and *Merariq* in Lombok shows how early marriage is still legitimized through religious and cultural reasoning despite legal restrictions.¹⁷ Wilkinson et al. further explain that many religious leaders view marriage as a moral duty and support it as a way to maintain morality and family honor.¹⁸

These studies show a continuing tension between state law, Islamic legal interpretation, and local customs (*adat*). However, few have explored how communities actually live and negotiate these overlapping systems. This study addresses that gap by examining how people in South Kalimantan interpret and balance state, Islamic, and *adat* laws in their everyday lives. Drawing from this legal pluralism perspective, this study recognizes the co-existence of state law, *adat*, and religious norms in shaping legal consciousness. Islamic law, as also acknowledged in the *Kompilasi Hukum Islam* and applied by the religious courts, provides a formal legal basis for marriage among Muslims. However, interpretations of Islamic obligations often differ between formal religious authorities and local community practices.

Existing research has highlighted the health, educational, socio-economic, and moral dimensions of child marriage, yet it has paid less attention to how communities navigate overlapping legal systems in everyday life. This article contributes to socio-legal scholarship by demonstrating that, in South Kalimantan, families, religious leaders,

¹⁷ Abd Kadir Ahmad et al., "Bunting Lolo : The Dialectics of State , Islamic Law , and Culture in Marriage Practice among Island Communities in South Sulawesi," *AL-IHKAM: Jurnal Hukum dan Pranata Sosial* 18, no. 2 (2023): 443-66, <https://doi.org/10.19105/al-lhkam.v18i2.10399> Bunting; Ahmad Fathan Aniq, "Potensi Konflik pada Tradisi Merarik di Pulau Lombok," *Al Qalam: Jurnal Keagamaan dan Kemasyarakatan* 28, no. 3 (2011): 1-26, <https://doi.org/10.32678/alqalam.v28i3.890>; Jumarim, Ilyya Muhsin, and Muhammad Chairul Huda, "The Interplay of Fiqh, Adat, and State Marriage Law: Shaping Legal Consciousness of Sasak Women," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 19, no. 2 (2024): 27-52, <https://doi.org/10.19105/al-lhkam.v19i1.10522>.

¹⁸ Olivia Wilkinson et al., "A Social Norms Analysis of Religious Drivers of Child Marriage," *Global Health: Science and Practice* 12, no. 2 (2024): 1-7, <https://doi.org/10.9745/GHSP-D-23-00339>; Muslim Zainuddin, "The Cancellation of The Weddings for Pre-Marriage Pregnancy Women: An Evaluation of Decision 24/Pdt.G/2020/Ms. Ban," *El-Ussrah: Jurnal Hukum Keluarga* 6, no. 1 (2023): 44-53, <https://doi.org/10.22373/ujhk.v6i1.19859>.

and local officials strategically move between state law, Islamic values, and adat norms, treating formal legal rules as flexible options rather than fixed obligations.

By examining two villages with distinct social and geographic characteristics in South Kalimantan, this study shows that child marriage is not simply a product of legal ignorance or resistance, but is grounded in moral reasoning shaped by religious authority, family responsibility, and social expectations. State marriage law is generally well-known, yet it is approached pragmatically; used, delayed, or avoided depending on how well it aligns with local moral frameworks. This challenges assumptions that legal reform alone can transform marital practices and underscores the need to understand how law gains or loses authority at the community level.

Conceptually, this article contributes to socio-legal scholarship by showing how legal pluralism operates not only through formal institutions but also through everyday judgments about readiness, morality, and legitimacy. It extends legal consciousness theory by illustrating that engagement with law in intimate matters such as marriage is mediated by religious and adat norms, rather than framed simply as obedience or resistance to state authority. In doing so, it highlights prevention strategies that align with local moral frameworks, rather than relying solely on top-down, normative law.

Methods

A qualitative research method was employed, combining in-depth interviews and focus group discussions (FGDs) within a socio-legal approach to examine how marriage law operates and is perceived in everyday life in South Kalimantan. Primary data were collected through qualitative interviews and group discussions with village officials, community leaders, religious figures, and parents.

Given the sensitivity of child marriage as a research topic, the study experienced difficulties in accessing underage couples or their parents as direct respondents. Child marriage is widely regarded as a private family matter, and family relations are often revealed within closed doors that are not easily accessible to researchers. As noted by Gelles, the family constitutes a complex social institution that is

methodologically difficult to study because interactions occur behind closed doors and outside public observation.¹⁹

Fieldwork was conducted in two phases. The first phase took place in 2022 in Cukan Lipai, Hulu Sungai Tengah, and relied on semi-structured interviews and observation. The second phase, conducted in 2024 in Berangas Timur, utilized focus group discussions (FGDs) to encourage wider community participation. FGDs were chosen; the group setting provided a more comfortable space for villagers to share their experiences and express their views on the issue. It also allows participants to share and compare their views, reflect on different experiences, and identify which issues they consider most important.²⁰ This group setting was especially useful for exploring how villagers understand and negotiate moral, religious, and legal issues related to child marriage, particularly where individual interviews might limit openness.

Table 1 and Table 2 show detailed data about participants engaged in this research.

Table 1. Cukan Lipai Research Participants

| Code | Village | Gender | Role/Status | Age Range |
|-------|-------------|--------|--|-----------|
| CL-M1 | Cukan Lipai | Male | Village secretary | 40–50 |
| CL-F2 | Cukan Lipai | Female | Parent | 30–40 |
| CL-M3 | Cukan Lipai | Male | Penghulu kampung (informal marriage officiant) | 50–60 |
| CL-M4 | Cukan Lipai | Male | Husband | 21 |

¹⁹ Richard J Gelles, “Methods for Studying Sensitive Family Topics,” *American Journal of Orthopsychiatry* 48, no. 3 (1978): 1–44, <https://doi.org/10.1111/j.1939-0025.1978.tb01331.x>; Muljan et al., “Preventing Child Marriage in Bone District, South Sulawesi: Perspective of Islamic Family Law,” *El-Ussrah: Jurnal Hukum Keluarga* 7, no. 1 (2024): 110–27, <https://doi.org/10.22373/ujhk.v7i1.22482>; Rosdalina Bukido et al., “The Resilience of Blind Families in Building a Sakinah Family: Adaptive Strategies and the Role of Islamic Values,” *Nurani* 25, no. 2 (2025): 399–425, <https://doi.org/10.19109/nurani.v25i2.27276>.

²⁰ David L Morgan, Richard A Krueger, and Jean A King, *The Focus Group Guidebook* (London: Sage Publication, Inc, 1998), 5.

| | | | | |
|-------|-------------|--------|--------------------------|---------|
| CL-F4 | Cukan Lipai | Female | Young bride | 18 |
| CL-M5 | Cukan Lipai | Male | Religious Court Official | 40 - 50 |

Table 2. Berangas Timur Focus Group Participants

| Code | Participant Category | Gender Composition | Age Range | Number of Participants |
|-------|--|-------------------------|-------------|------------------------|
| BT-RL | Religious Leaders (<i>Tuan Guru</i>) | 5 Male | 55–70 years | 5 |
| BT-VL | Village Leader | 1 Male | 55 years | 1 |
| BT-VO | Village Officers | 3 Female, 2 Male | 30–55 years | 5 |
| BT-PR | Villagers (Parents) | Mixed (Male and Female) | 35–55 years | 25 |

This study adopts a participatory qualitative research approach, emphasizing dialogue, contextual interpretation, and the shared construction of meaning through interaction with community members. Fundamentally, this approach aims to make sure that participants can express their views and feel that their experiences and perspectives are taken seriously and listened to throughout the research process.²¹ Vaughn and Jacquez emphasized that rather than treating people as research subjects, participatory research involves community members and other relevant actors as contributors to the research process.²² In addition to interviews and FGD, observations were made during community interactions to better understand the social contexts in which decisions around child marriage are made.

²¹ Tineke Abma et al., *Participatory Research for Health and Social Well-Being* (London: Springer, 2019); Lisa M Vaughn and Farrah Jacquez, "Participatory Research Methods - Choice Points in the Research Process," *Journal of Participatory Research Methods* 1, no. 1 (2020): 1–14, <https://doi.org/10.35844/001c.13244>.

²² Vaughn and Jacquez, "Participatory Research Methods - Choice Points in the Research Process."

Results and Discussion

Negotiating Child Marriage Across State, Islamic, and Adat Laws

The practice of child marriage in Cukan Lipai Village demonstrates how various legal systems—state, religious, and *adat*—interact within one social field. Although the Marriage Law No. 1 of 1974, amended by Law No. 16 of 2019, stipulates the minimum age of 19 years for both men and women, this regulation does not function independently in daily life.

During interviews, CL-F4, who had been married at the age of 16, recounted her experience;

“At the time, we weren’t old enough, so we first did a religious marriage with the village *penghulu*. We planned to register it at the KUA later once we had the documents.”
(Interview excerpt, 9 October 2022-translated).

Her testimony illustrates that *Kawin Siri* is viewed by villagers as sufficiently legitimate for both family and community purposes. Legal registration is understood merely as an administrative matter rather than a determinant of validity.

CL-M1 expressed a similar view;

“If someone wants to marry underage, we usually refer them to the KUA. But if they still choose to do a *kawin siri*, that’s the family’s responsibility. We can’t forbid it.”
(Interview excerpt, 8 October 2022-translated).

These statements reveal the limited role of village government in enforcing the national marriage law. Officials tend to act as facilitators rather than enforcers, deferring to family and religious decisions. CL-M4 added that their marriage had been solemnized by an informal *penghulu* outside the state system:

“We asked a *penghulu* that our family usually goes to. Our parents agreed, so we just went ahead with it.” (Interview excerpt, 8 October 2022-translated).

The perception that formal legality is distant was summarized again by the CL-M1;

“The law is good, but sometimes it feels like it only applies to people in big cities, like in Jakarta. Here, it’s different. Parents have their own way of judging whether a child is ready to marry or not.” (Interview excerpt, 8 October 2022-translated).

At the institutional level, CL-M3, the Head of the Religious Affairs Office (KUA) in Barabai, acknowledged the same challenge;

“We follow the rules, but if a couple comes without documents or wants to do *kawin siri* first, we guide them. Some end up getting a dispensation in court, but others don’t.” (Interview excerpt, 14 October 2022-translated).

These empirical accounts show that local marriage practices operate semi-autonomously from state law. The *penghulu kampung* serves as a religious authority whose role often replaces that of formal state officials. This condition mirrors what Sally Falk Moore calls a semi-autonomous social field, in which communities produce and enforce their own norms while still residing under the jurisdiction of the state.²³ Religious and familial legitimacy are thus more binding than formal registration, confirming Griffiths’ notion of *strong legal pluralism* where several normative orders coexist without clear hierarchy.²⁴

A similar pattern appears in Berangas Timur, a semi-urban village near Banjarmasin, although the form of social reasoning differs. During focus group discussions, participants framed child marriage not primarily as a question of legal compliance, but as a question of moral responsibility. This was evident when, at the beginning of the FGD, BT-RL asked:

“Who is to be blamed when child marriage happens?” (FGD excerpt, 26 June 2024-translated).

²³ Sally Falk Moore, “Legal Pluralism as Omnium Gatherum,” *FIU Law Review* 10, no. 5 (2014): 1–15, <https://doi.org/10.25148/lawrev.10.1.5>.

²⁴ Helene Maria Kyed, *Legal Pluralism in Myanmar* (Oxford: Oxford University Press, 2024), 5.

This question reflects an internal moral dilemma rather than a legal one. Rather than focusing on statutory age limits or state accountability, the question shifts the discussion toward moral fault and social responsibility within families and communities. In explaining this view, one BT-PR stated:

“Marriage is *takdir*, destiny written by God. Especially when signs of maturity like menstruation or *mimpi basah* (nocturnal emission) already appear, regardless of age.” (FGD excerpt, 26 June 2024-translated).

Another BT-PR added:

“It’s the way to keep the honor of the family and prevent adultery.” (FGD excerpt, 26 June 2024-translated).

And another BT-PR:

“If a religious leader delivers the message, people are more likely to listen.” (FGD excerpt, 26 June 2024-translated).

Taken together, these statements demonstrate that early marriage is often justified through moral and religious reasoning, where biological signs of maturity and the belief in destiny are prioritized over statutory age requirements. Responsibility for early marriage is therefore primarily discussed in ethical and religious terms, rather than through reference to the marriage law. The excerpts also suggest that authority over marriage decisions is perceived as being less with the state and more with religious leaders. In this context, legal norms seem to have more influence when communicated through figures who hold moral and religious legitimacy within the community, supporting the view that law becomes effective when translated into locally meaningful religious discourse.

Participants repeatedly returned to puberty markers (menstruation, wet dream) as the determining test of readiness, while marriage is regarded as a means of preventing zina and preserving family reputation. As a result, early marriage is framed as a moral

solution to perceived social and religious risks, rather than as a legal violation.

These patterns of reasoning and their implications for marriage decisions are summarised in Figure 2.

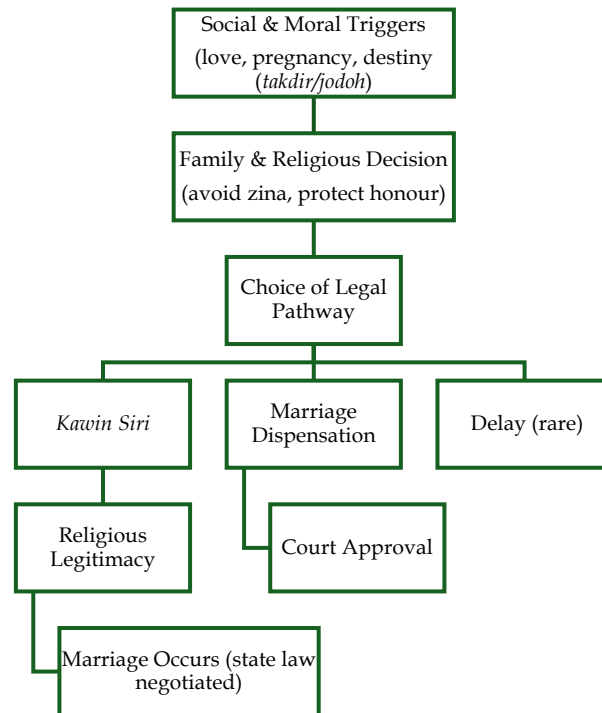


Figure 2. Social and Legal Pathways of Child Marriage in South Kalimantan

Nevertheless, as illustrated in Figure 2, there remains space for negotiation within these moral frameworks. As noted by participants, messages about the risks of early marriage would be more effective if delivered by *tuan guru* or respected religious leaders. This supports

Sally Engle Merry's argument that law becomes meaningful only when vernacularized, translated into local religious and cultural discourse.²⁵

Both Cukan Lipai and Berangas Timur exemplify the coexistence of multiple normative systems that shape the practice of marriage. Yet the emphases differ. In Cukan Lipai, early marriage is mainly a practical response to economic difficulties and family needs. In Berangas Timur, it is more strongly justified by moral and religious reasons. In both villages, state law is seen as distant and negotiable rather than binding.

This pattern supports MB Hooker's observation that legal pluralism is most visible where the state formally recognizes but weakly enforces multiple legal systems.²⁶ Indonesia's marriage framework, particularly Article 2 of Law No. 1/1974, affirms that marriage is valid if conducted according to each couple's religion and belief, thus institutionalizing plural legality. Consequently, families often rely on *adat* and Islamic norms as living law (*hukum yang hidup dalam masyarakat*) to navigate marital decisions.

The persistence of *kawin siri* and the reliance on religious approval presented the fluid boundaries between law on the books and law in action. The KUA's tolerant stance toward unregistered marriages further confirms that formal institutions themselves participate in this negotiated pluralism. Similar findings were observed by Bowen, who noted that Islamic legal reasoning in Indonesia operates as a set of social practices continuously adapted to local contexts.²⁷

In both communities, early marriage is shaped not only by religious interpretations but also by socioeconomic factors such as limited education, economic insecurity, and fear of social stigma. These conditions strengthen the belief that early marriage is a practical solution and a morally safer choice. Therefore, prevention efforts need to work within the existing plural legal context, rather than relying solely on formal legal restrictions.

²⁵ Mark Goodale and Sally Engle Merry, *The Practice of Human Rights: Tracking Law between the Global and the Local*, Cambridge Studies in Law and Society (Cambridge: Cambridge University Press, 2007).

²⁶ M. B. Hooker, *Legal Pluralism: An Introduction to Colonial and Neo-Colonial Laws* (Oxford: Clarendon Press, 1975), 6.

²⁷ John Richard Bowen, *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* (Cambridge: Cambridge University Press, 2003), 9.

To conclude, the evidence from Cukan Lipai and Berangas Timur confirms that legal pluralism in Indonesia functions not only as a legal arrangement but as a part of everyday life. Community decisions about marriage are shaped more by religious and *adat* values, along with pragmatic considerations, than by national law. Recognizing this reality implies that efforts to prevent child marriage must engage the moral and cultural frameworks that sustain it. Collaboration among religious leaders, *adat* figures, and state institutions is essential to bridge the gap between legality and lived norms, ensuring that the law is not merely written for “people in Jakarta” but resonates with everyday lives in South Kalimantan.

Legal Consciousness and the Social Construction of Marital Readiness

Building on the empirical patterns described above, this section analyses how these practices reflect distinct forms of legal consciousness. In both Cukan Lipai and Berangas Timur, marital readiness is not primarily defined by the minimum legal age set by the state, but by everyday assessments grounded in family authority, religious morality, and social urgency. Community members tend to associate readiness with physical maturity, moral risk, and relational circumstances rather than by legal criteria. As a result, marriage decisions are often made before legal considerations.

Using Ewick and Silbey’s framework, the empirical data reveal three distinct orientations: (1) Before the law: parents and elders who defer primarily to religious and family authority without actively engaging state procedures; for instance, families in Cukan Lipai who proceed with kawin siri because they see parental duty and religious approval as sufficient. (2) With the law: families who strategically use state mechanisms, such as seeking isbat nikah or marriage dispensation when it is seen as beneficial. (3) Against the law: rather than open resistance, the data show pragmatic non-compliance, where legal rules are acknowledged but quietly avoided when they are perceived as misaligned with urgent moral or social concerns.

In Cukan Lipai, readiness for marriage is commonly understood through informal norms such as biological signs, family approval, and the perceived urgency to avoid social stigma. Although the Marriage Law has already changed the minimum marriage age to

19 years, this legal standard is often interpreted as a negotiable rule. CL-F2 stated:

“Yes... But I have been told that if it was close enough [to 19] so it was fine [to marry].” (Interview excerpt, 9 October 2022-translated).

Her statement shows that she was aware of the legal rule, but also believed that being close to the legal age made the rule flexible. She and her husband therefore chose a *kawin siri*, viewing the formal legal process as too slow for their situation. This decision was largely shaped by the bride’s mother, who worked far from the village and worried about her daughter’s safety. For her, marrying her daughter to a man with good religious character was a moral duty that mattered more than legal formality.²⁸ As a result, readiness for marriage was defined not by legal age but by parental responsibility, religious values, and a sense of protection.

This pattern reflects a strategic use of law rather than a rejection of it. They decided to go around the law. Legal rules are recognized, but viewed as flexible when they do not respond to urgent moral or social concerns. This practice shows a form of legal consciousness in which law is present, but is approached pragmatically instead of being fully accepted as binding.²⁹

In Cukan Lipai, marriage is widely seen as a moral obligation once a relationship becomes public. When a couple is known to be *pacaran* (dating), families often feel pressure to arrange a marriage to avoid gossip and accusations of *zina* (fornication). Justifications generally include protecting family reputation, preventing immoral behavior, or the presence of a suitable partner. In this context, moral expectations, rather than legal age or legal capacity (*al-ahliyyah*), define readiness for marriage. This reflects another form of legal consciousness, “before the law” orientation, in which parental, religious, and community authority is rarely questioned, and individual agency, especially for girls, remains limited.³⁰

²⁸ CL-F2, Parent, *Interview*, October, 2022.

²⁹ Patricia Ewick and Susan S. Silbey, *The Common Place of Law: Stories from Everyday Life* (Chicago: University of Chicago Press, 1998), 131.

³⁰ Ewick and Silbey, *The Common Place of Law: Stories from Everyday Life*.

At the same time, some legal awareness is present. The groom in the same case acknowledged the importance of formal marriage registration for future legal matters, such as administrative status and rights.³¹ However, this awareness did not turn into immediate compliance. Instead, the law was treated instrumentally, valued for its benefits rather than its protective basis. Religious Court official further noted that families often prefer *isbat nikah* (marriage validation) after the fact rather than applying for marriage dispensation, as it is perceived as simpler and more familiar.³² These practices reveal a negotiated relationship with law, where legality is respected within institutional spaces but remains secondary in everyday decision-making.

Similar patterns emerge in Berangas Timur. As mentioned earlier, participants indicated that marital readiness is commonly assessed through biological signs, such as menstruation in girls and nocturnal emissions in boys, rather than legal age or psychosocial readiness.

Parents and elders in Berangas Timur often view early marriage as a moral safeguard, intended to prevent *zina*, avoid gossip, and protect family honor. These justifications place religious morality and social judgment above the normative law, reinforcing a “before the law” mode of legal consciousness. The law is acknowledged as existing, but not regarded as the highest authority guiding intimate and familial decisions.³³

Resistance to legal norms, however, is not absolute. Several participants noted that messages promoting delayed marriage would be more effective when conveyed by respected religious leaders rather than government officials, given their moral authority and social influence. While not directly stated in the FGD, prior studies (Kingsley) and broader observations in similar Muslim communities suggest that religious authority often has greater influence on everyday life than the state.³⁴

³¹ CL-M4, Husband, *Interview*, October, 2022.

³² CL-M5, Religious Court Official, *Interview*, November, 2022.

³³ Ewick and Silbey, *The Common Place of Law: Stories from Everyday Life*.

³⁴ Jeremy Jacob Kingsley, “Tuan Guru, Community and Conflict in Lombok, Indonesia” (University of Melbourne, 2010), 14, https://minerva-access.unimelb.edu.au/bitstream/handle/11343/35693/265281_Jeremy_Kingsley_Master_Thesis_Submission_Version_Final.pdf?sequence=1; Nur Avita, Ahmad Rusyaid

Although community discussions often focused on puberty, family honor, or fear of *zina*, these concerns can also be understood within broader Islamic values. In Islamic jurisprudence, the concept of *maqāṣid asy-syari'ah* highlights the importance of protecting life, intellect, and human dignity. While community members did not explicitly refer to this concept, their concerns reflect a shared desire to keep young people safe and morally secure. This creates room for interpretations of Islamic law that support delaying marriage as a way to achieve these protective aims, especially when such messages are delivered by trusted religious leaders. This opens the door to compromise, especially when the law is explained through religious principles that communities already believe.

For instance, participants suggested that *if* the religious leaders were to explain that delaying marriage protects a girl's intellectual development (*'aql*), a key *maqāṣid*-based value, such an argument would be more influential than state law citations of health risks. This suggests that vernacularising rights-based prevention efforts through *maqāṣid*-oriented Islamic reasoning could provide a bridge between statutory reform and community values.

This process showed that in Berangas Timur, legal understanding is present but shaped through religious interpretation, *adat* norms, and social reasoning. Islamic legal reasoning, therefore, serves both as a source of moral legitimacy and an instrument that allows communities to negotiate between religious expectations and legal limits. In matters of marriage and family, which are the areas closely connected to identity and spirituality, religious authority often carries greater weight than state regulation, a pattern also noted by Prodjodikoro.³⁵

Structural factors further shape this form of legal consciousness. Economic vulnerability, limited educational access, and weak legal outreach at the village level contribute to the view that early marriage is the most practical available option. In these conditions, formal law is often seen as secondary to immediate concerns of survival and social stability. Village governments often lack sufficient resources and

Idris, and Frina Oktalita, "Integration of Tradition and Sharia: Dowry and Dui Menre in the Marriage of the Bugis Community in Bone Regency Nur," *El-Mashlahah* 12, no. 2 (2022): 124–38, <https://doi.org/10.23971/elma.v12i2.4712>.

³⁵ R. Wirjono Prodjodikoro, *Hukum Perkawinan di Indonesia* (Jakarta: Sumur Bandung, 1966), 18.

coordination to sustain legal awareness initiatives, making state legal norms difficult to integrate into everyday decision-making.

Viewed together, the cases of Cukan Lipai and Berangas Timur show that legal consciousness around child marriage is deeply rooted in local moral frameworks. Early marriage is commonly understood not as a legal violation, but as a socially accepted, and at times necessary, response to moral anxiety, economic pressure, and family responsibility. Strong cultural norms linking early marriage to moral protection and family honor still exist, limiting the effectiveness of legal reform.

Addressing child marriage, therefore, requires more than formal legal enforcement. It must engage with social realities by involving religious leaders, *adat* authorities, and trusted community figures who can translate legal norms into culturally meaningful messages. Expanding educational and economic opportunities for girls is equally important, as it provides families with realistic alternatives to early marriage. Strengthening village governance and cross-sector coordination can further support long-term change.

Conclusion

This study shows that communities in Cukan Lipai and Berangas Timur define readiness for marriage through religious, *adat*, and familial perspectives rather than through the state's legal age requirements. The people's understandings of law are shaped by overlapping legal systems: state law, religion, and *adat*, which often point in different directions. Child marriage is commonly justified through interpretations of Islamic teachings, *adat* values, and concerns about *zina*, while formal law is often experienced as distant from everyday decision-making around marriage within families and communities.

At the same time, the findings reveal spaces of negotiation, particularly where religious leaders advance interpretations consistent with *maqāṣid asy-syarī'ah*. These dynamics suggest that legal reform alone is unlikely to be effective unless it engages with the moral and social frameworks that guide family decision-making. Instead, efforts must work with the real lives communities live, involving religious leaders, teachers, and local officials who already have people's trust. If religious leaders were to explain that delaying marriage helps girls learn and grow stronger, or when families see real educational

opportunities for their daughters, they are more likely to support later marriage. Approaches that rely primarily on top-down legal enforcement, without attention to why families turn to *kawin siri* and early marriage, risk overlooking the social and moral dynamics that shape these decisions.

This study is limited by its geographic focus and its reliance on adult perspectives, as ethical considerations restricted engagement with underage participants. Nevertheless, it contributes to socio-legal debates on legal pluralism and legal consciousness by demonstrating that legal authority in family matters is shaped through everyday moral reasoning rather than formal law alone. Where religion and custom play a central role, statutory rules may be recognised yet subordinated to moral norms, underscoring the importance of how law is interpreted and translated within local moral frameworks. Future research should explore how adolescents themselves perceive marital readiness and legal norms, particularly in contexts where family control and moral expectations strongly influence their choices.

Acknowledgment

The authors gratefully acknowledge the support of the *Lembaga Penelitian dan Pengabdian Masyarakat* (LPPM/Institute for Research and Community Service) and the Faculty of Law of Universitas Lambung Mangkurat, Banjarmasin, for providing the research funding and institutional assistance that made this study possible. Their continued encouragement and facilitation of socio-legal research are deeply appreciated.

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