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The Practice Of Underage Marriage In Bathin VIII District Positive Legal Perspectives And Islamic Law

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Abstract: This study aims to reveal the problem of underage marriage and how according to positive law and Islamic law on this matter, with sub-focuses including: (1) Explanation of the practice of underage marriage in Bathin VIII District, Sarolangun Regency. (2) An explanation of the causes of the practice of underage marriage in Bathin VIII District, Sarolangun Regency. (3) An explanation of the perspective of positive law and Islamic law on underage marriage in Bathin VIII District, Sarolangun Regency. This study uses a descriptive qualitative research method with a variety of casuistic research. Data was collected by using in-depth interviews, observation, and documentation techniques. The data analysis technique uses interactive analysis with a cyclical interactive model. The results showed that there were three findings. First, underage marriages that occurred in Bathin VIII District, Sarolangun Regency. is a tradition that often occurs among the majority of people, so that underage marriages often occur because they think that as long as the marriage is religiously valid and the family's parents also agree, the marriage can be carried out by ignoring several things related to marriage , including the physical and psychological children and also laws. Second, the factors for the occurrence of underage marriages are low education, economic factors, and being influenced by the surrounding environment, keeping children from things that are not wanted, people have already been proposed to so "pamali" if rejected and feared that it will be difficult to get a mate afterwards, emergency forced by parents and community traditions, and coercion on the part of parents and family than he does something that he does not want, it is better for him to get married. Third, the positive legal perspective of Indonesia through Law Number 16 of 2019 concerning Marriage has determined the minimum age for marriage to be allowed, namely 19 years for women and 19 years for men. If the prospective bride and groom have not reached the minimum age, the relevant parties must arrange marriage dispensation at the local Religious Court. Islamic law through the Compilation of Islamic Law (KHI) has determined the minimum age for marriage so that the prospective bride and groom reach maturity of body and soul, in order to realize the goal of a good marriage. and coercion on the part of parents and family than he does something that he does not want, it is better for him to get married. Third, the positive

legal perspective of Indonesia through Law Number 16 of 2019 concerning Marriage has determined the minimum age for marriage to be allowed, namely 19 years for women and 19 years for men. If the prospective bride and groom have not reached the minimum age, the relevant parties must arrange marriage dispensation at the local Religious Court. Islamic law through the Compilation of Islamic Law (KHI) has determined the minimum age for marriage so that the prospective bride and groom reach maturity of body and soul, in order to realize the goal of a good marriage. and coercion on the part of parents and family than he does something that he does not want, it is better for him to get married. Third, the positive legal perspective of Indonesia through Law Number 16 of 2019 concerning Marriage has determined the minimum age for marriage to be allowed, namely 19 years for women and 19 years for men. If the prospective bride and groom have not reached the minimum age, the relevant parties must arrange marriage dispensation at the local Religious Court. Islamic law through the Compilation of Islamic Law (KHI) has determined the minimum age for marriage so that the prospective bride and groom reach maturity of body and soul, in order to realize the goal of a good marriage. the positive legal perspective of Indonesia through Law Number 16 of 2019 concerning Marriage has determined the minimum age for marriage to be allowed, namely 19 years for women and 19 years for men. If the prospective bride and groom have not reached the minimum age, the relevant parties must arrange marriage dispensation at the local Religious Court. Islamic law through the Compilation of Islamic Law (KHI) has determined the minimum age for marriage so that the prospective bride and groom reach maturity of body and soul, in order to realize the goal of a good marriage. the positive legal perspective of Indonesia through Law Number 16 of 2019 concerning Marriage has determined the minimum age for marriage to be allowed, namely 19 years for women and 19 years for men. If the prospective bride and groom have not reached the minimum age, the relevant parties must arrange marriage dispensation at the local Religious Court. Islamic law through the Compilation of Islamic Law (KHI) has determined the minimum age for marriage so that the prospective bride and groom reach maturity of body and soul, in order to realize the goal of a good marriage.

Keywords: Underage Marriage Practices, Positive Law, Islamic Law

INTRODUCTION

With the advancement of human civilization, problems in the field of law are also developing, especially the problem of marriage which is one of the legal behaviors that have been institutionalized in people's lives. Marriage is the most important factor, one of the bonds of life, and is an integral part of Indonesian society. Not only that, marriage also involves legal issues, namely legal, religious and social issues.

Not only that, we cannot expect those who are not physically and spiritually mature, but in maturity and responsibility, as well as people who are physically and spiritually mature, can successfully marry at a young age. Therefore, marriage must be based on careful preparation. Because emotional maturity is a very important aspect in maintaining the continuity of marriage. Everyone who wants to get married dreams that family is a heaven on earth that can soothe the soul in it. In addition, marriage is also a very sacred covenant. To achieve this goal there needs to be rules, but that doesn't mean there are rules to curb the Ummah, but more profit.

Underage marriage is a social problem that is influenced by traditions and culture in community groups. In human life as social beings can always be connected to various social problems. Social problems are parts that cannot be separated from human life itself because social problems have been realized as a result of human culture itself.

So maturity is one of the most important factors in marriage preparation, because the measure of every action and responsibility is maturity. With regard to maturity, there is no verse explicitly explaining the limits for marriage. However, if reviewed, there is a verse in the Qur'an that has a correlation with this, which says that in order to get married one must be of age first. However, it is not stated at what age a person is declared old enough.

وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ ۖ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَن يَكْبُرُوا ۗ وَمَنْ كَانَ غَنِيًّا فَلْيَسْعِفْ ۚ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ ۗ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهِدُوا عَلَيْهِمْ ۗ وَكَفَىٰ بِاللَّهِ حَسِيبًا
And test the orphans until they are old enough to marry. Then if in your opinion they are intelligent (good at maintaining wealth), then hand over to them their wealth. And do not eat it (the orphan's property) beyond the limits of propriety and (do not) be in a hurry (hand it over) before they grow up. Whoever (among the caretakers) is able, then let him refrain (from eating the orphan's property) and whoever is poor, then let him eat the property according to the proper way. Then, when you hand over the treasure to them, then behold witnesses. And Allah is sufficient as a supervisor for that testimony. (QS An-Nisa/4:6)

The Qur'an gives a signal that the person who is going to get married must be someone who is worthy, competent and capable. As Allah says in the Qur'an Surah An-Nur (24) Verse 32

"And marry those who are ready among you, and those who are worthy (to marry) from your male slaves and your female slaves with His bounty. And Allah is Extensive (His Gift) and All-Knowing.

One of the socio-cultures that are still inherent in the Bathin VIII sub-district is the practice of underage marriage through matchmaking or the will of both parties carried out by parents, and is influenced by environmental factors, regardless of the laws that have been determined by the government, and following the existing traditions.

Sarolangun Regency, based on data on cases of marriage dispensation in the Sarolangun Religious Court, experienced a very high increase in 2020, precisely after the ratification of Law No. 2021, and 2022. (sipp.pa-sarolangun.go.id)

Table 1. Case List of Civil Cases requesting Dispensation for Marriage at the Sarolangun Religious Court in 2019, 2020, 2021 and 2022

No	Amount	Year	Information
1	34	2019	Marriage Dispensation
2	150	2020	Marriage Dispensation
3	140	2021	Marriage Dispensation
4	44	2022	Marriage Dispensation

Therefore, the problem of underage marriage is a very popular problem in society. With various interpretations, different points of view and there are several things that are different and there are several things related to it, namely the still strong customary law in society, the environment, educational background and economy. but basically it has become natural nature, since birth in this world always tends to live with other people in social life in the smallest form, living together begins with the existence of a family, because family is a sign of human life, initially consisting of men and women who meet these conditions, which is called marriage. Marriage is a bond that produces a family as an element of social and national life which is regulated by written legal rules (national law) and (customary law).

Currently, the state law that regulates the issue of underage marriage is Law of the Republic of Indonesia Number 16 of 2019, which contains amendments to Law Number 1 of 1974 concerning Marriage. This kind of marriage is only allowed when a man and a woman

are 19 years old (nineteen years). On the other hand, the customary law of marriage has not changed from the past until now, namely the customary law that has existed since the time of the ancestors until now is unwritten law, such as customary law in Indonesia. Subdistrict Bathin VIII, a habit that is passed down from generation to generation. (Herwati, 2010:1)

Looking back on Sharia law, considering that the Prophet Muhammad himself married Ayesha who was only 6 years old, he was bullied and lived with her when the Prophet was 9 years old. and minors marry. age. However, it does not mean that Islam opens the widest way for marriage and allows its people to marry wherever they want.

In the science of fiqh, adult age is known as baligh. The majority of scholars agreed to provide a limit on the age of marriage, namely at the age of puberty, even though in its determination there are ikhtilaf or differences. This difference in the age limit for marriage occurs because the Qur'an and the hadith do not explicitly stipulate a minimum age limit for marriage, but implicitly seem to recognize marriage as one of the characteristics of one's maturity. (Amin, 2004: 184)

In its application, the post-marriage limit is often debated in determining the ideal age for marriage, starting from mental readiness, material, to biological maturity, this is because often failures in building a household are caused by their unpreparedness to face obstacles in the household. On this basis, the State needs to establish rules governing the age limit for marriage, so that these problems can be overcome. Therefore, in order to protect and safeguard human rights in a legal state, this marriage law must be accommodated by the applicable law in a country. Because "for a country and the Indonesian nation, it is absolutely necessary to have a National Marriage Law". So that on January 2, 1974, Law no. 1 of 1974 as the first legal regulation in Indonesia. (Husnan, 2022: 4)

Along with its development during the 45 years of enactment of the marriage law, the reality faced by the Indonesian people is that there are still many cases of underage marriages. Problems arise when highlighting the age of marriage contained in Article 7 of Law No. 1 of 1974, namely the provisions on the age limit for marriage with an age of 16 years for women and 19 years for men, where the age provisions are considered discriminatory against women, especially if it is seen that the marriage rate is high. continues to be dominated by women. This also illustrates that Law No. 1 of 1974 is no longer able to stem the high number of underage marriages that occur in Indonesia.

Until finally on October 14, 2019 Law No. 16 of 2019 concerning amendments to Law No. 1 of 1974 concerning marriage, the DPR RI and the Government (President of the Republic of Indonesia) agreed to amend Article 7 paragraph (1) in Law No. 1 of 1974 concerning marriage related to the age limit. The minimum marriage rate for men and women has increased to 19 years. One of the reasons for the revision of the UUP is to fulfill the decision of the Constitutional Court, it is hoped that child marriage cases can be suppressed so that efforts to fulfill children's rights can run well (Ardanawati, 2019). If examined further, this revised law focuses more on the readiness of the bride and groom in terms of mental and physical maturity or maturity factors, which are important factors for the realization of the purpose of marriage. In Law No. 16 of 2019 it is stated that marriage is only permitted if a man and a woman have reached the age of 19 years. This change in age limit is intended to reduce the number of underage marriages.

Islamic law refers to marriage or marriage with *tazwij*. Marriage is a *sunnah* that applies to all living things, including humans, animals and plants. Marriage is a method chosen by God as a way of His creation to reproduce and preserve culture. When each partner is ready to play an active role in achieving the goals and the marriage itself, then the marriage will be successful. (Abidin and Aminuddin, 1999: 9)

As for some of the legal grounds regarding marriage, divorce, reconciliation, other than in *Suah An-Nur 32* mentioned above, including:

أَنْكُحُوا الْأَيَامَى الصَّالِحِينَ إِذْ كُنْتُمْ إِمَابِكُمْ إِنَّ آءَ اللَّهِ لَبِهِ اللَّهُ اسْعَ لِيَوْمِ

"And marry those who are still single among you, and also those who are worthy (to marry) of your male and female slaves. If they are poor, Allah will empower them with His bounty. And Allah is Extensive (His gift), All-Knowing.

As stated in several verses of the Qur'an as follows: QS. Ar-Rum: 21.

أَيَّتِهِ أَنْ لَقَّ لَكُمْ أَنْفُسَكُمْ أَرْوَاجًا تَتَسَكَّنُونَ فِيهَا إِنَّ لَكُمْ لآيَاتٍ لِقَوْمِ

"And among the signs of His power is that He created for you wives of your own kind, so that you may tend and find peace in them, and He created between you love and compassion. Verily in that there are indeed signs for a people who think."

إِنْ أَلَّا الْيَتِيمَى أَنْكُحُوا أَبَ لَكُمْ النِّسَاءَ لَنْتَ إِنْ أَلَّا لَوْأَ اجِدَةً أَوْ أَلَكْتُمْ أَيْمَانَكُمْ لَكُمْ لَكُمْ لَكُمْ

"And if you are afraid that you will not be able to do justice to (the rights of) an orphaned woman (if you marry her), then marry (other) women that you like: two, three, or four. Then then if you will not do justice, then (marry) only one, or the slaves you have. That is closer to not doing wrong.

Islam provides the concept with the condition of istita'ah (ability) for those who want to get married. This is the standard given by the Prophet in the hadith narrated by Imam al-Bukhari, which means: He said from Abdullah bin Mas'ud: Rasulullah SAW said. Said to us: "Young people! Whoever among you has the ability, then marry, because he really (can) lower his head and it is better to guard his private parts, and whoever does not have the ability, let him fast, because it is your shield."

The abilities mentioned in the hadith are physical (biological), spiritual (psychological) and material abilities, including the costs of the marriage process and the fulfillment of family needs. Marriage is generally carried out by adults, regardless of occupation, race, rich or poor, etc. However, not a few people are physically and mentally able to find a life partner according to the desired standard. The concept of baligh marriage used by scholars is the achievement of an age that makes a person physically ready for marriage, for men who dream of ejaculation and women who are menstruating. It is seen as a biological preparation for marriage. However, in the development that occurs, without economic and psychological abilities, biological abilities are not enough to get married. (Umdah, 1994: 250)

Economically refers to the ability to earn a living or support a family, and pay a dowry, and psychologically, both physically and mentally mature be ideal, and mental faculties) because of these three faculties. One may already be there when a boy is 19 and a girl is 16. The purpose of marriage is in the Shafi' school of thought I mentioned that the person who has the power or the right to ijbar is the father or if there is no father then the grandfather has the right. As mentioned by Imam Nawawi in al-Majmuk Syarh Muhadzab as follows:

"If the virgin child is an adult or has reached puberty, his father or grandfather may force him to marry, even if the child shows disapproval. This is also the opinion of Ibn Abi Laila Ahmad and Ishaq (Yusuf,325). So if a father is said to be the guardian of Mujbir, then he is a person who has the power or right to marry off his daughter even without the consent of the party concerned and the marriage is considered legally valid.

However, although there is already a law that stipulates an age limit for people who want to carry out marriages in Indonesia, in reality there are still many in the community who have not obeyed, are aware and have not fully implemented government regulations, namely Law Number (1) 1974 This is due to several reasons that encourage underage marriages, including; such as because of the low level of education, compulsion, encouragement from parents, mass media and customs as well as of their own will and will.

The problem that arises then is how to view Islamic law and positive law on people who do underage marriages, yes, the age is under 19 for women and 19 years for men. This kind of marriage is better known as underage marriage, this shows that the community does not heed the government regulations that have been enacted, namely number (1) of 1974 article 7 paragraph 1 which has been revised into law no. 16 of 2019 .

For this reason, it is seen how far the implementation and implementation of the regulation on the age limit for marriage at the Office of Religious Affairs, Bathin VIII District. As the front line in carrying out technical implementing tasks at the Ministry of Religion. Based on this background explanation, the authors are very interested in researching this further in the form of studies and scientific presentations in the form of a thesis with the title: "Underage Marriage Practices in Bathin VIII District, Positive Legal Perspectives and Islamic Law."

LITERATURE REVIEW

Definition of Marriage

Marriage is a word/term that is heard almost every day in conversations or read in print and digital/electronic mass media. But if asked what is meant by the term, people will think first to get the right formulation. Marriage according to Arabic comes from the words al-nikah which means al-wathi' and al-dammu wa al-tadakhul. sometimes also called al-dammu wa al-jam'u, or 'ibarat 'an al-wathi'wa al-'aqd which means intercourse, gathering, and contract (Wahbah, 1989: 29). In the Indonesian dictionary there are two words related to this problem, namely marriage and marriage. Marriage according to language is to form a family with the opposite sex; married or married; marry. Marriage implies the matter (affairs and so on) of marriage; wedding; sexual encounters of male and female animals. Marriage which comes from the word marriage contains the meaning of a marriage contract that is carried out in accordance with legal and religious provisions

As for marriage, it means the thing (action) of marriage; marriage ceremony. The definition of marriage according to the language of having intercourse or mixed in the meaning of majaz people refer to marriage as a contract, because the contract is the reason why it is permissible to have intercourse or have intercourse. The Hanafiah group defines marriage as a contract that makes use of having, having fun intentionally, the ash-Shafi'iyyah nikha group is a contract that contains legal provisions of watha' permissibility with marriage lafzd or tazwij or what is similar to both, the Malikiyah group of marriage is a contract that contains only legal provisions allow watha', have fun and enjoy. Scholars differ on the meaning of marriage, among others: the first opinion, states that marriage is essentially watha' (intercourse). second opinion, states that the true meaning of marriage is a contract, while the meaning of the majaz is watha'. The third pendapat states that the essence of marriage is musytarak or an echo of the meaning of the contract and watha' (Djaman, 1993: 1). According to the Hanafi School, the meaning of marriage is to have intercourse in an essential sense, while the meaning of majazi is a contract. Meanwhile, according to the Shafi'i school of thought, nikha is essentially a contract, while the meaning of majaz is intercourse, the opposite of hanafi (Peunoh, 1998: 105). In his book, Wahbah al-Zuhaili defines marriage as "a contract that has been determined by the shari'a so that a man can take advantage of doing istimta" with a woman or vice versa.

The definition of marriage according to the provisions of Article 1 of Law No. 1/1974 concerning marriage, that marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the one and only God.

According to the formulation of Article 1 of Law No. 1/1974, that the bond between husband and wife must be based on the One Godhead, namely marriage is a sacred bond. The

engagement cannot be separated from the religion of husband and wife. Living with husband and wife in marriage is not merely an orderly sexual relationship that remains with husband and wife, but can still form a happy household, a harmonious, eternal, safe, and harmonious household between husband and wife. As for marriage according to Islam is marriage, which is a very strong contract or mitsaqan ghalidhan to obey Allah's commands and carry it out in worship.

Understanding Underage Marriage

By definition, early marriage is an inner and outer bond between a man and a woman as husband and wife at a young age. According to the World Health Organization (in Hanum & Tukim an, 2015): "Early marriage is a marriage carried out by a partner or one of their partners is still categorized as a teenager under 19 years of age" (Apriliani & Nurwati, 2020, pp. 90–99) Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning marriage which stipulates the marriage age limit for men and women is 19 years. Based on this definition, it can be interpreted that early marriage is a marriage that is carried out when a person has not reached the minimum age limit stated in the law for marriage (Nasution, 2019).

According to the Indonesian Ulema Council (MUI) underage marriage is a marriage carried out in accordance with the terms and pillars, but one of the bride and groom or sometimes the bride and groom are not yet mature and psychologically not ready to carry out household responsibilities. Another opinion says early marriage is a formal or informal marriage carried out under the age of 18 years, a bond made by someone who is still at a young age or puberty is also called early marriage, while Al-Ghifari argues that early marriage It is a marriage that takes place at a young age. In this case, what is meant by youth is between the ages of 10-19 years and not yet married (Sesiyanti, 2015, p. 271). So, early marriage is a marriage carried out by a man and a woman where the age of both is still below the minimum limit as regulated by the marriage law regarding the age limit for men and women marriage is 19 years.(Avita and Oktalita, 20212: 50)

Marriage According to Positive Law

In the provisions of Article 7 paragraph 1 of Law Number 1 of 1974 it is said that "Marriage is only permitted" if the man has reached the age of 19 years and the woman has reached the age of 16 years. There is a limitation on the age of marriage contained herein, that the prospective husband and wife must be physically and mentally mature to be able to carry out a marriage, in order to realize the purpose of marriage properly, without ending in divorce and to have good and healthy offspring. However, it is different for marriages that occur in the inner sub-district viii parents tend to marry off their children at a young age or not yet of the age stipulated in Law Number 1 of 1974.

Through the decision of the Constitutional Court (MK) No. 22/PUUXV/2017 becomes the basis for changing the age limit for marriage in Article 7 paragraph (1) of Law Number. 1 of 1974 concerning marriage. After going through various dynamics of long debates and even protests. This amendment to the law is based on the expectation that the birth rate will be lower and reduce the risk of higher maternal and child mortality.

So on October 14, 2019, President Joko Widodo in Jakarta ratified the Law of the Republic of Indonesia Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning amendments to Law Number 1 of 1974 concerning marriage, and entered into force on invited. Regarding amendments to Article 7, it becomes as follows:

Article 7 (1) Marriage is only permitted if a man and a woman have reached the age of 19 years. (2) In the event of a deviation from the age provisions as referred to in paragraph (1), the parents of the man and/or woman may request a dispensation from the court on the

grounds of very urgent with sufficient supporting evidence. (3) The provision of dispensation by the court as referred to in paragraph 2 is obliged to listen to the opinions of the two prospective brides who will carry out the marriage. (4) The provisions regarding the condition of a person or both parents of the prospective bride and groom as referred to in Article 6 paragraphs (3) and 4 shall also apply to the provisions regarding requests for dispensation as referred to in paragraph (2) without prejudice to the provisions referred to in Article 6 paragraph (6). Based on these changes, as stated in article 7 paragraph (1) of Law Number 16 of 2019, it is clear that there is a change in the minimum age for marriage in Indonesia from what was previously regulated in the minimum age for marriage. 16 years for women and 19 years for men to 19 years for men and women.

Marriage According to Islamic Law

Basically according to Islamic law there are several definitions including: Marriage according to syara' is a contract determined by syara' to allow fun between men and women. Marriage according to syara' is a contract that contains legal provisions on the permissibility of sexual relations with the wording of marriage or with words that have a meaning with it.

Meanwhile, in the compilation of Islamic law, marriage is explained in article 2, namely "Marriage according to Islamic law." Marriage is a very strong contract or mitsaqan ghalizan, to obey Allah's commands and carry out them is worship. Humans are created in pairs of men and women who are endowed with lustful desires, in this case the problem of sex arises naturally. Therefore, the Qur'an protects human existence from sexual abuse through a legal institution, namely marriage.

أَيَّتِهِ أَنْ لَوْ لَكُمْ أَنْفُسُكُمْ أَرْوَاجًا لَتَسْتَكُنُّوا إِلَيْهَا لَ إِنَّ لَكَ لَأَيَّتٍ لِقَوْمٍ

"And among his verses is he who created for you wives of your own kind, so that you may feel comfortable in him between you mawaddah and mercy, indeed in that there are indeed signs for a people who think." (QS. Ar- Rum: 21)

Basically in Islamic law there are no set rules that determine the age limit for marriage, so that regardless of a person's age, if he is considered capable of getting married, it is permissible. (Hadikusuma, 2003). However, Islamic law has set the conditions for marriage that a person must have reached 'aqil and baligh. As the hadith of 'Aisha RA.

لَ اللهُ لِي اللهُ لِيَهُ لَمْ لَسِبْتُ بِي ا

The hadith above explains that if a man marries a small girl who has not menstruated, the marriage is considered permissible, still valid, and not unlawful. However, the law is only permissible (permissible), does not make it a recommendation or virtue (sunnah/mandub), let alone a necessity (mandatory) (Rofiq, 2000). According to Imam Shafi'i, the age limit for marriage does not actually exist in Islamic law, but for a person to be allowed to marry is seen from his maturity, and a person's maturity is seen when he has reached puberty. From the age of a person, that is the limit a person can marry. Meanwhile, according to Imam Shafi'i, the limit of puberty is having experienced menstruation (menstruation) for a woman or she is 15 years old enough, and the pleasure of a man who is about to marry and at that time has also reached puberty. In the book Al-Umm, Imam Shafi'i explains that as for the problem of small children and women who are still virgins, it is permissible for the father to marry off a boy who is not yet mature, and there is no option for the child after he is an adult to cancel the marriage. If the child's genitals are cut off or damaged, then the father marries him, then the marriage is rejected, because he does not need marriage. If an insane person is married off, then the father and the sultan have no right to separate him from his wife on the basis of thalaq khulu' (divorce from the wife). Likewise, if one of the two is married off, except after puberty and there are signs that he needs marriage. it is permissible for the father to marry a son who has not yet reached puberty, and there is no option for the child after he grows up to annul the marriage. If the child's genitals are cut off or damaged, then the father

marries him, then the marriage is rejected, because he does not need marriage. If an insane person is married off, then the father and the sultan have no right to separate him from his wife on the basis of *thalaq khulu'* (divorce from the wife).

Likewise, if one of the two is married off, except after puberty and there are signs that he needs marriage. it is permissible for the father to marry a son who has not yet reached puberty, and there is no option for the child after he grows up to annul the marriage. If the child's genitals are cut off or damaged, then the father marries him, then the marriage is rejected, because he does not need marriage. If an insane person is married off, then the father and the sultan have no right to separate him from his wife on the basis of *thalaq khulu'* (divorce from the wife). Likewise, if one of the two is married off, except after puberty and there are signs that he needs marriage. then his marriage is rejected, because he does not need marriage. If an insane person is married off, then the father and the sultan have no right to separate him from his wife on the basis of *thalaq khulu'* (divorce from the wife). Likewise, if one of the two is married off, except after puberty and there are signs that he needs marriage. then his marriage is rejected, because he does not need marriage. If an insane person is married off, then the father and the sultan have no right to separate him from his wife on the basis of *thalaq khulu'* (divorce from the wife). Likewise, if one of the two is married off, except after puberty and there are signs that he needs marriage.

If an insane man divorces his wife, then the divorce is invalid. Likewise, if he does *ila'* or *zihar*, then everything is considered invalid, because the law was lifted from him. Likewise, if he accuses his wife of adultery or does not recognize his child, the *Shari'a mula'anah* (cursing each other) is not applied to him, in fact he is required to acknowledge the child born to his wife (Syafi'i, 2004).

RESEARCH METHOD

The research approach is a structured, planned and procedural way to carry out all the potential that is owned and the resources that have been prepared. The research approach will integrate a researcher in carrying out research from beginning to end. The research approach is largely determined by the research paradigm, namely the way in which the research method chosen by the researcher is concerned.

The research approach used is a qualitative approach, while the research method is in accordance with the type of qualitative research used ethnography, case studies, phenomenology, grounded, grounded theory, narrative, or analysis (Muktar, 2017: 44). This study uses a descriptive qualitative research approach. Descriptive qualitative method is a method used to find knowledge of the research subject at a certain time. Descriptive research is research that is intended to collect information about the research subject and the behavior of the research subject in a certain period. Descriptive qualitative research seeks to describe all symptoms according to what they were at the time the research was conducted. The subject in the study was the Head of KUA Bathin VIII The Head of Bathin VIII Kecamatan District Syara' Officer The family or the bride and groom who perform underage marriages.

Data Types and Sources

In this study, there are two types of data, namely primary data and secondary data, which are explained below: Primary data is data that is collected directly by a researcher, generally from the results of observations of social situations and or obtained from the first hand or the subject (informant) through the interview process. There is also documentation data that is collected from social situations or institutions directly, but is not categorized as primary data, because it is used to support observation data and interview data. As for the primary data in the study, such as village heads, traditional institutions, religious figures,

family or brides who performed underage marriages, and communities who have an interest in this research.

In addition to the data mentioned above that have been obtained from interviews, researchers are also legal research, and require legal materials and must be separated from general materials to facilitate the preparation and further processing. The legal materials are: Law Number 1 Year Regarding Marriage. Law Number 16 of 2019 concerning Revision of Law Number 1 of 1974 concerning marriage. Law Number 32 of 1954 concerning Stipulation of Law of the Republic of Indonesia dated November 21, 1946 Number 22 of 1946 concerning Registration of Marriage, Divorce, and Reconciliation. Law Number 23 of 2002 concerning child protection. Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.

State Gazette of the Republic of Indonesia Number 186 of 2019 concerning the explanation of Law Number 16 of 2019 Book of Laws (KUHPperdata) Presidential Instruction Number 54 of 1991 concerning the Compilation of Islamic Law (KHI). Minister of Religion Regulation (PMA) Number 19 of 2019 concerning the Organization and Work Procedures of Vertical Agencies of the Ministry of Religion. Al-Qur'an and Al-Hadith of the Prophet

Secondary data is data obtained indirectly by researchers, but has been tiered through second or third hand sources. This type of secondary data can be in the form of pictures, documentation, graphics, writings, and various other documentation. The secondary data in the study are: Geographical history in Bathin VIII . District. Document data of facilities and infrastructure in Bathin VIII . District Document data regarding the organizational structure of management in Bathin VIII District

Data source

According to Lofland, the main data sources in qualitative research are words and actions, the rest are additional data such as documents and others. In the words and actions of the people who are observed or interviewed are the main data. The main data sources are recorded through written records or through video/audio recording, taking photos, or films and others.

The data source is the subject where the data can be obtained. When selecting informants to support research findings, informants are selected from competent people and those who are directly involved with the problem under study. To identify the parties or informants in this study, the researcher identified them through purposive sampling method. This technique is used to detect problems directly from informants who are involved in social situations and related activities. Sugiono further explained that; In qualitative research, the researcher enters certain social situations, makes observations, and interviews with people who are considered to know about the social situation. Determination of data sources on interviewees is done purposively, that is, selected in the considerations and objectives.

So related to this research, informants and participants or data sources are institutions, agencies that have the authority related to implementing regulations or laws, namely in this case at the Office of Religious Affairs, Bathin VIII District.

Data collection technique

The data collection technique used in this research is by using observation, interview, and documentation techniques and then the research results are analyzed descriptively qualitatively.

- a) Observation: Observation/observation technique is a technique of collecting data directly in the area which is the research location, at that location the researcher observes various things related to underage marriages in the inner district VIII. In research, observation is defined as the observation of the pattern of human behavior in certain situations, to

obtain information about the desired phenomenon. Observation is an important way to get definite information about people, because what people say is not necessarily the same as what they do.

- b) Interview: Interview is a technique of obtaining information directly through a request for information to the first party who is deemed to be able to provide information or answers to the questions posed.
- c) Documentation: Documentation is a technique used to collect data from non-human sources. This source consists of documents, and records. Whereas records, according to Lincoln Guba, are writings or statements prepared by or for individuals or organizations with the aim of proving the existence of an event or fulfilling accounting.

Documentation is a record of events that have passed. Documentation can be in the form of writing, pictures, or monumental works of someone, documentation is an instrument that guides data collection, document data can be in the form of: photos, pictures, maps, graphs, structures, organizations, historical records and so on.

Data analysis technique

After collecting data from all fields, the next step is to process and analyze the data. Data analysis is the process of processing, separating, grouping and combining a number of data collected in the field empirically into a structured and systematic collection of scientific information which is then ready to be packaged into a research report. Data analysis was determined by a qualitative descriptive research approach or a quantitative descriptive approach. This study uses various data processing techniques, namely;

Data reduction is the process of converting recorded data into a particular pattern, focus, category, or subject matter. Data presentation is displaying data by entering data in a number of desired matrices. Drawing conclusions is to find conclusions on the data that is reduced and presented.

The data analysis used is qualitative analysis, namely qualitative data processing techniques (words) carried out in order to describe or discuss research results with conceptual and theoretical analysis approaches, as well as process data and present in a systematic, orderly and structured form and have meaning. . Data analysis does not only start before and after the study, but is carried out continuously throughout the study. This is accompanied by identification and assessment of data that are considered important and related to the research focus.

FINDINGS AND DISCUSSION

The practice of underage marriage in Bathin VIII Sub-district, Sarolangun Regency, the Office of Religious Affairs, Bathin VIII District, in providing marriage services to community members in accordance with procedures that are not complicated, easy to understand and easy to implement.

The procedures are:

Prospective brides and or guardians submit a letter of notification of the will of marriage with the following requirements:

- a) Certificate for marriage from the village head in the area concerned (N1)
- b) Birth certificate or certificate of origin (N2)
- c) Letter of approval for the bride and groom (N3)
- d) Certificate regarding parents (N4)
- e) In the case of a marriage permit for the bride and groom members of the TNI/POLRI, the Kepda is determined to ask for permission in advance from the official authorized to give the permit.

- f) Quotation Letter of Divorce/Divorce Registration Book or divorce certificate/divorce certificate if the prospective bride is a widow/widower.
- g) A statement of the death of the husband/wife made by the head of the village/kelurahan in the area where the husband/wife died according to the model example (N6) If the prospective bride is a widow/widower due to the death of her husband/wife.
- h) Permits and dispensations, for prospective brides who have not reached the age according to Law Number 1 of 1974 Article 7 paragraph (2) of Law Number 16 of 2019 on the amendment of Article 7 of Law Number 1 of 1974
- i) Sub-district head dispensation letter for marriages that will be held less than ten working days from the notification.
- j) Certificate of incapacity from the village head for those who cannot afford it.

Table 2. Marriage Data Dispensation for underage KUA Bathin VIII Kecamatan

No	NAME	JK	ADDRESS	DISPENSATION DECISION	AGE OF MARRIAGE
1	Zara'ul Adillah	P	Dropper	29/pdt.P/2022/PA.Srl	17 years
2	Prima Della	P	Inner Village	64/pdt.P/2020/PA.Srl	17 years
3	Noni S	P	Cape	172/pdt.P/2020/PA.Srl	14 years
4	Siska	P	happy	165/pdt.P/2020/PA.Srl	18 years
5	Zuniatul Hayati	P	Inner Village	49/pdt.P/2020/PA.Srl	16 years
6	Rirista Arista	P	Wake up Jay	214/pdt.P/2020/PA.Srl	18 years
7	Ihza Mahendra	L	Bathing P	166/pdt.P/2020/PA.Srl	18 years
8	Ayu Ulandari	P	K Holiday	77/pdt.P/2022/PA.Srl	17 years
9	Imeldha S	P	Wake up Jay	98/pdt.P/2022/PA.Srl	17 years
10	Beautiful S	P	Wake up Jay	112/pdt.P/2022/PA.Srl	18 years
11	Ovi Diana Putri	P	Estuary Lati	34/pdt.P/2021/PA.Srl	16 years
12	Eve	P	K Holiday	47/pdt.P/2021/PA.Srl	18 years
13	Iswatun Nisak	P	K Holiday	271/pdt.P/2020/PA.Srl	18 years
14	Diyana Pungki	P	Cape	98/pdt.P/2021/PA.Srl	18 years
15	Murtina	P	Cape	16/pdt.P/2021/PA.Srl	18 years

Source: Office of Ursan Religion, Bathin VIII District Factors That Cause The Occurrence of Underage Marriage in Bathin VIII District, Sarolangun Regency

The causes of marriage in the Inner VIII sub-district include: mass media factors, environmental influences, pregnancy outside marriage, lack of fulfillment of educational needs, lack of supervision of children, economic factors, traditional factors. at the age of teenagers which also resulted in a Married Accident, it was known in interviews and in the Supreme Court Decision, in which there were a collection of cases that had been decided by all Judicial Institutions including the Sarolangun Religious Court related to the marriage dispensation case. The average informant has known excessive courtship on the grounds of mutual affection and love.

Table 3. Age Maturity Informant Answers

No	NAME	Reason for Marriage	Pend. Final	Dispensation Decision	Married Age
1	Zahra'ul Adillah	Dating has been 5 years, and already engaged	JUNIOR HIGH SCHOOL	29/pdt.P/2022/PA.Srl	17 yrs
2	Prima Della	Already engaged and have determined and set a wedding date	JUNIOR HIGH SCHOOL	64/pdt.P/2020/PA.Srl	17 years
3	Noni Supriyanti	Dating for 3 years, and have plans to get married	JUNIOR HIGH SCHOOL	172/pdt.P/2020/PA.Srl	14 years

4	Siska Yutianingsih	Matched by parents	SENIOR HIGH SCHOOL	165/pdt.P/2020/PA.Srl	18 years
5	Zuniatul Hayati	Dating for a long time	JUNIOR HIGH SCHOOL	49/pdt.P/2020/PA.Srl	16 years
6	Rirista Arista Ulfa	Engaged, and ready for the wedding	SENIOR HIGH SCHOOL	214/pdt.P/2020/PA.Srl	18 years
7	Ihza Mahendra	Because parents forced	SENIOR HIGH SCHOOL	166/pdt.P/2020/PA.Srl	18 years
8	Ayu Ulandari	Been dating for a long time, about 5 years	JUNIOR HIGH SCHOOL	77/pdt.P/2022/PA.Srl	17 years
9	Imeldha Shaputri	Engaged, and ready for the wedding	JUNIOR HIGH SCHOOL	98/pdt.P/2022/PA.Srl	17 years
10	Beautiful Sriwahyuni	Because the husband is invited to get married as soon as possible	SENIOR HIGH SCHOOL	112/pdt.P/2022/PA.Srl	18 years
11	Ovi Diana Putri	Dating for 2 years, and already preparing for the wedding	JUNIOR HIGH SCHOOL	34/pdt.P/2021/PA.Srl	16 years
12	Eve	Dating for a long time	SENIOR HIGH SCHOOL	47/pdt.P/2021/PA.Srl	18 years
13	Iswatun Nisak	Ksrena was matched by parents and family	SENIOR HIGH SCHOOL	271/pdt.P/2020/PA.Srl	18 years
14	Diyana Pungki	Dating for 3 years	SENIOR HIGH SCHOOL	98/pdt.P/2021/PA.Srl	18 years
15	Murtina	Already Fiancé	JUNIOR HIGH SCHOOL	16/pdt.P/2021/PA.Srl	18 years

Table 4. Informant's Answer Environmental Influence

NO	NAME	ANSWER
1	Zahra'ul	"Don't know", But after we sent all the required documents/materials to the KUA, we only found out after the KUA explained
2	Prima Della	I don't know, but I think that when the time has come/the mate has arrived, that's okay, isn't it. I only knew when I filed the file at the KUA that those under 19 years old cannot get married according to Law No. 16 of 2019. Even if you want to get married, you have to go to court to get dispensation
3	Noni Supriyanti	Was also informed by the village head at that time, regarding the age of marriage, but what can I do, because there are things that require me to get married, our parents have also agreed and agreed
4	Siska Yutianingsih	Yes, when I was handling the requirements letter at the Village office and at the KUA I just found out that under 19 years old cannot get married, therefore I was directed to the Sarolangun Religious Court, to get dispensation for underage marriage
5	Zuniatul Hayati	I don't know that if you are not allowed to get married under the age of 19 years, but we and our future husbands have agreed to get married with a predetermined date and time
6	Rirista Arista Ulfa	Kamaren, before marriage, already knew that there were regulations governing the prohibition of marrying under the age of 19, but both of us and our future husbands have known for a long time, and want to get married as soon as possible, seeing the economic situation of our parents as well.
7	Ayu Ulandari	When he graduated from high school, he planned to go to college, but seeing the condition of his poor parents, so I told my parents and my girlfriend to get married, my parents and my boyfriend agreed and agreed, no need to think any further, we both left immediately the village head office to inquire about the requirements for marriage
8	Ihza Mahendra	I know, but it's not very clear, I just want to know what happens to my parents and families who can't afford it, if I eat and sleep, I become unemployed, I'd better get married

9	Imeldha Shaputri	I don't know, I think it's okay to be 15 years old and over, it turns out that after going to KUA, the KUA employee explained about the prohibition on marrying under the age of 19
10	Beautiful Sriwahyuni	Actually I know, but it's not very clear that there is an age limit in marriage, but we have set a wedding date, and my husband and I have already prepared the date for the party, invitation, the neighbors also know
11	Ovi Diana Putri	I didn't know at all that getting married before the age of 19 was not allowed, after we were together with our husbands we went to the KUA, the marriage register only became known after being explained by the KUA
12	Eve	Actually know, but because we have prepared everything for the wedding, invitations.
13	Iswatun Nisak	You know, 19 years old (I thought at the time, yes, just get married, I've also quit school), also have my own income, and my husband is also ready to marry me.
14	Diyana Pungki	Kamaren has heard that it is not allowed to marry under the age of 19, but rather than the two of us going out and making a sin, it's better for us to get married
15	Murtina	I don't know, according to my parents, what can I do because the situation might be the right time, yes I've heard from the village head said that at that time, but he said that we were approaching our wedding, he urged him to say, what do you want to do again

Positive Legal Perspectives and Islamic Law on Underage Marriage Practices in Bathin VIII District, Sarolangun Regency

According to Positive Law

In the provisions of Article 7 paragraph 1 of Law Number 1 of 1974 it is said that "Marriage is only permitted" if the man has reached the age of 19 years and the woman has reached the age of 16 years. There is a limitation on the age of marriage contained herein, that the prospective husband and wife must be physically and mentally mature to be able to carry out a marriage, in order to realize the purpose of marriage properly, without ending in divorce and to have good and healthy offspring. However, it is different for marriages that occur in the inner sub-district viii parents tend to marry off their children at a young age or not yet of the age stipulated in Law Number 1 of 1974.

Through the decision of the Constitutional Court (MK) No. 22/PUUXV/2017 becomes the basis for changing the age limit for marriage in Article 7 paragraph (1) of Law Number. 1 of 1974 concerning marriage. After going through various dynamics of long debates and even protests. This amendment to the law is based on the expectation that the birth rate will be lower and reduce the risk of higher maternal and child mortality.

So on October 14, 2019, President Joko Widodo in Jakarta ratified the Law of the Republic of Indonesia Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning amendments to Law Number 1 of 1974 concerning marriage, and entered into force on invited. Regarding amendments to Article 7, it becomes as follows:

Article 7 (1) Marriage is only permitted if a man and a woman have reached the age of 19 years. (2) In the event of a deviation from the age provisions as referred to in paragraph (1), the parents of the man and/or woman may request a dispensation from the court on the grounds of very urgent with sufficient supporting evidence. (3) The provision of dispensation by the court as referred to in paragraph 2 is obliged to listen to the opinions of the two prospective brides who will carry out the marriage. (4) The provisions regarding the condition of a person or both parents of the prospective bride and groom as referred to in Article 6 paragraphs (3) and 4 shall also apply to the provisions regarding requests for dispensation as referred to in paragraph (2) without prejudice to the provisions referred to in Article 6 paragraph (6). Based on these changes, as stated in article 7 paragraph (1) of Law

Number 16 of 2019, it is clear that there is a change in the minimum age for marriage in Indonesia from what was previously regulated in the minimum age for marriage. 16 years for women and 19 years for men to 19 years for men and women.

According to Islamic Law

Basically in Islamic law there are no set rules that determine the age limit for marriage, so that regardless of a person's age, if he is considered capable of getting married, it is permissible. (Hadikusuma, 2003). However, Islamic law has set the conditions for marriage that a person must have reached 'aqil and baligh. As the hadith of 'Aisha RA.

لُ اللهُ لِي اللهُ لِيَهُ لَمْ لِيَسْتُ بِي ا

to. 4738, *Maktabah Syamilah*)

The hadith above explains that if a man marries a small girl who has not menstruated, the marriage is considered permissible, still valid, and not unlawful. However, the law is only permissible (permissible), does not make it a recommendation or virtue (sunnah/mandub), let alone a necessity (mandatory) (Rofig, 2000). According to Imam Shafi'i, the age limit for marriage does not actually exist in Islamic law, but for a person to be allowed to marry is seen from his maturity, and a person's maturity is seen when he has reached puberty. From the age of a person, that is the limit a person can marry. Meanwhile, according to Imam Shafi'i, the limit of puberty is having experienced menstruation (menstruation) for a woman or she is 15 years old enough, and the pleasure of a man who is about to marry and at that time has also reached puberty. In the book *Al-Umm*, Imam Shafi'i explains that as for the problem of small children and women who are still virgins, it is permissible for the father to marry off a boy who is not yet mature, and there is no option for the child after he is an adult to cancel the marriage. If the child's genitals are cut off or damaged, then the father marries him, then the marriage is rejected, because he does not need marriage. If an insane person is married off, then the father and the sultan have no right to separate him from his wife on the basis of *thalaq khulu'* (divorce from the wife). Likewise, if one of the two is married off, except after puberty and there are signs that he needs marriage. it is permissible for the father to marry a son who has not yet reached puberty, and there is no option for the child after he grows up to annul the marriage. If the child's genitals are cut off or damaged, then the father marries him, then the marriage is rejected, because he does not need marriage. If an insane person is married off, then the father and the sultan have no right to separate him from his wife on the basis of *thalaq khulu'* (divorce from the wife). Likewise, if one of the two is married off, except after puberty and there are signs that he needs marriage. it is permissible for the father to marry a son who has not yet reached puberty, and there is no option for the child after he grows up to annul the marriage. If the child's genitals are cut off or damaged, then the father marries him, then the marriage is rejected, because he does not need marriage. If an insane person is married off, then the father and the sultan have no right to separate him from his wife on the basis of *thalaq khulu'* (divorce from the wife). Likewise, if one of the two is married off, except after puberty and there are signs that he needs marriage. then his marriage is rejected, because he does not need marriage. If an insane person is married off, then the father and the sultan have no right to separate him from his wife on the basis of *thalaq khulu'* (divorce from the wife). Likewise, if one of the two is married off, except after puberty and there are signs that he needs marriage. then his marriage is rejected, because he does not need marriage. If an insane person is married off, then the father and the sultan have no right to separate him from his wife on the basis of *thalaq khulu'* (divorce from the wife). Likewise, if one of the two is married off, except after puberty and there are signs that he needs marriage.

If an insane man divorces his wife, then the divorce is invalid. Likewise, if he does *ila'* or *zihar*, then everything is considered invalid, because the law was lifted from him.

Likewise, if he accuses his wife of adultery or does not recognize his child, the Shari'a mula'anah (cursing each other) is not applied to him, in fact he is required to acknowledge the child born to his wife (Syafi'i, 2004).

CONCLUSION

Furthermore, after reading about underage marriage, the author here will conclude including: Furthermore, the flow of marriage practices that occurred in the KUA of Bathin VIII Sub-district were: Bringing letters N1, N2, N3, N4. To the KUA, after seeing that the requirements of one of the bride and groom do not meet the requirements, or are still underage, the KUA issues a letter N7 (Rejection) and issues a letter N8, a cover letter to the Religious Court as well as bringing the requirements for letters N1-N4. The Religious Court, in order to hear the dispensasi for underage marriage, after the trial, the Religious Court issues the results of the trial whether it is accepted or rejected, if accepted, the Religious Court issues the results of the trial (dispensation) and is brought to the KUA again, upon arrival only at KUA can the KUA be able to marry her off.

The causes of marriage in the Inner VIII subdistrict include: mass media factors, environmental influences, pregnancy outside marriage, lack of fulfillment of educational needs, lack of supervision of children, economic factors, tradition factors.

Basically, in Islamic law, there is nothing that absolutely regulates the age limit in carrying out marriage, but basically even though there is no minimum and maximum limit, they are ready and able mentally and spiritually to build a sakinah, mawaddah, wa rahmah household.

After there was a change in the new law, namely Law number 16 of 2019 concerning changes to RI Law number 1 of 1974 concerning marriage. The age limit for men and women is the same. "Both men and women must be at least 19 years old. However, the reality is the opposite, many couples have underage marriages.

BIBLIOGRAPHY

- Abdul, Rahman, Ghozali, . Jurisprudence Munakahat: Jakarta: Kencana Prenadamedia Group. See also: Abdul Aziz Muhammad Azzam and Abdul Wahab Sayyed Hawwas, 2009, Jurisprudence Munakahat: Sermon, Nikha, and talaq, translator: Abdul Majid Khon, Jakarta: Amzah,. 2008,
- Abdullah, Muhammad Bin Ismail, Al Bukhari, Sahih Al Bukhari: Beirut: Dar Al Kitab Al Ilmiyyah, 1992.
- Abidin, Slamet, Aminuddin. Fiqh Munakahat: bandung: cv librarian faithful, 1999.
- Al-hafidz bin Hajar Atsqalani, Bulugh Al-maram, no. 993: Surabaya: Dar al-Ilmi, 2005.
- Al-Rahman, Abd, Al Jaziry. Al-Fiqh Ala-Mazahib Al-Arba Ah, Kitab An-Nikah: Beirut: dar al-fikr, 2008.
- Al-Zuhaili, Wahbah. 1989, Al-Fiqh Al-Islam Wa Adillatuhu, chapter VII: Damsyiq: Dar al-Fikr, 2010.
- Ali Yusuf, Zakaria. Al-Syarhul Muhadzab: Egypt: Al-Imam, 2003.
- Amen, Summa, Muhammad. Islamic Family Law in the Islamic World. Jakarta Rajawali Press, 2004.
- Ana latifatul muntamah, "Early marriage in Indonesia and the role of the government (perspective of enforcement and protection for children). Journal of law 2, no. 1, june 2019:6.823-1556-1-pb.pdf
- Ananada, Faisal Arfa and Atni Marpung. Islamic Law Research Methodology: Jakarta: KENCANA, 2016.
- Article 26 paragraph (1) of law number 23 of 2002 concerning child protection.

As-Sarbini, Al-Khatib, Muhammad. Mugni Al-Muhtaj, chapter III: Cairo: Al-Maktabah At-Tijariyah Al-Kubra, 1955.

Asnawi, Mohammad. Marriage in Conversation and Difference: Yogyakarta: Darussalam, 2004.

Azhar, Ahmad, Basyir, Islamic Marriage Law: Yogyakarta: Fak. uii law, 1999.

C:/Users/DELL/Downloads/ILHAM%20LAMAMAN.12%20(3).pdf.

compilation of Islamic law (khi) article 15 paragraph (1)

conferences, books for writing theses and dissertations. jambi: 2017.

CONSTITUTION

Dahlan, Sirman. Comparative Marriage Law. Bandung: Forward Mandar, 2017.

Dahlina, "play dough game in developing fine motor skills in early childhood in Islamic Kindergarten Bim-Education Kindergarten Islam Bim-e Tembilihan," State Islamic University of Sulthan Thaha Saifuddin Jmabi, 2018. Thesis.

<http://ojs3.unpatti.ac.id/index.php/jpc>

<https://peraturan.bpk.go.id/home/details/122740/uu-no-16-tahun-2019>

Idris Ramulyo, Mohd. 1996, Islamic Marriage Law: An Analysis of Law no. 1 of 1974 and the Compilation of Islamic Law, Jakarta: Bumi Aksara, 1996,

Ilham, "Underage marriage in Purangi sub-district, Polopo city," (Thesis, Mkassar State University, Makassar, 2017). 47.

Imam Muhammad bin Isma'il Al-Kahlani As-San'ani. Subul as-salām: Beirut: Dar Al Maktabah Al-Alamiyah, 2010.

JOURNALS AND ARTICLES

kennedy, john. "Underage marriage in the perspective of Law Number 1 of 1974 and its Social for Families Case Study Jambi City" Uin Sultan Thaha Saifuddin Jambi, Jambi, 2016, thesis.

La.yono, Agussoumokil, Jumiatituharea, "The public's perception of underage marriage in terms of Law No. 1 of 1974 concerning marriage (study of phenomena in Waepandan Village, Head of Madan District, South Buru Regency)," Journal of Pattimura Civic 1, No. 1 (March 2020): 45.

Law (UU) number 16 of 2019," December 15 2021. Amendments to Law Number 1 of 1974 concerning Marriage

Law No. 1 of 1974 concerning Marriage and the Compilation of Islamic Law (Surabaya: Sinarsindo Utama, 2015),

Law No. 1 of 1974, 24.

Mardani, , Islamic Marriage Law in the Modern Islamic World: Yogyakarta: Graha Ilmu, 2011.

Mardani, Islamic Marriage Law in the Modern Islamic World: Yogyakarta: Graha Ilmu, 2011.

Ministry of National Education , Big Indonesian Dictionary: Jakarta : Gramedia Pusat Utama, 2014.

Ministry of Religion of the Republic of Indonesia. "History Article. A Brief About the Ministry of Religion." kemenag.go.id/article/history. Accessed July 25, 2022

Muhammad Husnan. "Implementation of Law No. 16 of 2019 in preventing the practice of underage marriage at the religious affairs office of the geregai sub-district. UIN STS Jambi. 2022. Thesis.

Mukhlis, "Underage Marriage Practices From Positive Legal Perspectives And Islamic Law." Maulana Malik Ibrahim State Islamic University Malang, 2019. Thesis.

Mukhtar, Kamal. Islamic legal principles regarding marriage: Jakarta: Bintang Bulan, 1993.

Mustafa, Muhammad, Umdah, Jawahir Al-bukhari Aa Syrah Al-Qastalani: beirut: dar al fikr, 1994.

- Noor, Juliansyah. Research Methodology Thesis, Thesis, Dissertation, and Scientific Papers. Jakarat: Kencana 2012. Thesis.
- Nur Avita, Pharma Octalita. "The trend of early marriage invitations in the era of disruption," Journal of Islamic Family Law, volume 3, number 2 December 2021:5380-article text-309-2-10-20220211.pdf
- Nur, Djaman. Jurisprudence Munakahat: Semarang: Toha Putra, 1993.
- Page Inspiration. "Underage Marriage Perk in Urban Village Reduce Polopo City." Makassar State University, 2017. Thesis.
- Peunoh, Daly. 1998, Islamic Marriage Law: Star Moon, 2010.
- Qayyim, Ibn, Al Jauziyah, Zaadul Ma'Ad, Juz I: Yogyakarta: Pustaka Azzam, 2002
- Rahman, Anwar. Indonesian Marriage Law in the Perspective of Civil Law, Islamic Law, and State Administrative Law. Jakarta: Prenadamedia Group, 2020.
- rokhim, Abdul, Iudya sirait. Juridical Review of Underage Marriage and Divorce in the Religious Courts Class IA Samarinda: Faculty of Law: Universitas 17 August 1945, Samarinda, 2016.
- Sihab, Qurais. Bride of the Qur'an: Jakarta: Heart Lantern, 2007.
- soimin, soedaharyo. Law of Persons and Family: jakarta: ray grapha, 2002.
- State Gazette of the Republic of Indonesia. Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage. Jakarta 15 October 2019
- Subham, Zaitiamh, Fostering the Sakinah Family: Yogyakarta: Islamic Boarding School Library, 2004.
- Sugiono, Quantitative and Qualitative Research Methods: Bandung: Alfabeta, 2014.
- The compilation of Islamic law (khi) article 15 paragraph (1) states "for the benefit of the family and household, marriage may only be carried out by prospective brides at the age stipulated by article 7 of law no.1/1974, namely, the prospective husband is at least 19 years old. and the prospective wife must be at least 16 years old.
- The marriage law in conjunction with the amendment to Law no. 16 years 2019
- THESIS
- Yuli, Siti, Astuti. "Factors that cause young marriages among teenagers in Tembung Village, Percut Sei Tuan District, Deli Serdang Regency." Syarif Hidayatullah State Islamic University, Jakarta, 2012. Thesis.
- Yulita, Herwati, "Implementation of underage marriage (a case study in the village of Amabai Bawah in the district of Slihat Laut, Kerinci Regency." UIN Sulthan Thaha Saifuddin Jambi, Jambi, 2010. Thesis.
- Yunus, Mahmud. Marriage Law in Islam: Jakarta: Al-Hidayat, 1986.