

Evaluating the Implementation of the Marriage Law in Madura: A 2025 Systematic Literature Review (SLR) on Policy Effectiveness and Socio-Cultural Dynamics

Ahmad Khusairi^{1*}, Sedarmayanti², Ulul Albab³

Universitas Dr. Soetomo Surabaya

Corresponding Author: Ahmad Khusairi ahmadqusyaeri91@gmail.com

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ABSTRACT

The revision of Law Number 16 of 2019 on Marriage establishes the increase of the minimum age for marriage to 19 years, aiming to reduce child marriage rates in Indonesia. However, in the Madura region, the practice remains prevalent, influenced by cultural, socio-economic, and strong religious norms. This study aims to analyze the effectiveness of the implementation of Law No. 16 of 2019 in Madura after its revision, using the Antecedent-Decision-Outcome (ADO) framework. The research method applied is a systematic literature review of nine relevant scientific articles obtained from nationally indexed Sinta journals. The findings indicate that antecedent factors, such as cultural values, family economic conditions, and interpretations of religious norms, significantly influence the high number of marriage dispensation cases. As a result, the policy outcomes have not been fully effective in reducing child marriage rates.

INTRODUCTION

Child marriage remains one of the persistent social and legal challenges in Indonesia, despite various legal interventions and policy reforms. Based on data from Statistics Indonesia (BPS) and the National Population and Family Planning Board (BKKBN), the prevalence of child marriage has shown a downward trend from 11.21% in 2018 to 8.06% in 2021. Nevertheless, this figure is still relatively high compared to the national target of 6.94% by 2024 (BPS, 2022; Artiyanto & Kuswendi, 2024). In response to this problem, Indonesia revised Law No. 1 of 1974 on Marriage through Law No. 16 of 2019, which significantly raised the minimum legal age of marriage for women to 19 years. This amendment aims to eliminate gender-based discrimination in the legal age of marriage and strengthen child protection from early marriage practices (Adawiyah, 2021).

The central problem underlying this study is the significant gap between *law in books* and *law in practice* in the implementation of the Marriage Law, particularly in regions with strong socio-cultural characteristics such as Madura. Data from the Directorate General of Religious Courts shows that applications for marriage dispensation in several Madurese districts increased during the 2020–2022 period, despite the higher minimum marriage age requirement. This indicates that non-legal factors—such as customary norms, social pressure, and economic conditions—play an important role in influencing families' decisions to marry off underage children (Bappenas & UNICEF, 2020). Therefore, evaluating the implementation of marriage law in Madura requires an approach that is not only normative but also sensitive to local socio-cultural contexts.

Recent literature reviews show that most studies on the implementation of the Marriage Law in Indonesia remain focused on national or provincial scales, with few studies specifically analyzing sub-national contexts such as Madura using a Systematic Literature Review (SLR) method. Yet, SLR provides a more structured, transparent, and replicable synthesis of evidence compared to conventional narrative reviews (Kusdiwanggo & Yusran, 2024). This research gap opens opportunities for a more comprehensive analysis that integrates juridical and socio-cultural perspectives while offering evidence-based policy recommendations relevant to local conditions.

This study aims to evaluate the implementation of the Marriage Law in Madura following the revision of Law No. 16 of 2019, with a focus on policy effectiveness, mechanisms of marriage dispensation, and the influence of local socio-cultural dynamics on child marriage practices. Based on the Antecedent–Decision–Outcome (ADO) framework, the novelty of this study lies in its application of SLR at a culturally sensitive sub-national level, the integration of juridical and socio-cultural analyses, and the use of administrative data on marriage dispensations as an indicator of policy effectiveness. The scope of this study covers four districts on Madura Island, with literature published up to 2025, sourced from peer-reviewed articles (Google Scholar, Semantic Scholar), official government data, and international organizational reports in both Indonesian and English.

LITERATURE REVIEW

This research is grounded in the theoretical foundation of “law in books vs. law in action” (or *law in practice*), which posits that the existence of written law does not necessarily reflect its application in reality (Roscoe Pound; *law in action*). Legal norms may be formally valid (*law in books*), yet remain ineffective if not consistently enforced (*legal realism*) (Puaschunder, J.M., 2022, June).

Furthermore, this study applies the theory of legal socialization the process of internalizing legal norms through socialization, social networks, and legal legitimacy. If legal norms (such as the minimum age of marriage) are not yet psychologically and socially accepted by the community, the effectiveness of implementation will remain weak (Yahuza, W., & Masrokhin, M., 2025).

In the context of child marriage, the social norms theory is highly relevant. Local normative values (customary practices, community pressure, status perceptions) may encourage the continuation of such practices even when prohibited by law. The social norms approach emphasizes that norms are not only shaped by individual attitudes, but also by shared beliefs regarding what others in the same social environment do and approve of (Zaini, M., & Wagianto, R., 2025).

These three theoretical frameworks:

- 1) law in books vs. law in action.
- 2) legal socialization.
- 3) social norms approach.

Constitute the theoretical foundation of this study. Their integration enables a systematic analysis of how the 2019 Marriage Law in Madura is received, practiced, and shaped by cultural norms, as well as how legal policy can be combined with social change strategies to enhance the effectiveness of its implementation.

METHODOLOGY

This study adopts a Systematic Literature Review (SLR) design to systematically identify, evaluate, and synthesize relevant scientific evidence (Faiyah, G., & Sulisworo, D., 2024) regarding the implementation of the Marriage Law in Madura, particularly following the revision of Law No. 16 of 2019. The main focus is to evaluate policy effectiveness, examine the dispensation of marriage mechanisms, and understand how local socio-cultural dynamics influence the practice of child marriage. This approach enables the researcher to obtain a comprehensive picture of the actual conditions in the field, identify research gaps, and generate valid, up-to-date, evidence-based findings.

The analytical framework refers to the ADO (Antecedent–Decision–Outcome) model, which examines causal factors (antecedents), the decision-making process (decisions), and policy impacts or results (outcomes). In this study, antecedents include social, economic, cultural, and legal factors underlying child marriage practices in Madura; decisions encompass policies and their implementation mechanisms, including marriage dispensation processes; while outcomes cover the effectiveness of the policy in reducing child marriage rates and its socio-cultural implications.

Literature Search Process

The literature search was conducted systematically using two major scientific databases: Google Scholar and Semantic Scholar. These databases were selected due to their broad coverage of scientific publications, including nationally indexed journals, international conference proceedings, and relevant research reports.

Search keywords were formulated to capture all aspects of the research, combining terms such as: "*implementation of Marriage Law*" OR "*Law No. 16 of 2019*" AND ("*Madura*" OR "*Madura culture*") AND ("*child marriage*" OR "*marriage dispensation*") AND ("*policy effectiveness*" OR "*socio-cultural impact*").

The search was limited to publications from 2025, ensuring data relevance and reflecting the most recent conditions following the implementation of the revised law, as well as responses to the latest socio-cultural dynamics.

Article Selection

The search results yielded 134 articles from Google Scholar and 22 articles from Semantic Scholar. After title and abstract screening using the following inclusion criteria (1) focus on the implementation of the Marriage Law, (2) relevance to the Madura context or regions with similar cultural characteristics, (3) discussion of child marriage or marriage dispensation, and (4) inclusion of policy effectiveness evaluation or socio-cultural analysis along with exclusion criteria (1) irrelevant studies, (2) duplicates, and (3) studies failing to meet academic quality standards 9 articles were deemed eligible for analysis (7 from Google Scholar and 2 from Semantic Scholar).

Data Analysis

Each selected article was analyzed thematically using the ADO framework. Data from each study were extracted to identify:

1. Antecedents:

Causal factors influencing the implementation of the law, including cultural resistance, public perceptions, and economic conditions.

2. Decisions:

Policy implementation processes, marriage dispensation mechanisms, and the roles of government officials, religious leaders, and community actors.

3. Outcomes:

The effectiveness of the policy in reducing child marriage rates and its impact on socio-cultural change.

This analytical process enables a comprehensive and evidence-based synthesis, ensuring that the research contributes both academically and practically to the formulation of more adaptive policies that are sensitive to the local context of Madura.

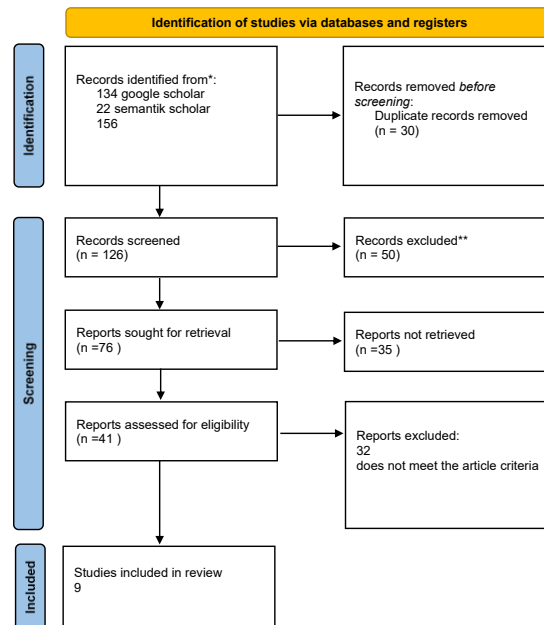


Figure 1. Desain Systematic Literature Review (SLR)

Source Processed by Researchers 2025

This literature review encompasses nine recent studies (2025) that directly examine the implementation of Law No. 16 of 2019 on Marriage in Madura, particularly regarding policy effectiveness, the mechanism of marriage dispensation, and socio-cultural influences.

1. Fawaid, Rahmadanik, and Soesiantoro (2025) analyzed the impact of child marriage in Sampang Regency using a *Street-Level Bureaucracy* approach. Their findings reveal that policy implementation is strongly shaped by bureaucrats' discretion at the grassroots level, which in practice is influenced by local cultural values and social pressure. Such variations in enforcement lead to inconsistencies in preventing child marriage. As a result, children who marry early are more likely to drop out of school, face emotional and financial unpreparedness, and experience reproductive health risks.

2. Amara et al. (2025) examined the legal standing of child betrothal in Sampang. Although not legally binding, this practice often serves as the basis for marriage dispensation petitions, thereby increasing child marriage rates. This contradicts Law No. 16 of 2019, which sets the minimum marriage age at 19, as well as the *best interest of the child* principle under the Convention on the Rights of the Child. The study highlights the need for stronger regulation and public education to eliminate child matchmaking practices.
3. Anggrainy and Haris (2025) evaluated the *Desa Model CEPAK* program in Pamolokan, Sumenep, using Edwards III's implementation theory. They found that the program's success depends heavily on effective communication (direct socialization and digital media), adequate human and financial resources, village officials' commitment, and clear organizational structure. The study emphasizes the importance of education and concrete actions in addition to formal regulation.
4. Nurinsani, Nugroho, and Rubiati (2025) investigated cases of marriage dispensation granted without urgent reasons. Such rulings were deemed inconsistent with positive law, which explicitly prohibits underage marriages without legitimate grounds. The study recommends stricter oversight of dispensation processes to safeguard the effectiveness of child marriage prevention policies.
5. Hamdani and Wijayanto (2025) also highlighted matchmaking practices as a pathway to marriage dispensation in Saronggi, Sumenep. Their findings align with Amara et al., showing that child matchmaking significantly contributes to the prevalence of early marriage and directly contradicts Law No. 16 of 2019.
6. Usman (2025) discussed the legal challenges in enforcing the minimum marriage age. He underscored regulatory disharmony and the high prevalence of dispensations, compounded by strong local cultural norms. The study stresses the need for synergy among government institutions, communities, and stakeholders to raise legal awareness, strengthen education, and consistently enforce the law.
7. Basri (2025) examined the application of the *best interest of the child* principle in the Sumenep Religious Court's decisions on marriage dispensation. Judges sought to mitigate potential harm to children by considering legal utility, in line with Supreme Court Regulation (Perma) 2019.
8. Putra (2025), through his doctoral dissertation, explored judges' perspectives at the Sumenep Religious Court regarding Article 7 of Law No. 16 of 2019. Judges recognized the revised minimum age requirement as a progressive step but continued to view dispensation as a legitimate "emergency exit." In practice, urgent reasons were not limited to pregnancy but also included risks of premarital relationships. Applications could be rejected if the applicant's age was far below the legal minimum.

9. Rubianto and Pratama (2025) discussed penal policies against forced marriage following the enactment of the Law on Sexual Violence Crimes (UU TPKS). Although the legal framework is strong, challenges in socialization and complaint services hinder optimal victim protection. This study is highly relevant, as forced marriage often occurs in the context of child marriage in Madura.

Synthesis of Findings

Collectively, these nine studies indicate that the implementation of Law No. 16 of 2019 in Madura faces three major challenges:

1. Socio-Cultural Factors – Local norms, child matchmaking practices, and social pressure reinforce resistance to the minimum age requirement.
2. Marriage Dispensation Mechanism – Legal loopholes and broad interpretations contribute to the high number of dispensations, undermining the spirit of child protection.
3. Implementation Capacity – Limited resources, discretionary variation among bureaucrats, and weak oversight result in inconsistent policy outcomes.

These findings provide an essential foundation for analyzing policy effectiveness and formulating improvement strategies that take into account the socio-cultural context of Madura, ensuring that the Marriage Law is more effective in safeguarding children's rights.

RESEARCH RESULTS

Evaluation of the Implementation of the Marriage Law in Madura Post-Amendment of Law No. 16 of 2019

ADO Framework (Antecedent-Decision-Outcome)

1. Antecedent (Background and Driving Factors)

Based on the findings from the nine reviewed studies, several antecedent factors influence the implementation of Law No. 16 of 2019 in Madura:

1. Culture and Social Norms – The tradition of child matchmaking remains strong in Sampang and Sumenep, despite lacking formal legal recognition.
2. Social Pressure – Concerns over family honor, fears of adolescent relationships, and social stigma drive parents to marry off their children at an early age.
3. Economic and Educational Factors – Poverty and low educational awareness lead families to perceive marriage as a solution, even though it often results in negative consequences such as school dropout.
4. Street-Level Bureaucrats' Discretion – Local officials frequently apply the policy flexibly, creating variations in implementation across different regions (Fawaid et al., 2025).

Decision (Policy Decision-Making and Implementation)

Decision-making in the field concerning the enforcement of the minimum marriage age demonstrates complex dynamics:

1. Marriage Dispensation Mechanism
 - a. Many dispensations are granted without urgent justification (Nurinsani et al., 2025).
 - b. Judges apply varying criteria, ranging from pregnancy to “preventing premarital relationships” (Putra, 2025).
 - c. Some judges reject applications when the child’s age is significantly below the minimum threshold, in order to safeguard children’s rights (Basri, 2025).
2. Role of Village-Level Policies

The *Desa Model CEPAC* program in Pamolokan demonstrates that education, direct communication, and cross-institutional collaboration can effectively reduce child marriage when implemented consistently (Anggrainy & Haris, 2025).
3. Law Enforcement and Oversight

Gaps remain between regulation and field implementation, particularly in terms of inter-agency coordination and monitoring of child matchmaking practices.

Outcome (Results and Impacts)

The outcomes of implementing this law in Madura reflect both progress and ongoing challenges:

1. Positive Outcomes
 - a. Growing awareness among certain officials and segments of society.
 - b. The emergence of village-based prevention models that prove effective when consistently applied.
2. Negative Outcomes
 - a. Child marriage rates remain high due to the relative ease of obtaining dispensations.
 - b. Early-married children frequently experience school dropout, reproductive health risks, and economic hardships (Fawaid et al., 2025).
 - c. Cultural norms continue to serve as dominant forces, often overriding formal legal provisions.

DISCUSSION

Overall, the effectiveness of Law No. 16 of 2019 in Madura after the amendment remains constrained by the strong influence of cultural norms, the lax supervision of marriage dispensations, and the disharmony between legal norms and social norms. Community-based prevention models, public education, and consistent law enforcement by authorities are key to enhancing positive outcomes. The ADO (Antecedent-Decision-Outcome) framework demonstrates that without addressing antecedent factors (cultural and socio-economic), legal decisions (dispensations) will continue to yield suboptimal outcomes.

Antecedent (Background and Driving Factors)

First, culture and social norms remain the most dominant factors, particularly the tradition of child matchmaking that is still prevalent in areas such as Sampang and Sumenep. This practice has been passed down across generations and is often viewed as part of family honor. Although it has no formal legal basis, such social norms create collective pressure that perpetuates child marriage. This aligns with the theory of *social norm persistence*, which posits that legal reforms require more time to take root when confronted with deeply embedded cultural values.

Second, social pressure arises from fears of adolescent relationships, the potential for premarital sex, and the stigma of unmarried girls at a certain age. These factors are often used by parents as justification to marry off their daughters early. Such stigma functions as a form of *social sanction* that shapes collective behavior, thereby weakening compliance with the legal minimum marriage age.

Third, economic and educational factors play a significant role. High levels of poverty in parts of Madura encourage families to perceive marriage as a way to reduce economic burdens. At the same time, limited awareness of the importance of education leads parents to prioritize marriage over schooling, which contributes to high dropout rates among young people in the region.

Fourth, an important finding relates to the discretion of street-level bureaucrats. This results in variations in law enforcement across regions. In some districts, dispensation requests are more readily approved, while in others they are more strictly rejected. Fawaid et al. (2025) highlight that differing interpretations and evaluation standards contribute to inconsistent implementation of the Marriage Law.

Decision (Policy Decision-Making and Implementation)

The implementation of the marriage age policy in Madura shows that decision-making in practice is shaped not only by written regulations but also by social, cultural, and bureaucratic factors. A key aspect is the marriage dispensation mechanism, which has become the main entry point for child marriage despite Law No. 16 of 2019 raising the minimum marriage age to 19.

Findings indicate that dispensations are often granted without urgent justification. Some judges approve applications based on reasons such as pregnancy or concerns over adolescent relationships—criteria that are highly subjective. This reveals significant variation in judicial practice, resulting in inconsistencies across regions. Conversely, certain judges firmly reject applications when the child's age is significantly below the legal threshold, prioritizing child protection. These differing approaches demonstrate that implementation is highly dependent on judicial interpretation and commitment.

At the community level, village policies have proven significant in reducing child marriage rates. The *Desa Model CEPAK* program in Pamolokan serves as a best-practice example, combining education, direct communication, and cross-sector collaboration. This approach not only raises awareness but also builds collective consciousness about the risks of child marriage social, economic, and psychological. Its success highlights that prevention requires not only regulation but also community-based interventions.

Nonetheless, law enforcement and monitoring remain major challenges. Gaps between regulation and practice persist, particularly due to weak coordination among agencies in supervising informal child matchmaking at the community level. The absence of effective oversight mechanisms enables such practices to continue despite being legally prohibited.

Outcome (Results and Impacts)

The implementation of the Marriage Law in Madura reveals both progress and persistent challenges. On the positive side, awareness among some government officials, community leaders, and residents has begun to increase. This is evident in efforts to provide education, initiate public discussions, and resist child marriage practices that clearly violate the law. Community-based prevention models particularly those involving religious leaders, village officials, and health workers have also proven effective when carried out consistently and sustainably. These models foster active participation from all elements of society in preventing child marriage.

However, these positive developments have not fully resolved the underlying issues. The biggest challenge lies in the continued prevalence of child marriage. One key reason is the dispensation mechanism, which, although intended as a legal exception under urgent conditions, is often misapplied. As a result, the law's protective function for children is undermined.

The negative impacts are significant, particularly for young girls married at an early age. They face higher risks of dropping out of school, which directly limits future employment opportunities. Early marriage also increases the likelihood of reproductive health problems, such as pregnancy complications and maternal mortality, threatening both mother and child. Economic difficulties are also common, as young couples are often unprepared financially and psychologically to manage a household.

Beyond legal and economic issues, cultural norms remain the strongest barrier. In many parts of Madura, child marriage is still perceived as a way to preserve family honor or prevent premarital relationships. These views grant social legitimacy to the practice, often outweighing the authority of formal legal norms.

CONCLUSION AND RECOMMENDATIONS

This study concludes that the implementation of Law No. 16 of 2019 on Marriage in the Madura region, following its revision, continues to face significant challenges. The primary obstacles lie in the strong influence of deeply rooted cultural norms and socio-economic conditions within society. Cultural values that regard child marriage as acceptable, even as part of tradition, often conflict with the provisions of formal law.

In addition, the relatively easy accessibility of marriage dispensation mechanisms undermines the effectiveness of the policy, despite the legal regulation of minimum marriage age. This condition directly contributes to school dropouts, increased reproductive health risks, and economic hardships among young families.

The findings of this study also reveal positive initiatives in several villages through community-based prevention models. When implemented consistently, this approach has the potential to raise public awareness and provide protection for young girls against the risks of early marriage. However, without strong support from local authorities and harmonization between legal norms and social norms, the success of such models remains limited.

Based on the ADO (Antecedent-Decision-Outcome) framework, antecedent factors such as cultural values and socio-economic conditions exert a strong influence on legal decision-making (marriage dispensations), which ultimately shapes policy outcomes. Therefore, structural and cultural interventions are necessary, including public education, family economic empowerment, and consistent law enforcement. By addressing these antecedent aspects, the effectiveness of the Marriage Law can be enhanced, and the goal of protecting children's rights can be achieved more optimally.

1. Strengthening Legal Education and Literacy

Local governments, community leaders, and educational institutions should consistently organize public education programs on the negative impacts of child marriage, particularly in regions with strong traditions such as Madura. These educational efforts must be tailored to the local language, values, and media to ensure that the messages are more effectively received.

2. Strict Oversight of Marriage Dispensation

A multi-layered monitoring mechanism should be implemented for the marriage dispensation process, including field verification by the relevant authorities before the court grants permission. The goal is to ensure that dispensations are granted only under truly urgent circumstances, thereby allowing the implementation of Law No. 16 of 2019 to function optimally and align with the objectives of child protection.

ADVANCED RESEARCH

1. Interdisciplinary Approaches to Preventing Child Marriage

Future research is recommended to develop interdisciplinary approaches that integrate legal, educational, health, and cultural anthropology perspectives. Such approaches are essential for designing interventions that are more adaptive to the socio-cultural context of Madura, thereby reducing the incidence of inappropriate marriage dispensations.

2. Evaluation of Community-Based Prevention Models

Further research should comprehensively evaluate the effectiveness of community-based prevention programs, including public education mechanisms and the role of village authorities. Emphasizing the measurement of behavioral and perceptual changes within the community will help identify strategies that are both sustainable and contextually relevant.

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