

The Urgency of The Selarian Statement In Proof of The Eligibility of Marriage Dispensation Cases In The Bima Class 1A Religious Court

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Abstract

This research explores the urgency and legal relevance of the *Surat Pernyataan Selarian* (Elopement Statement Letter) in proving the feasibility of marriage dispensation applications at the Bima Class 1A Religious Court. Marriage dispensation, which allows underage couples to legally marry under special conditions, often involves cultural elements such as elopement, especially in traditional communities like Bima. The study aims to assess how this letter functions as supporting evidence, its legal standing, and the extent to which it influences judicial decisions. Using an empirical qualitative method, the research was conducted through field observations, in-depth interviews with judges and court staff, and document analysis of dispensation case files. The findings reveal that although the elopement statement letter is not legally mandated, it is commonly submitted to demonstrate the seriousness of the couple's relationship and to gain social legitimacy. Judges often take the letter into consideration as it reflects cultural values and community support, even though it lacks formal legal weight. The study also identifies challenges in the use of such letters, including lack of standardization, risk of fabrication, and inconsistency in judicial interpretations. The practice reveals a tension between formal legal standards and traditional customs, raising concerns about the protection of minors and the uniformity of legal application. In conclusion, while the elopement statement letter holds cultural significance and practical influence in local court procedures, its legal implications require careful regulation. The research recommends establishing clearer guidelines and integrating formal support mechanisms to ensure that cultural practices do not undermine the legal protections intended for children.

[Penelitian ini mengeksplorasi urgensi dan relevansi yuridis dari Surat Pernyataan Selarian dalam pembuktian kelayakan permohonan dispensasi nikah di Pengadilan Agama Bima Kelas 1A. Dispensasi nikah, yang memungkinkan pasangan di bawah umur untuk menikah secara sah dalam kondisi tertentu, sering kali melibatkan unsur budaya seperti praktik selarian, khususnya di masyarakat tradisional seperti Bima. Penelitian ini bertujuan untuk menilai bagaimana surat tersebut berfungsi sebagai alat bukti pendukung, kedudukan hukumnya, serta sejauh mana pengaruhnya terhadap pertimbangan hakim dalam pengambilan putusan. Dengan menggunakan metode kualitatif empiris, penelitian ini dilakukan melalui observasi lapangan, wawancara mendalam dengan hakim dan staf pengadilan, serta analisis dokumen berkas perkara dispensasi nikah. Temuan penelitian menunjukkan bahwa meskipun Surat Pernyataan Selarian

tidak diwajibkan secara hukum, surat ini umumnya dilampirkan untuk menunjukkan keseriusan hubungan pasangan serta memperoleh legitimasi sosial. Hakim sering mempertimbangkan surat tersebut karena mencerminkan nilai-nilai budaya dan dukungan masyarakat, meskipun surat itu tidak memiliki kekuatan hukum formal. Penelitian ini juga mengidentifikasi berbagai tantangan dalam penggunaan surat tersebut, termasuk tidak adanya standar baku, potensi pemalsuan, dan ketidakkonsistenan dalam interpretasi yudisial. Praktik ini memperlihatkan adanya ketegangan antara standar hukum formal dengan adat istiadat lokal, yang menimbulkan kekhawatiran terhadap perlindungan anak dan keseragaman penerapan hukum. Sebagai kesimpulan, meskipun Surat Pernyataan Selarian memiliki makna kultural dan pengaruh praktis dalam prosedur peradilan lokal, implikasi hukumnya memerlukan pengaturan yang cermat. Penelitian ini merekomendasikan perlunya pedoman yang lebih jelas serta integrasi mekanisme pendukung formal guna memastikan bahwa praktik budaya tidak melemahkan perlindungan hukum yang ditujukan bagi anak-anak.]

Keywords: Elopement Statement Letter, Marriage Dispensation, Child Marriage, Legal Evidence, Religious Court, Bima, PERMA No. 5/2019, Customary Law

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INTRODUCTION

Marriage is a basic citizen's right as stipulated in the 1945 Constitution of the Republic of Indonesia, as stated in Article 28B paragraph 1 which states "everyone has the right to continue legitimate offspring." The law must not be viewed as a deprivation of human rights owned by citizens, but furthermore the law must be viewed as a tool of social engineering that is intended to direct towards the desired goal. In general, the purpose of creating the law is to provide benefits to society such as peace, tranquility and also security in the environment, so that all levels of society can continue their lives without interference from third parties. (hudzaifah ahmad qotadah, 2006). Child marriage is widely recognized as a cultural practice that is both a cause and a consequence of human rights violations. Defined as marriage under the age of 19, child marriage also undermines a girl's autonomy, to live free from violence and coercion, and to receive an education (Afriana, Betty Rubiati, 2018). Child marriage also allows sexual exploitation and endangers a girl's health. Child marriage for the Indonesian nation in practice cannot be separated from the socio-economic, cultural, and religious conditions that develop in society.

Child marriage causes children and is arranged by families and community members involved in the matchmaking process, child marriage is a manifestation of tradition or customs resulting from a combination of social, cultural, and economic factors. Therefore, Allah SWT. Stipulates marriage which permits biological relations between men and women who do not have a mahram relationship, so that there are rights and obligations between both parties. Religion itself does not strictly regulate the minimum age limit for marriage, starting from the Koran to the hadith of the prophet. And Allah SWT confirms this in several verses in the Al-Qur'an, the first in (QS, An-nur verse 32).

Meaning: "And marry those who are still single among you and also those who are worthy (to marry) of your servants, both men and women. If they are poor, Allah will empower them with His grace. Allah is

All-Encompassing (His gifts) and All-Knowing." (Al-Qur'an Ministry of Religion. Republic of Indonesia 2019)

Then it is also confirmed in several hadiths of the Prophet which say:

First hadith:

Meaning: From Aisyah RA the following that the Messenger of Allah saw. said: marriage is my sunnah, whoever does not practice my sunnah is not one of my people, get married because I am very pleased with your large numbers in front of other peoples. Whoever has the ability then get married if not then fast because fasting can be a control. (HR. Ibn Majah).

Second hadith:

Meaning: "O young men! Whoever among you is able to marry, let him marry, because it is more effective in lowering the gaze and protecting the private parts. And whoever is unable to do so, let him fast, because fasting protects him." (Narrated by Bukhari, Muslim, Tirmidhi, and others). (Muhammad Fuad Abdul Baqi. 2021) However, what is common is that he is known to have reached puberty, is of sound mind, is able to distinguish between good and bad (Mumayyiz), so that he can give his consent to marry and achieve the goal of marriage itself. (Saifudin, A, Rahman, S., & Sahban, S. 2023)

In Indonesia, marriage is regulated in Law Number 1 of 1974 concerning marriage, and in Article 7 paragraph 1 it is stated that the minimum requirement to be allowed to marry is 19 years for men and 16 years for women which was later changed to Law Number 16 of 2019. One of the significant changes in the law is the increase in the minimum age limit for marriage to 19 years for both men and women. However, under certain conditions couples who have not met the age limit can apply for a marriage dispensation through a religious court. In the process of applying for a marriage dispensation, various evidence and documents are required to support the application. One of the documents that is often used, especially in areas that are still thick with traditional customs, is a selarian letter. (Hanafi M, 2019)

The high number of marriage dispensation requests indicates a pressing need to deeply understand the factors driving this phenomenon, which, in this context, can be a major obstacle to the successful implementation of the Marriage Law in Indonesia (Ria Amaliyah, 2009). It also has the potential to cause legal issues due to the limited civil relationships within families who experience it—such as in cases of divorce, where the wife cannot claim joint property division, inheritance rights, child guardianship, or even obtain a birth certificate for the child. In other words, it affects social, economic, and legal aspects (Rizky Amelia Fathia and Dian Septiandini, 2022).

The enactment of Supreme Court Regulation (PERMA) No. 5 of 2019 concerning guidelines for adjudicating marriage dispensation requests represents a responsive step by the Supreme Court in addressing the issue of early marriage. As an institution that receives, examines, and rules on marriage dispensation applications, the Supreme Court—through its lower courts—is expected to bear great responsibility not only in delivering justice but also in ensuring the usefulness or benefit that must be achieved. In this context, the primary focus is on the best interests of the child. As stated in Article 2 of the relevant regulation, judges adjudicate marriage dispensation applications based on the principle of the best interests of the child, the child's right to life and development, respect for the child's opinion, respect for human dignity, non-discrimination, gender equality, equality before the law, justice, benefit, and legal certainty. This aims to ensure the development and the best interests of the child as the future generation of the nation (Ministry of Women's Empowerment and Child Protection, 2021).

The enactment of Supreme Court Regulation (PERMA) Number 5 of 2019, which emphasizes the best interests of the child, is not without reason. For women, health risks—particularly reproductive health—are the most significant consideration in the practice of child marriage. According to UNICEF data, women who give birth between the ages of 15 and 19 are

twice as likely to die compared to those who give birth after the age of 20 (Constitutional Court Decision, 2022).

PERMA Number 5 of 2019 concerning guidelines for adjudicating marriage dispensation applications is essentially a realization of the idea to protect all Indonesian people and the entire homeland, to promote general welfare, to educate the nation, and to participate in maintaining world order based on independence, eternal peace, and social justice. The rule of law functions as a means to achieve these four fundamental goals of the Indonesian state. Thus, the development of Indonesia should not be merely rule-driven, but mission-driven, rooted in legal principles (Jimly Asshiddiqie, 2014).

The issuance of PERMA Number 5 of 2019 on guidelines for adjudicating marriage dispensation requests is intended to allow a comprehensive and thorough examination of the root causes. Why do the parties request a marriage dispensation, considering the potential harm on both sides is equally significant and must be taken into account? The effort to provide protection oriented toward the best interests of the child should not rest solely on state institutions or bodies; society, in the eyes of the child, also plays an important role in creating a paradigm and culture that prioritizes the development and well-being of children as the future generation.

In the explanation of PERMA Number 5 of 2019 regarding guidelines for adjudicating marriage dispensation requests, it outlines the procedures and requirements for such applications. However, it does not explicitly state that an elopement letter (*surat selarian*) is a mandatory requirement for the approval of a marriage dispensation request. Nevertheless, in practice, the application of PERMA Number 5 of 2019 in the Bima Class IA Religious Court includes the *surat selarian* as a valid requirement for the approval of marriage dispensation applications.

METHOD

This study employs an empirical legal research approach. Empirical research (field research) refers to a type of investigation that focuses on observable phenomena, events, and occurrences within society, institutions, or the state, and is non-literature-based (Nasution, Bahder Johan, 2008). In this context, the research centers on the implementation of the *Surat Pernyataan Selarian* (Elopement Statement Letter) in the process of marriage dispensation applications at the Class IA Religious Court of Bima, and examines how judges interpret and consider this document in their rulings.

The study adopts a sociological and empirical juridical approach, in which law is perceived not merely as a set of normative written rules, but as a form of social behavior that evolves within society. This approach investigates the extent to which legal practices (law in action) relate to the use of the *Surat Pernyataan Selarian* as a supporting document in marriage dispensation requests.

Data collection techniques include direct observation of court proceedings and administrative processes related to marriage dispensation cases, in-depth interviews with judges, court clerks, and other relevant stakeholders at the Bima Religious Court, as well as document analysis of case files containing the *Surat Pernyataan Selarian* as evidence.

Primary data were obtained through interviews and field observations, while secondary data were drawn from legal literature, relevant regulations (such as Supreme Court Regulation No. 5 of 2019), court decisions, and other supporting documents. All data were analyzed using a descriptive-qualitative method, aiming to provide a comprehensive and in-depth understanding of the phenomenon under study.

RESULTS AND DISCUSSION

Cultural Integration and Legal Practice in the Bima Religious Court: The Role of Elopement Letters in Marriage Dispensation Cases

The research was conducted at the Bima Class 1A Religious Court, which serves as a critical institution in processing marriage dispensation applications, especially under the prevailing cultural conditions of the Bima region. The cultural norm of “selarian” or elopement before formal marriage is still widely practiced. This tradition becomes a key aspect in cases where underage individuals seek court-sanctioned permission to marry.

The selection of Bima Class 1A Religious Court as the research location was based on its frequency in handling such cases, providing a rich context for evaluating the role of customary documents like the elopement statement letter. The researcher's observational data show that, out of 50 marriage dispensation cases handled over the past year, approximately 36 included a surat pernyataan selarian as part of their submitted documentation.

Interviews conducted with court clerks and senior judges revealed that these letters are not merely symbolic, but rather are treated as supplemental evidence. The court's internal procedures for handling such letters have not been formally codified, yet in practice, the clerks review their authenticity, often checking if they are signed by village heads or local community leaders.

The location also reflects the strong intersection of customary law and Islamic legal practices. The dominance of Islamic family law in Indonesia, particularly in regions like Bima, often integrates local customs into the interpretation and implementation of national legal provisions. This hybrid legal culture makes Bima an ideal setting to explore how unofficial documents like elopement letters gain procedural traction in formal legal environments.

In addition, the Religious Court plays a dual role — adjudicating according to both positive law (national legislation such as Law No. 16 of 2019) and Islamic legal principles, particularly when parties argue moral or religious imperatives for early marriage. In such instances, letters like the surat selarian can signal to judges a perceived social obligation or emergency that compels the union.

The court environment is one of high workload and procedural constraint. Case backlogs mean that judges often rely on supporting documentation to expedite deliberations. As such, while the letter may not be a legally required document, it serves to streamline understanding of the applicant's situation and community context, saving time during hearings.

Ultimately, the Bima Religious Court reflects a microcosm of broader legal-pluralism in Indonesia — where national, religious, and customary norms intersect in the daily dispensation of justice. The physical and cultural setting deeply influences how justice is administered, and it highlights the need for culturally-informed legal reforms, especially in sensitive matters such as child marriage.

Between Custom and Law: Evaluating the Evidentiary Role of Elopement Statements in Bima

From the data collected through fieldwork, it becomes evident that the use of the elopement statement letter is widespread in Bima's legal and social culture. Primary data obtained through interviews with three judges and five court clerks confirm that, while not mandated by PERMA No. 5 of 2019, the surat pernyataan selarian frequently appears in dispensation filings.

In terms of formal role, the letter is regarded as a contextual supplement — it provides background to the relationship, social circumstances, and community support for the couple. In many cases, it includes signatures from the couple's parents, local leaders, and occasionally religious figures. This contributes to a perception of social legitimacy, which may sway judges, particularly in cases where the factual or legal basis for dispensation is otherwise weak.

Secondary data collected from court archives reveal that in more than 70% of cases involving underage applicants in the past two years, elopement letters were used. Analysis of these documents shows variations in format and wording, reflecting the lack of regulatory standardization. Some were formalized with village letterheads, while others were handwritten and lacked official stamps.

A recurring theme from the interviews was the instrumental use of such letters to justify urgency — often parents argue that because the couple has already eloped, delaying marriage would be socially or morally damaging. This argument, though extra-legal, is given weight because it aligns with the cultural context and helps judges frame their rulings within the scope of “kemaslahatan” (public interest).

Interestingly, some judges noted that these letters are double-edged: while they indicate social readiness for marriage, they also suggest that the family might be circumventing legal age restrictions. This creates a tension between respecting tradition and upholding legal safeguards meant to protect minors.

The reliance on these letters, as evident from both qualitative interviews and document reviews, demonstrates a gap between formal law and local practice. While PERMA No. 5/2019 aims to protect children's rights, local interpretations often shift the focus toward resolving social embarrassment or urgency, rather than long-term welfare of the child.

In summary, primary and secondary data confirm that elopement letters function not only as a cultural artifact but also as a *de facto* procedural tool. This reveals the adaptability of the legal system in accommodating traditional forms of proof, though it raises concerns about standardization, accountability, and the risk of legitimizing underage marriage under social pressure.

Empirical Insights

The triangulation of interviews, observation, and document analysis reveals a complex interaction between law, tradition, and judicial discretion in the use of elopement letters. One empirical insight is that judges often rely on their socio-cultural knowledge of Bima when interpreting the content and significance of such letters. This personal and local understanding substitutes for formal guidelines, allowing flexible but potentially inconsistent application.

Court observations indicate that in hearings where such letters were submitted, judges spent less time questioning applicants. The letters were often cited during oral arguments as evidence of “community support” and the seriousness of the relationship. This shortened hearing times and appeared to correlate with higher approval rates.

Empirical analysis also reveals inconsistencies: in some cases, a letter signed only by the couple was accepted, while in others, letters with multiple family endorsements were deemed insufficient. This lack of uniform criteria introduces unpredictability into the adjudication process, undermining the fairness and integrity of legal outcomes.

From a sociological lens, these practices suggest that community norms and reputational concerns continue to shape marriage practices more strongly than formal law. The elopement letter acts as a bridge between the informal world of customary

relationships and the formal domain of court-based validation. This blend of norms is simultaneously pragmatic and problematic — while it helps courts process cases quickly, it may also dilute the protective intent of child marriage laws.

Further, interviews with social workers and legal aid volunteers highlight that many families are unaware of the legal implications of submitting such letters. They are often advised by community elders or religious figures, without proper legal consultation. This calls for broader legal literacy campaigns to inform citizens about their rights and responsibilities in marriage law.

On a systemic level, the judiciary's openness to such letters points to a need for policy reform. Guidelines could be established to standardize the assessment of elopement letters, incorporating criteria such as signatory validation, consistency with other evidence, and protection of the minor's interests.

In conclusion, the empirical insights from Bima's Religious Court underscore the need for a balanced legal framework — one that respects cultural context but does not compromise the rights and welfare of children. Without such balance, legal proceedings risk becoming mere formalities that validate deeply rooted traditions without critical examination.

Comparative Study with Other Courts

A comparison with other jurisdictions such as Bondowoso and Mungkid, as studied by Zukfa Laila (2020) and Wahyu Galih Saputra (2024), reveals significant variations in the treatment of supporting documents like elopement letters. In Bondowoso, a psychological feasibility test is mandatory, and it holds more weight than cultural documentation. The court there emphasizes child welfare from a psycho-social development perspective.

In contrast, the Bima Religious Court places heavier reliance on customary indicators such as the elopement letter. The reasoning often cited is logistical — lack of access to licensed psychologists and budgetary limitations restrict comprehensive evaluations. This pragmatic reliance highlights a disparity in access to child protection mechanisms across Indonesia's regions.

Judges in Mungkid, as noted by Saputra (2024), are more cautious. They tend to reject applications if the supporting documents do not align with formal legal standards. Elopement letters in Mungkid are often disregarded unless corroborated with additional evidence, such as school records, medical notes, or a statement from the Office of Religious Affairs (KUA). This stricter evidentiary approach ensures higher legal consistency but may result in more rejections.

The disparity illustrates a challenge in the implementation of PERMA No. 5 of 2019, which does not provide a standardized template for evaluating traditional or community-based evidence. This legal grey area is filled differently depending on the region, court personnel, and community norms, leading to inconsistencies in rulings.

One clear insight from the comparative study is that institutional resources and local culture jointly shape legal practices. Where courts have access to professional support services, they are more likely to adhere to formalistic and child-centered criteria. Where such resources are lacking, traditional documents like the elopement letter play a substitute role.

This situation calls for national-level reforms in which support tools such as psychological evaluation and legal aid are decentralized and made accessible to remote regions. At the same time, training for judges should emphasize the risks of informal documentation in overriding child protection principles.

Hence, the comparative evidence suggests that a dual strategy is needed — resource allocation to enable formal procedures and regulatory frameworks to manage informal documentation. Without this, the implementation of child marriage laws will continue to be uneven, risking the entrenchment of traditional practices under the guise of legal approval.

The Role of Elopement Statement Letter in Legal Perspective

The *Surat Pernyataan Selarian* (elopement statement letter) is not a formal requirement under Indonesian positive law or PERMA No. 5 of 2019, but its persistent use in marriage dispensation applications reflects the continued influence of local customs (*adat*). From the perspective of Max Weber's theory of legal legitimacy, such a letter aligns with traditional legitimacy—a legal acknowledgment derived from deeply rooted cultural practices.

Judges at the Bima Religious Court often recognize the letter as a symbol of social approval and an indication of the seriousness of the relationship, especially when signed by family members and community leaders. This recognition implies that, although the letter has no formal legal standing, it is granted cultural legitimacy, and thereby affects judicial discretion during hearings.

However, this practice raises a critical question: should customary documents be considered reliable legal evidence in determining a child's future, particularly concerning life-changing decisions such as marriage? According to the principle of the best interests of the child emphasized in PERMA No. 5/2019, such informal documents must not override the child's protection, psychological readiness, and educational rights.

Cultural Accommodation vs. Legal Standardization

The findings show a significant gap between national legal standards and community practices. The letter often serves as a justification for moral or social urgency, leading to expedited approvals of marriage dispensations. While this may be a practical response to local norms, it risks undermining the primary goal of marriage dispensation law: child protection.

The Indonesian legal system acknowledges the role of *living law*—the idea that law must live in the community. However, if cultural practices override formal protections without critical scrutiny, it leads to legal dualism. Judges may be placed in a difficult position, balancing between respecting community values and adhering to national law. There is a tension between procedural fairness and sociocultural pragmatism. Without clear legal standards for such supporting documents, judicial discretion becomes the dominant determinant, increasing the risk of inconsistent rulings and even discriminatory treatment of similar cases in different jurisdictions.

Judicial Discretion and Child Protection

The empirical findings indicate that judges tend to use the *surat selarian* as supporting evidence that expedites hearings. While this may serve administrative efficiency, it often results in subjective assessments of the applicant's maturity and the legitimacy of their relationship.

This reliance on informal evidence highlights the importance of judicial training and institutional resources. In the absence of psychological evaluations or school counseling reports (which are often unavailable in rural areas), judges use the letter as a proxy to determine the emotional and social readiness of underage couples. This practice, while understandable, could compromise objectivity and the integrity of judicial outcomes. From the standpoint of Fiqh Munakahat (Islamic marital jurisprudence), the letter does not have the same authority as *akad nikah* or *wali* approval. Nevertheless, when it reflects

community acknowledgment and mutual consent, it aligns with the Islamic legal tradition of considering *maslahah* (public interest) in legal reasoning. This creates a complex interplay between Islamic ethics, national laws, and cultural norms.

CONCLUSION

The *Surat Pernyataan Selarian* (Elopement Statement Letter) plays a significant role in the process of marriage dispensation at the Bima Class 1A Religious Court. While it is not formally recognized as a legal requirement in Indonesian marriage laws or in PERMA No. 5 of 2019, in practice, this letter is often presented as supporting evidence in underage marriage dispensation cases. Its frequent use reflects the deeply rooted cultural customs in Bima society, where elopement before marriage is considered a legitimate reason to seek formal recognition through court approval.

Judges and court officials in Bima consider the elopement letter as an indicator of the seriousness of the relationship, family consent, and community acknowledgment. Although it does not carry legal binding force, its presence helps to illustrate the social dynamics and moral urgency surrounding the application. In many instances, it assists judges in understanding the applicant's background and expedites the hearing process, particularly in rural areas where psychological evaluations and other formal assessments are limited or unavailable.

However, the use of this letter also reveals a tension between traditional cultural practices and formal legal standards. While it serves as a bridge between customary norms and the judicial system, its informal nature creates a risk of inconsistency in judicial decisions. Courts in other regions may place little to no weight on such documents, highlighting the lack of national standardization in evaluating traditional forms of evidence. This discrepancy suggests that cultural values, while important, should not override the legal framework designed to protect minors.

The findings also point to the need for reform, especially in developing standardized procedures for assessing non-legal documents like the elopement letter. Legal protection for children should remain the primary focus of marriage dispensation cases. The judiciary must be supported with adequate resources, such as psychological experts and social workers, to properly evaluate the emotional and mental readiness of underage applicants. Public education about the legal implications of early marriage is equally important to reduce dependency on informal practices rooted in tradition.

In conclusion, the elopement statement letter holds strong cultural meaning and procedural influence in Bima, but it cannot substitute formal legal safeguards. While it may assist courts in understanding social context, its role should be complementary rather than decisive. Balancing cultural sensitivity with child protection requires comprehensive legal and institutional support to ensure that justice serves not only the traditions of a community but also the future of its children.

REFERENCES

- Afriana, B., & Rubiati, R. (2018). *Perkawinan Bawah Umur di Indonesia*. Bandung: Universitas Padjadjaran.
- Azra, A. (2006). *Islam in the Indonesian World: An Account of Institutional Formation*. Jakarta: Equinox Publishing.
- Departemen Pendidikan dan Kebudayaan. (1979). *Adat dan Upacara Perkawinan Daerah Nusa Tenggara Barat*. Jakarta: Balai Pustaka.
- Departemen Pendidikan Nasional. (2008). *Kamus Besar Bahasa Indonesia (KBBI)*. Jakarta: Gramedia Pustaka Utama.
- Fajar, M., & Achmad, Y. (2010). *Dualisme Penelitian Hukum Normatif dan Empiris*. Yogyakarta: Pustaka Pelajar.

- Hanafi, M. (2019). *Dispensasi Nikah dalam Perspektif Undang-Undang dan Hukum Islam*. Jurnal Hukum Islam, 15.
- Hilman, H. (2007). *Hukum Pernikahan Indonesia dan Kompilasi Hukum Islam*. Bandung: CV. Bandar Maju.
- Houston, B. (2022). *Panduan Program Guru Penggerak Untuk Asesor*. Kementerian Pendidikan dan Kebudayaan, Riset, dan Teknologi.
- Jogiyanto. (2008). *Studi Kelayakan Sistem Informasi*. Yogyakarta: Andi Offset.
- Melawati, F. S. (2019). Dampak Pendampingan Program Sosial Entrepreneur Dompot Dhuafa Yogyakarta Perspektif Ekonomi Islam. *Jurnal Ekonomi Islam*, 52–60.
- Pahlephi, R. D. (2022). Dokumentasi Adalah: Mengenal Fungsi, Kegiatan, dan Jenisnya. *DetikBali*. <https://www.detik.com/bali>
- PERMA No. 5 Tahun 2019. *Pedoman Mengadili Permohonan Dispensasi Kawin*. Mahkamah Agung Republik Indonesia.
- Putusan Mahkamah Konstitusi Republik Indonesia. (2022). *Putusan Mengenai Batas Usia Pernikahan Anak*.
- Qotrun, A. (2024). Apa Itu Observasi? Berikut Pengertian, Ciri, Tujuan, dan Jenisnya. *Gramedia Blog*. <https://www.gramedia.com/literasi/>
- Ramlah, S. (2010). *Hukum Islam di Indonesia*. Bandung: Raja Grafindo Persada.
- Ria, A. (2009). Dampak Penolakan Isbat Nikah Terhadap Hak Perempuan. (Skripsi, UIN Syarif Hidayatullah Jakarta).
- Rizky, A. F., & Dian, S. (2022). Dampak Penolakan Isbat Nikah Terhadap Pemenuhan Hak Anak. *USM Law Review*, 5(2), 608.
- Saifudin, A., Rahman, S., & Sahban, S. (2023). Efektivitas Penerapan Pasal 7 Undang-Undang Nomor 16 Tahun 2019 dalam Perkara Dispensasi Kawin. *Journal of Lex Generalis*, 4(3), 749–763.
- Santoso, S. (2016). Hakekat Perkawinan Menurut Undang-Undang Perkawinan, Hukum Islam dan Hukum Adat. *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam*, 7(2), 412–434.
- Saputra, W. G. (2024). Analisis Yuridis Permohonan Dispensasi Perkawinan yang Tidak Dapat Diterima di Pengadilan Agama Mungkid. *Jurnal Hukum Islam*, 3(3), 129–138.
- Sari, A. P. (2022). Peran Hakim dalam Menentukan Kelayakan Dispensasi Nikah Bagi Anak di Bawah Umur. *Jurnal Yudisial*, 15(1), 45–46.
- Soekanto, S. (2006). *Pengantar Penelitian Hukum*. Jakarta: UI Press.
- Southey, C. T. (2013). *Chronicle History of the West Indies*. (Reprint Edition).
- Sutantio, R., & Oeripkartawinata, I. (1983). *Hukum Acara Perdata dalam Teori dan Praktek*. Bandung: Alumni.
- Syahrani, H. R. (2004). *Buku Materi Dasar Hukum Acara Perdata*. Bandung: Citra Aditya Bakti.
- Weber, M. (1978). *Economy and Society: An Outline of Interpretive Sociology*. University of California Press.
- Zukfa Laila, N. A. (2020). Efektivitas Tes Uji Kelayakan dalam Permohonan Dispensasi Kawin di Pengadilan Agama Bondowoso Kelas 1A. (Skripsi, IAIN Jember).