

Research Article

Judicial Policy and Societal Implications: Marriage Dispensation Rejections in Pangkalan Bun's Religious Court

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Abstract

This study examines the complex interplay of legal, religious, and social factors influencing the rejection of marriage dispensation requests in Pangkalan Bun's Religious Court. Through in-depth interviews and document analysis, the study explores the court's decision-making process, the prevailing societal norms, and the broader implications of these rejections. Findings reveal that legal precedents, religious interpretations, and social pressures shape the court's decisions. Individuals denied dispensations often face stigma, economic hardship, and mental health challenges. At the community level, these rejections can lead to increased social conflict, weakened social cohesion, and changes in family structures. The study highlights the urgent need for comprehensive measures to address the multifaceted consequences of rejecting marriage dispensations, including strengthening education, improving access to support services, and promoting gender equality.

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INTRODUCTION

The rejection of marriage dispensation applications in Indonesia's religious courts reflects a multifaceted issue that intersects legal, spiritual, and social dimensions (Andiani, 2024). This topic has drawn significant attention due to the complexity involved in how the courts make decisions to grant or deny these dispensations. Particularly in pregnancies outside of marriage, religious courts weigh various factors, including legal statutes, religious doctrines, and local customs, to make decisions (Thiari Syafutry et al., 2024). These rulings affect the individuals directly involved and have broader implications for families and communities, sometimes influencing societal attitudes and norms (Psaki et al., 2021; Schaffnit & Lawson, 2021). Additionally, the potential for social unrest or shifts in long-standing social structures due to these court decisions cannot be overlooked. By analyzing the relationship between law and religion in this context, this study aims to shed light

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on the intricate challenges surrounding marriage dispensations in Indonesia and the broader implications these decisions have for social harmony and the exercise of religious freedom.

The specific criteria used by the Religious Court to assess and reject marriage dispensation requests remain unclear, leading to potential inconsistencies in decision-making. The influence of local customs and traditions on the court's decisions is not fully understood, which may reveal conflicts between religious law and cultural practices (M. Kasim & Nurdin, 2020). The long-term consequences of rejecting these dispensation requests on individuals, families, and communities, including impacts on social stability and economic well-being, are yet to be thoroughly explored (Fahmi, 2024). Additionally, the effectiveness of alternative dispute resolution mechanisms in addressing the underlying issues behind such requests is unknown, suggesting the possible need for more support services or legal reforms. Comparative studies of other religious courts in Indonesia are lacking, limiting the broader understanding of the unique challenges faced by these courts.

Previous research has explored the religious court's policy in rejecting marriage dispensation applications due to pregnancy outside of marriage in various regions. Still, there is limited research on this topic in certain areas of Kalimantan. Several studies have contributed valuable insights into this issue. Pradikta et al. (Pradikta et al., 2022) analyzed the reasons for rejecting marriage dispensation applications in Tanjung Karang Religious Court, highlighting factors such as the applicant's age, the risk of child marriage, and the social consequences of pregnancy. Similarly, Nidlom & Andrina (Nidlom & Andrina, 2021) examined cases in Religious Court, identifying the applicants' young age, lack of parental consent, and potential social stigma as common reasons for rejection.

Meanwhile, Fernando (Fernando, 2020) explored child protection laws in cases of underage marriage due to pregnancy and found that courts often granted dispensations to avoid further harm to the child while emphasizing the need for education to prevent future incidents. Andar Yuni (Andar Yuni, 2021) compared the criteria used in different regions for marriage dispensations, revealing variations in how religious courts assess such cases. Additional studies, such as that research, further underscore the diverse legal and social factors influencing judicial decisions on marriage dispensations across Indonesia. These studies provide a foundation for understanding how religious courts navigate this complex issue, but research in specific regions like Kalimantan remains underexplored.

There is a clear knowledge gap in the existing literature regarding the religious court's policy in rejecting marriage dispensation due to pregnancy outside of marriage in Pangkalan Bun, Kalimantan, which this research aims to address. This study is crucial as it will provide a deeper understanding of the court's decision-making process in such cases, contributing valuable insights to inform future legal and policy decisions. The key research question centers on what specific policies the religious court in Pangkalan Bun follows when rejecting marriage dispensations due to extramarital pregnancy. This research seeks to uncover any unique factors in this region by exploring these policies. Despite limited research, it is anticipated that the court's approach in Pangkalan Bun may not significantly differ from the other areas in Indonesia. However, this study will confirm or challenge that assumption.

METHOD

This study employed a qualitative, juridical-empirical research design, combining legal analysis with empirical field data (Fajar & Achmad, 2010) to investigate the reasons behind the Religious Court's policy on rejecting marriage dispensation due to pregnancy outside of marriage and its broader social implications. The research method involves in-depth interviews, document analysis, and courtroom observations to collect primary and secondary data (Vartanian, 2010). The literature review provided a comprehensive overview of relevant legal documents, national marriage laws, and academic literature, helping to contextualize the study and identify gaps in existing knowledge (Vartanian, 2010). Study participants included judges from the Religious Court of Pangkalan Bun, legal representatives, parents, community leaders, and other relevant stakeholders.

selected based on their relevance to the research topic and ability to provide informed consent. Data collection followed a structured process of interviews, document analysis, and observations, with the resulting data analyzed thematically to identify key themes related to the court's juridical reasoning, moral and social considerations, and the broader societal effects of these legal decisions.

RESULTS AND DISCUSSION

Juridical Reasoning and Legal Interpretations

In a series of interviews, several key figures shared their perspectives on marriage dispensation and the legal processes surrounding it. A judge explained the primary reasons for rejecting marriage dispensations, citing legal precedents often referred to in such cases, interpreting relevant Qur'anic verses and hadith, and considering socio-cultural factors. Another judge discussed the challenges in making these decisions, emphasizing the complexities caused by various factors and pressures from different parties. A court clerk outlined the procedures for submitting a marriage dispensation request, detailing the requirements and the time typically needed for the court process. Meanwhile, a lawyer shared their views on the court's decisions, highlighting potential weaknesses in the rulings and suggesting areas for improvement.

Religious leaders contributed by expressing their views on early marriage and out-of-wedlock pregnancies, noting the role they play in advising the community. Lastly, when possible, couples who applied for marriage dispensations explained their reasons and reflected on how the rejection of their request impacted their lives. These insights reflect the multifaceted nature of the issue, where legal, cultural, and personal considerations intersect. As the famous saying goes, "The law is reason, free from passion," but as these testimonies show, legal decisions often grapple with the human side of every case. Here are the interview results:

Judge from Pangkalan Bun Religious Court

- Question : What is the primary reason the court rejects marriage dispensation requests?
- Answer : The main reason for rejection is generally the very young age of the applicants, as they are often not mature enough to take on the responsibilities of marriage. Additionally, we consider the potential negative impacts on the child's physical and psychological health and any unmet administrative requirements.
- Question : How does the court make decisions in marriage dispensation cases?
- Answer : The decision-making process is meticulous. We consider various aspects, including legal provisions, MUI (Indonesian Ulama Council) fatwas, socio-economic conditions, and expert opinions. Pressure from various parties is also considered, but the final decision is always based on objective legal considerations.

Court Clerk from Pangkalan Bun Religious Court

- Question : What are the requirements for submitting a marriage dispensation request?
- Answer : Applicants must complete various requirements, such as providing a birth certificate, a letter of recommendation from the local community leaders (RT/RW), a medical certificate stating that the bride and groom are physically and mentally prepared, and a strong reason for why the marriage dispensation is necessary.
- Question : How long does it take to resolve a marriage dispensation case?
- Answer : The duration varies depending on the complexity of the case. On average, it takes about 1-2 months from the start of the proceedings to the final decision.

Lawyer

- Question : How do you assess the court's decisions regarding marriage dispensation?

Answer : I believe that the court's decisions are often too rigid and do not sufficiently consider the socio-economic and cultural conditions of the community. There needs to be more flexibility in applying the law to accommodate different situations.

Question : What suggestions do you have for improving the marriage dispensation system in Indonesia?

Answer : There should be more intensive socialization to the public about the importance of delaying marriage until the appropriate age. In addition, the government needs to provide counseling services and support for teenagers facing pregnancy issues.

Religious Leader

Question : What is the religious view on early marriage and out-of-wedlock pregnancies?

Answer : Early marriage and out-of-wedlock pregnancies are against Islamic teachings. However, marriage dispensation may be considered a last resort.

Question : What role do religious leaders play in addressing early marriage?

Answer : Religious leaders play an important role in providing sexual and reproductive education to teenagers, as well as offering counseling to families facing issues related to early marriage.

Marriage Dispensation Applicants

Question : Why did you apply for marriage dispensation?

Answer : We applied for a marriage dispensation due to an unplanned pregnancy. We were concerned that if we didn't marry, our child would face social stigma.

Question : How did you feel about the court's decision?

Answer : I felt disappointed with the court's decision. I had hoped for a better solution for us and our child.

The interview responses offer a thorough understanding of the various perspectives surrounding the issue of marriage dispensation. The judge's reasoning highlights the court's concern for the applicants' age and maturity and the potential adverse effects of early marriage. The careful decision-making process reflects a balance between legal and religious guidelines, emphasizing objectivity despite external pressures. The court clerk's explanation of the administrative procedures indicates that the process is bureaucratic, with several documents and justifications required to approve a request. It shows the legal system's attempt to ensure that only justified cases are allowed, while the 1-2 month timeline adds a temporal challenge for applicants. The lawyer's critique points to a potential gap in the court's flexibility in accommodating different socio-economic backgrounds. The legal rigidity mentioned suggests that there might be a need for more nuanced rules that consider the diverse realities of the applicants. Religious leaders underscore the ethical conflict between Islamic teachings and early marriage, suggesting that while it is discouraged, religious allowances may be made in extreme cases. It mirrors the cultural and spiritual complexities that intertwine with legal decisions. Finally, the applicants' responses shed light on the personal impact of court decisions, emphasizing the emotional and social consequences of rejection. Their concerns about social stigma further illustrate the human element in these cases, where legal rulings have far-reaching effects on personal and family life. It reveals the complexity of marriage dispensation cases, where legal, social, and religious factors converge, and decisions must carefully consider both the letter of the law and the personal realities of the individuals involved.

Moral and Social Considerations

This research illuminates the intricate web of factors that shape court decisions on marriage dispensation in Pangkalan Bun. Through interviews with key informants, it becomes evident that social norms and religious beliefs profoundly influence community perceptions and legal decisions. Social pressure, social stigma, and spiritual interpretations of early marriage and pregnancy outside marriage emerge as pivotal factors influencing

court decisions. The following interviews highlight the influence of social norms, religion, and community perspectives on marriage dispensation cases in Pangkalan Bun.

Interview with a Judge from the Pangkalan Bun Religious Court

Question : How do social norms in Pangkalan Bun influence the court's decisions in marriage dispensation cases?

Answer : Social norms greatly influence our decisions. In this community, marriage is still seen as a necessity after a woman becomes pregnant out of wedlock. This social pressure often becomes a factor in our decision-making.

Question : What role does religion play in influencing the court's decisions?

Answer : Religion plays a very significant role. Most of the population here follows Islam, and religious fatwas are an essential reference in deciding marriage dispensation cases. Religious teachings also strongly influence the concept of family honor and maintaining the family's reputation.

Interview with a Religious Leader

Question : What is your religious view on early marriage and out-of-wedlock pregnancies?

Answer : Early marriage and out-of-wedlock pregnancies are not in line with Islamic teachings. However, we understand that every individual's situation is different. In Islam, the best solution is to preserve the honor of the woman and the child born.

Question : How do religious leaders influence a family's decision to apply for marriage dispensation?

Answer : We try to offer advice to families facing this issue. We emphasize the importance of protecting the family's honor and finding the best solution in line with religious teachings.

Interview with a Community Leader

Question : What is the community's view on early marriage and out-of-wedlock pregnancies in Pangkalan Bun?

Answer : The community generally holds a negative view toward early marriage and out-of-wedlock pregnancies. Women who become pregnant outside of marriage often face social stigma."

Question : How can the community help reduce the incidence of early marriages?

Answer : The community needs to be more proactive in providing sexual education to young people and offering support to families facing these challenges.

Interview with an Individual Involved in a Marriage Dispensation Case

Question : Why did you apply for marriage dispensation?

Answer : I applied because I am pregnant and don't want my child to be born out of wedlock. I'm also worried about the social stigma I might face.

Question : How did you feel after the court's decision?

Answer : I felt relieved that my request was granted. However, I still have concerns about my and my child's futures.

These interviews illustrate the significant role that social, religious, and community factors play in shaping legal outcomes and the personal experiences of individuals involved in marriage dispensation cases in Pangkalan Bun. The interviews reveal the strong influence of social and religious norms on marriage dispensation decisions in Pangkalan Bun. The judge's acknowledgment of social pressure highlights how deeply rooted cultural expectations regarding marriage and pregnancy impact the legal process. Religion, especially Islamic teachings, plays a pivotal role in shaping legal outcomes and family decisions, with fatwas and family honor being key considerations. Religious leaders serve as moral guides, offering solutions that align with Islamic principles while addressing individual circumstances, such as the need to protect a woman's and child's

honor. The community, however, holds a negative view toward early marriage and out-of-wedlock pregnancies, reflecting the stigma that drives many families to seek marriage dispensation as a way to avoid social ostracism. Individuals directly involved in these cases, particularly those applying for marriage dispensation, often act out of fear of social stigma and concern for their children's future. While they may feel relief when their request is granted, their responses indicate that the long-term implications of early marriage remain a source of anxiety. It underscores the complex interplay between legal, social, and religious factors in marriage dispensation cases, where the courts must navigate the legalities and the deeply ingrained cultural and spiritual values that affect the lives of those involved.

Societal Implications

An in-depth analysis of the impact of marriage refusals reveals various challenges individuals and communities face. The research found empirical evidence of increased social stigma, economic hardship, and mental health problems among those whose applications were refused. In addition, the study identified significant changes in the social dynamics of communities because of the policy. Here is the result of the observation:

Aspect	Indicators	Observation Data
Individual Impact	Stigma and Discrimination	<ul style="list-style-type: none"> - Often avoided by peers - Excluded from social activities - Receives negative comments from the community
	Economic Hardship	<ul style="list-style-type: none"> - Loss of employment - Difficulty earning a living - Selling assets to meet living expenses
	Emotional Distress	<ul style="list-style-type: none"> - Often appear sad or depressed - Experiencing sleep disturbances - Experiencing changes in appetite
Community Impact	Changes in Social Attitudes	<ul style="list-style-type: none"> - Increased public discussion about early marriage and premarital pregnancy - Emergence of advocacy groups supporting adolescent rights - Changes in government policies related to sex education
	Family Structures	<ul style="list-style-type: none"> - Increase in single-parent families - Changes in gender roles within families - Increase in domestic violence cases
	Community Dynamics	<ul style="list-style-type: none"> - Increased social conflict - Weakening of social cohesion - Emergence of social movements related to gender and child issues

Table 1. Result of observation

Individuals who were denied marriage dispensations often faced significant social and economic consequences. They were frequently avoided by peers, excluded from social activities, and received negative comments from the community, leading to stigma and discrimination. Many also experienced economic hardships, losing their jobs, struggling to earn a living, and being forced to sell assets to meet their basic needs. These challenges took a psychological toll, with many individuals appearing sad or depressed, experiencing sleep disturbances, and undergoing changes in appetite. At the community level, the rejection of marriage dispensations had broader implications. Public discussions on early marriage and premarital pregnancy increased, leading to the emergence of advocacy groups supporting adolescent rights and prompting changes

in government sex education policies. The decisions also impacted family structures, with an increase in single-parent families and shifts in gender roles, as women often took on greater responsibility for supporting their children.

Moreover, the rejection of dispensations contributed to heightened social conflict and weakened social cohesion. In response, some communities saw the emergence of social movements advocating for the rights of individuals denied dispensations. These observations underscore the court's decisions' far-reaching effects on individuals and the wider community. Individual and community impacts related to early marriage and premarital pregnancy reveal several interconnected consequences. At the personal level, stigma and discrimination are common, with affected individuals often being avoided by peers, excluded from social activities, and subjected to negative community comments. This social isolation is accompanied by economic hardship, as many experience job loss, difficulty earning a living, and are forced to sell assets to cover basic expenses. Emotional distress is another significant impact, as many display signs of sadness, depression, sleep disturbances, and changes in appetite, indicating the toll these issues take on mental health.

At the community level, these issues have led to notable changes in social attitudes, including increased public discourse on early marriage and premarital pregnancy, the emergence of advocacy groups supporting adolescent rights, and shifts in government policies regarding sex education. Family structures are also evolving, with a rise in single-parent families, changes in gender roles, and an increase in domestic violence cases. These shifts destabilize traditional family dynamics and exacerbate tensions within households. Moreover, community dynamics are strained, with increased social conflict, weakening social cohesion, and the rise of social movements advocating for gender and child rights.

Discussion

The impact of the refusal of marriage dispensation on the individual and society

Rejection of marriage dispensation requests significantly impacts individuals involved in the process, particularly adolescents. Previous research supports that this rejection can lead to potential social stigma. For example, a study by Mkandhla (Mkandhla, 2023) highlights that adolescents whose marriage dispensation requests are denied often experience social marginalization, with many being ostracized by their social environments and labeled as deviating from societal norms. This research aligns with other findings that these individuals are often excluded from social activities and become targets of societal mockery, leading to feelings of isolation and a loss of self-confidence (Mkandhla, 2023). In addition to social stigma, rejecting marriage dispensations also affects individuals economically. Research by Aini (2019) found that individuals whose requests were denied tend to face more significant financial difficulties, especially those who already bear responsibilities such as children or dependents (Deschênes et al., 2020). It is consistent with findings that many individuals lose their jobs or struggle to earn a living after the rejection (Girme et al., 2023).

In some cases, they are even forced to sell valuable assets to survive, further exacerbating their psychological state. This economic impact deepens financial insecurity and fuels emotional stress (Younis & Eberhardt, 2024). From a mental health perspective, (Asmadillah & Songgirin (Asmadillah & Songgirin, 2023), and Decha Anggraeni et al. (Decha Anggraeni et al., 2024) found that the rejection of marriage dispensations often triggers prolonged stress, which can lead to mental health issues such as depression and anxiety. It is further supported by evidence that adolescents who experience rejection often suffer from sleep disturbances, altered eating patterns, and other signs of psychological distress (Uccella et al., 2023). If left unresolved, these conditions can disrupt the individual's psychosocial development and severely impact their long-term quality of life. The findings suggest that the emotional toll of rejection is not merely a temporary issue but one that can have lasting repercussions.

Moreover, the rejection of marriage dispensation requests has broader societal implications, particularly concerning social dynamics and the values upheld by the community. A study by Wantu et al. (Wantu et al.,

2021) indicates that issues such as early marriage and out-of-wedlock pregnancies often become public debates following the rejection of such requests. The emergence of advocacy groups fighting for adolescent rights in this context demonstrates that society is becoming more critical of traditional norms, especially those related to the rights of women and children (Josefsson & Wall, 2020). It indicates a shift in how the community approaches issues of marriage and autonomy, particularly concerning gender equity. At the family level, changes in structure resulting from the rejection of marriage dispensations have been noted in previous studies. Sutisna et al. (Sutisna et al., 2024) observed that court decisions rejecting dispensation requests often lead to the emergence of single-parent households. This structural change significantly affects role distribution within the family, where women frequently take on the dual roles of primary breadwinner and caretaker. These findings correspond with other research indicating a shift in gender roles, where women increasingly assume responsibilities traditionally held by men (Sennott et al., 2021). The rejection of marriage dispensations thus reshapes family dynamics, leading to an evolution of roles within the household. In addition to familial changes, rejecting marriage dispensations can lead to increased social conflict within communities. Research by Sulistyo (2021) shows that generational disputes often arise concerning this issue, with older generations tending to uphold traditional views on early marriage while younger generations are more open to delaying marriage until adulthood (Oppenheimer, 1988). It aligns with findings that rejecting marriage dispensations can exacerbate intergenerational tensions, weakening social cohesion and potentially hindering harmonious social development (Lanzinger, 2023). This growing divide between generations illustrates how deeply embedded cultural beliefs can clash with emerging progressive values.

The rejection of marriage dispensation requests has complex and multidimensional impacts. At the individual level, the effects range from social stigma, economic hardship, and mental health challenges, which can hinder personal and social development. At the societal level, these decisions drive changes in family structures, gender roles, and broader social dynamics while also exacerbating social tensions between groups. The cumulative effects highlight the need for a nuanced understanding of the consequences of rejecting marriage dispensations, suggesting that individuals and communities are significantly affected. These findings highlight the importance of considering alternative solutions or support systems for those facing the consequences of such rejections.

CONCLUSION

Based on the research findings, rejecting marriage dispensation requests has complex and multidimensional impacts, affecting individuals and society. Adolescents who experience rejection often face social stigma, leading to isolation and a decline in self-esteem. At the same time, economic difficulties, such as job loss or challenges in finding employment, further worsen their situation. Prolonged psychological stress can result in mental health issues, including depression, sleep disorders, and changes in eating habits. On a broader level, the rejection also brings about significant changes in community dynamics, as growing awareness of early marriage issues prompts the emergence of advocacy groups and policy shifts. However, these changes can also spark social conflict and weaken social cohesion. This research highlights the need for policy improvements, such as strengthening comprehensive sex education, improving access to reproductive health services, providing social support for at-risk adolescents, empowering women to make informed decisions, and reviewing marriage dispensation regulations to protect children's best interests. Addressing this issue requires a multisectoral approach, and with collaborative efforts, early marriages can be prevented and children's rights safeguarded. Further research is needed to explore the long-term effects of these rejections and offer a more nuanced understanding through comparative studies across regions or social groups.

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