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**Implementation of the Convention on the Rights of the Child for the Prevention of
Child Marriage Based on Regional Regulation of West Nusa Tenggara Province
Number 5 of 2021 concerning Prevention of Child Marriage**

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ABSTRACT

This study aims to determine the implementation of the Convention on the Rights of the Child regarding the prevention of child marriage based on West Nusa Tenggara Province Regional Regulation Number 5 of 2021 concerning the Prevention of Child Marriage. This research is a Normative, Empirical, legislative, and conceptual approach, and a sociological approach. Types and sources of legal materials: primary, secondary, and tertiary legal materials. The technique of collecting legal materials uses document studies with the stages of inventory, systematization, synchronization, and harmonization of various related legal materials. The implementation of child marriage prevention requires quite comprehensive strategies, based on Article 6, Paragraph 1 of NTB Regional Regulation Number 5 of 2021. The Child Marriage Prevention Strategy can be carried out in 2 ways: Prevention of child marriage through the Court and Prevention efforts in the community. Prevention efforts need to continue to be carried out by involving all elements of society so that child marriage can be minimized, given its detrimental impact in various aspects, including the economy, health, education, and other children's freedoms. The Central Lombok District Government has shown progress in efforts to prevent child marriage, especially since the enactment of Regional Regulation No. 5 of 2021. Supporting factors include the Village Regulation, socialization, the establishment of the Children's Forum and PATBM, and increased community awareness. Meanwhile, the main obstacles include Merariq culture, economic factors, religious views, environmental and media influences, and low

education. So that synergy between elements of society is needed to strengthen the implementation of local regulations and post-child marriage assistance, the government must be present in providing better assistance.

Keywords: Implementation, Convention on the Rights of the Child, Local Regulation

1. INTRODUCTION

In Indonesia, these rights are recognized as stipulated in Law No. 39 of 1999 on Human Rights, Law No. 10 of 1992 on Population Development and Family Welfare Development and Law No. 23 of 2002, which has been revised into Law No. 35 of 2014 on Child Protection (Puspitaningtyas & Permatasari, 2023). With the existence of child protection laws, all rules regarding child protection, starting from the age range of how many humans are categorized as children, who are obliged to organize child protection, and even sanctions for violators of regulations related to child protection, are clearly stated in the law (Kurniawan, 2015).

Child protection policies are not limited only to legislation; policies related to child protection are also regulated in regional regulations. The West Nusa Tenggara government has passed Regional Regulation Number 5 of 2021 concerning the Prevention of Child Marriage, There is also a Governor Regulation of West Nusa Tenggara Province Number 34 of 2023 concerning the Regional Action Plan for the Prevention of Child Marriage in 2023-2026. This shows that the government has shown its seriousness regarding the prevention of child marriage. Even so, until now, in Indonesia, especially in West Nusa Tenggara Province, the rate of child marriage is still quite high, as evidenced by the high number of marriage dispensations in religious courts.

In 2023, based on UNICEF data, Indonesia ranked fourth in child marriage globally with 25.53 million cases (Schoolmedia, 2023). Then in Indonesia, the percentage of child marriage is 6.92% in 2023, ironically NTB ranks first with an average of 17.32% exceeding the national average (Kurnaiwan, 2024), and the area with

the highest percentage of child marriage in NTB occurred in the central Lombok district, which reached 29% (Duta Selaparang, 2024).

The child marriage rate in NTB increased by about 1% from 16.23% in 2022 to 17.32% in 2023 (Humas Kemenpppa, 2024). This indicates that regulations related to child protection have not been implemented optimally. Culture and tradition also play an important role in the occurrence of child marriage. Child marriage in Indonesia has become a social symptom, it has even become commonplace in several regions in Indonesia. Child marriage has now developed into a social spotlight and a multi-faceted policy issue because it can have major implications for the sustainability of national development (Sugiarti & Tridewiyanti, 2021).

Many factors encourage child marriage. Social, cultural, religious, and economic factors tend to be more dominant in many cases of child marriage, for example, to avoid adultery or pregnancy outside of marriage, so that it must be married off to maintain the good name of the family (Hamdani & Fauzia, 2022). The Convention on the Rights of the Child does not mention child marriage explicitly in its articles, but focuses more on how States Parties fulfill all rights for children. For example, Article 24, Paragraph 2 of the Convention on the Rights of the Child says:

States Parties shall strive to achieve the full realization of this right and in particular shall take appropriate measures to: (a) Reduce infant and child mortality (b) Ensure the provision of health care to all children with emphasis on the development of primary health care (c) Eradicate disease and malnutrition, including in the context of primary health care, inter alia through the application of readily available technology and the provision of adequate nutritious food and clean drinking water, (d) Ensure maternal health care before and after childbirth (e) Ensure that all sections of society, especially parents and children, are informed, educated and supported in the use of knowledge on child health and nutrition, the benefits of breastfeeding, hygiene and environmental health and accident prevention. Develop health care, prevention, guidance for parents, and disaster family education and services.

This article focuses on health, which is an important element in a child's life, while one of the adverse effects of child marriage is poor reproductive health due to

underage pregnancy. According to the World Health Organization (WHO), pregnancy and childbirth in women aged 10-19 years are at higher risk of eclampsia, puerperal endometritis, and systemic infections than those aged 20-24 years (Khaeriyah et al., 2022). Women who give birth before the age of 15 are five times more likely to die than those over 20. In addition, babies born to women under the age of 18 have a 50% higher risk of mortality and morbidity, and the likelihood of premature birth, low birth weight (*LBW*), and bleeding during labor is also very high.

The adverse effects of child marriage are not only about the health of the mother and her future children, but also extend to the realm of education, because women who marry at a child's age are very likely to drop out of school, this also goes hand in hand with the situation/economic conditions after marriage at a child's age. This can be a reference that child marriage can violate and even take away the rights of children that they should receive optimally, in *das Sollen* and *das sein* both have the meaning of a gap between reality and expectations, also between reality and expectations, based on this the author is interested in conducting research related to the Implementation of the Convention on the Rights of the Child (*KHA*) for the Prevention of Child Marriage Based on Regional Regulation of West Nusa Tenggara Province Number 5 of 2021 concerning Prevention of Child Marriage.

2. RESEARCH METHODS

In this writing, the type of research used is normative-empirical (applied) legal research; empirical-normative research is used to analyze or find out the extent to which regulations or laws and laws are running effectively (Soemitro, 1990). Empirical-normative legal research is often used to conceptualize what is already written in the rules of law (law in book), and also the law is conceptualized to be used in rules or norms, so that humans can behave appropriately (Ibrahim, 2006).

The analysis of legal materials used in this research is legal interpretation because, based on the explanation that the author has described in the background, there is a blurring of norms, so that legal interpretation must be carried out. The legal interpretation method used by the author in conducting legal interpretation is the grammatical and systematic interpretation method. Grammatical interpretation is to find out the meaning of the provisions of the law by describing the language, wording, or sound. Systematic interpretation is the interpretation of the law as part of the overall system of laws and regulations by connecting other laws (Asshiddiqie, 2006).

3. DISCUSSION

Implementation of the Convention on the Rights of the Child Regarding the Prevention of Child Marriage Based on West Nusa Tenggara Provincial Regulation Number 5 of 2021 concerning the Prevention of Child Marriage

In general, child marriage in the Central Lombok district can be found based on data on the number of marriage dispensations obtained from the Religious Courts, as follows (DP3AP2KB Lombok Tengah, n.d.):

No.	Years	Number of Marriage Dispensation Requests	Recommended amount	Number not recommended	Rejected amount
1	2020	156	152	4	0
2	2021	124	124	0	0
3	2022	55	24	31	0
4	2023	46	18	28	0

Source: Marriage Dispensation Data DP3AP2KB Central Lombok Regency

From the table above, it can be seen that the number of applications for dispensation of marriage from 2022 to 2023 has decreased slightly, and the data for 2024 cannot be concluded because the data obtained are only from several sub-districts. Based on the table above, it can be said that there has been a decrease in the number of dispensation applications after the enactment of Regional Regulation No. 5 of 2021

concerning the Prevention of Child Marriage, but of course the figures above cannot be a benchmark for the success of the Regional Regulation, it requires a more comprehensive implementation so that the objectives formulated in the Regional Regulation can be achieved, as stated in Article 3 of NTB Regional Regulation No. 5 of 2021 concerning the objectives of regulating the prevention of child marriage, namely:

1. Realizing protection and ensuring the fulfillment of children's rights so that they can live, grow, and develop optimally with human dignity;
2. Ensure children have resilience and can become agents of change;
3. Building values, norms, and perspectives that prevent child marriage;
4. Ensure that children receive comprehensive basic services for child welfare related to the fulfillment of children's rights and protection;
5. Improve synergy and convergence of efforts to prevent child marriage;
6. Improve the quality of life, welfare, and health of mothers and children;
7. Reducing the rate of child marriage; and
8. Improving the quality of human resources.

In CHAPTER III of NTB Regional Regulation No. 5 of 2021 concerning Prevention of Child Marriage, it is stated that the implementers who have roles and responsibilities in preventing child marriage are carried out by several elements, namely:

1. Local Government

Local governments are obliged to formulate and implement policies in efforts to prevent marriage at the age of children by synergizing the obligation to realize child-friendly districts and considering local wisdom and the principle of networking work with all elements of society and stakeholders coordinated by the regional apparatus in charge of child protection affairs.

2. Parents and Family

Parents and families have a responsibility in preventing child marriage by fostering ethical values, providing character education and religious education, including children in the 12 (twelve) year compulsory education program, protecting children from violence, building meaningful communication that respects children's

opinions, supporting children to grow and develop to reach their maximum potential, as well as prohibiting or preventing their children from entering into child marriage.

3. Child

The role and responsibility of children in preventing child marriage can be carried out by becoming peer counselors, being active in child participation forums, and reporting suspected child marriage to the competent authorities.

4. Community and Stakeholders

The role of the community and stakeholders in efforts to prevent child marriage can be done by reporting if there are school-age children who are not in school, conducting socialization in their respective areas regarding the prevention of child marriage and its impact, involving children in decision making or policy formulation related to preventing child marriage, forming and strengthening PATBM, and reporting if there are suspicions that child marriage will occur.

The implementation of preventing child marriage requires strategies that are quite comprehensive because it requires the cooperation of many parties in carrying it out, based on Article 6 Paragraph 1 of NTB Regional Regulation Number 5 of 2021 concerning Prevention of Child Marriage, the Child Marriage Prevention Strategy can be carried out in 2 ways, namely:

1. Prevention of child marriage through the Court; and
2. Efforts to prevent child marriage in the community.

Prevention of child marriage through the courts, as referred to in the article above, can be done with the dispensation of marriage. Article 7 Paragraph 2 of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage states that the application for dispensation of marriage aims to apply the principles of the best interests of the child, the right to life, child growth and development, respect for the opinion of the child, respect for human dignity, non-discrimination, gender equality, equality before the law as well as justice, expediency and legal certainty. In addition, the purpose of marriage dispensation is to ensure the implementation of a justice system

that protects children's rights, to increase parental responsibility in the context of preventing child marriage, and to identify whether or not there are coercive factors behind the submission of a marriage dispensation application in court. Therefore, marriage dispensation is considered the final route to prevent child marriage because it can protect children from forced marriage.

This marriage dispensation has dysfunctioned because there are still a lot of people who think that marriage dispensation is a loophole to be able to marry children. Some of the factors that become the reasons for most of the applications for the dispensation of marriage include (Khoiruddin, 2009):

1. Internal factors of the child, such as dropping out of school, sex outside of marriage, unwanted pregnancy, and fear of becoming a disgrace to the family;
2. External factors, such as parents/guardians who are worried about immorality/adultery, economic factors, and cultural factors, or local customs.

The second point in Article 6, Paragraph 1 of NTB Regional Regulation Number 5 of 2021 is efforts to prevent child marriage in the community, which can be done in several ways, namely:

1. Optimization of child resource capacity;
2. Creation of an enabling environment to prevent child marriage;
3. Improved accessibility and expansion of services;
4. Strengthening regulations and institutions; and
5. Strengthening stakeholder coordination.

The strategies that need to be carried out by the government related to optimizing the capacity of children's resources, as stated in Article 7 of the NTB Regional Regulation No. 5 of 2021, are:

1. Increasing children's awareness and attitudes related to comprehensive sexual and reproductive health rights through optimizing the implementation of reproductive health and mental health education in the school curriculum, increasing children's knowledge related to the impact of child marriage.
2. Improved skills in communicating the impact of child marriage;
3. Increasing children's participation in the prevention of child marriage through the availability of peer counselors and Youth Posyandu from the village to the

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LEX JOURNAL: KAJIAN HUKUM & KEADILAN

provincial level, the availability of formal participation platforms for children, and strengthening Children's Forums as pioneers and reporters; and

4. Increasing spaces and communities that support children to grow and develop optimally, both in formal and informal environments, in line with the development of information, technology, and the situation of children.

In point 1 related to the optimization of reproductive health and mental health education in the school curriculum, the government, in this case, the local government of Central Lombok Regency, has not been able to achieve this due to several factors, namely:

1. The curriculum is a policy that is at the national level, so it requires considerable change/advocacy efforts to reach national policy makers.
2. Advocacy or change efforts must be carried out by all relevant agencies, therefore requiring strong coordination and cooperation between these agencies. But in fact, until now, most agencies in Central Lombok district have not been optimally integrated.

However, the Central Lombok district government has tried to implement other strategies, such as establishing and legalizing district-level children's forums to village-level children's forums, providing capacity building for children's forum members to form and strengthen peer counselors, strengthening children's forums as pioneers and reporters, including children's forums in development plan deliberations from the village level to the district level. The Central Lombok Regency DPRD has also participated in efforts to socialize to policy makers at various levels related to the prevention of child marriage and instructed policy makers to actively participate in all efforts to prevent child marriage.

The next strategy is the creation of an environment that supports the prevention of child marriage, which is focused on several things, as stated in Article 8 of the NTB Regional Regulation No. 5 of 2021, including:

1. Changes in values, norms, and ways of viewing child marriage;

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2. Strengthening the role of parents, schools, families, and communities in child protection and maturing the age of marriage by encouraging the establishment of Community-Based Integrated Child Protection or commonly abbreviated as PATBM; and
3. Revitalizing cultures that are at risk of encouraging child marriage.

In this case, the efforts that have been made by the Central Lombok district government are to form a Community-Based Integrated Child Protection (PATBM) with the aim of involving the role of parents to the community in preventing child marriage so that it can slowly change norms or perspectives, In addition, the Central Lombok district government has also made efforts to increase the capacity and/or quality parenting skills, especially for teenagers through cooperation with non-governmental organizations (NGOs), but for the policy intervention strategy of transforming counseling services for parents and children professionally as in Article 8 Paragraph 2 Point b has not been carried out optimally because the facts in the field that often occur are that assistance/counseling is only focused on the separation/clarification process, There is no follow-up plan for those who have been successfully separated, especially for girls, because when there has been a separation, girls are often labeled as a family disgrace in the sense that the child has brought a bad view of the family from the community, which is the cause of most of these children returning to repeat the marriage process either with the same person or a different person so that the bad view of the family can be minimized. In the author's view, the government should not focus only on the explanation process, but also on professional assistance or counseling after the explanation occurs. Furthermore, to reach the level of risky cultural revitalization as stated in Article 8, Paragraph 1, Letter C, the Central Lombok Regency government still needs time to conduct many studies, discussions, and also involve cultural figures in the cultural revitalization process.

The next effort to prevent child marriage is related to accessibility and expansion of services as referred to in Article 9, which is focused on providing access to services

that are child and youth-friendly, gender responsive, and inclusive both before and after child marriage. Increasing accessibility and expansion of services through the provision of access and services that are child and youth friendly, gender responsive, and inclusive is carried out by local government policy interventions on:

1. Provision of comprehensive and child-friendly reproductive health information services;
2. Develop Posyandu Remaja services starting from the *dusun*/neighborhood level; and
3. Accelerating the implementation of the 12-year compulsory education program, especially outreach to children who are vulnerable to child marriage.

The implementation that has been attempted by the Central Lombok district government in this regard is only conducting outreach for vulnerable children, but for comprehensive health services, as well as the establishment of adolescent posyandu, the Central Lombok district government has not been able to do so, because this requires cooperation and coordination from various regional apparatus.

Efforts to increase accessibility and expansion of services that are child and youth friendly, gender responsive, and inclusive after child marriage are carried out by local government policy interventions on:

1. Development of a comprehensive service referral system for children experiencing unwanted pregnancies; and
2. Assistance for child victims of marriage to obtain their rights as children.

A comprehensive service referral system for children experiencing unwanted pregnancies requires the integration and coordination of various parties, such as the health sector, police, social services, UPTD PPA under the auspices of DP3AP2KB, and also requires cooperation with a responsive community to report if a child experiences an unwanted pregnancy. The fact is that these agencies have done their best but most people are still not open regarding the incidence of unwanted pregnancies, most people seem to cover up when there are children who experience unwanted pregnancies, and

the solution is only married off religiously or customarily, so that the pregnancy seems to occur after the marriage is carried out and finally there is no special assistance for those who experience unwanted pregnancies.

The next strategy is the availability of assistance for children who are victims of child marriage to obtain their rights as children. According to the results of interviews with Nurjihatul Rizkiah as the Coordinator of the “Power to Youth” Program for Central Lombok Regency, Yayasan Gemilang Sehat Indonesia (YGSI), until now the assistance for children who have entered into child marriage has not been optimal because the children who have succeeded in obtaining their rights despite being married are boys, this is related to the right to continue to get education / the right to remain in school, girls will usually drop out of school, and even though they have tried, most schools have not been able to accept the child back. Girls are more likely to experience negative labeling from the community than boys, especially if the child has experienced pregnancy. The right to return to school is very difficult because most schools consider it to be an example for other children (Rizkiah, 2025).

4. CONCLUSION

The prevention of child marriage in Central Lombok Regency has shown some progress, although there are still many challenges that need to be overcome. The main objective of the enactment of Perda No. 5 of 2021 concerning Prevention of Child Marriage is to protect children's rights and prevent child marriage by involving local governments, parents, families, communities, and children themselves. In its implementation, there are still major challenges, such as the less-than-optimal implementation of reproductive health and mental health education in the school curriculum, limited accessibility of child-friendly services, and low community participation in reporting cases of child marriage. The Central Lombok District Government has tried to implement several strategies, such as establishing a Children's

Forum, strengthening Integrated Community-Based Child Protection (PATBM), and increasing children's involvement in the development planning process.

Despite positive efforts, assistance for children who have entered into marriage is still not optimal, especially for girls who often face stigma and difficulties continuing their education after marriage. The implementation of the NTB Regional Regulation No. 5 of 2021 in Central Lombok has begun to run well, especially in the form of socialization, the formation of Children's Forums and PATBM, and reproductive health education programs. However, the implementation is still uneven and not optimal in all village areas. The number of requests for dispensation of marriage shows a downward trend, but this cannot be used as an indicator of the main success of the local regulation.

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