



Legal Analysis of The Ideal Age of Marriage in Maintaining Marriage Is Reviewed from The Opinions of Psychologists and Scholars

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Abstract - This study examines the ideal marriage age in relation to maintaining marriage by examining the opinions of academics and psychologists. This research explores the limitations of the ideal marriage age, determinants of divorce at that age, and how the marriage age has been affected by the birth of Law No. 16 of 2019 and the opinions of psychologists and academics. It employs a qualitative technique with a case study approach. There are still a lot of divorces, according to the results, even if the legal marriage age is now 19 years old. The high divorce rate is due in part to people not being emotionally and financially prepared for marriage or not realizing its ultimate purpose. A spouse's emotional and spiritual maturity, rather than their chronological age, is the most important factor in a healthy marriage, according to psychologists and academics. As a means of prevention, they also advise having a comprehensive pre-nikah bimbingan and mental health education. The research indicates that society is not the only factor contributing to the success of marriage, including mental, spiritual, and understanding aspects that are related to marriage goals that are crucial.

Keywords: Ideal Marriage Age, Maintaining Marriage

I. INTRODUCTION

The ideal marriage is a marriage that occurs at the right age and is ready physically, mentally and emotionally. Marriage has a greater function than just establishing a biological link; it also provides a means of satisfying basic human needs via the expression of love and devotion, which in turn promotes harmony among families and communities. In order to realize this goal, women and men must be physically and mentally ready first before a marriage occurs (Heryanti, 2021).

All living things, including people, animals, and plants, are subject to the sunnatullah of marriage. Allah swt has selected this method for his animals' reproduction and survival. The belief that one may achieve monetary and spiritual fulfillment via marriage. To be legally married, a male must be at least 19 years old and a woman must be at least 16 years old, as stated in article 7 paragraph (1) of Law No. 1 of 1974.

In light of the issues brought about by the marriage age restriction, the community is requesting that the government amend the Marriage Law, particularly Article 7, in order to address these concerns. The process involves revising Law No. 1 of 1974 to Law No. 16 of 2019. Psychological, bodily, and spiritual maturity are all deemed to begin at the age of nineteen. Marriage is less likely to be fraught with complications when the prospective spouses are both within the legal age limit. Thus, if the number of marriages between minors drops, the divorce rate will fall as well. Law 16 of 2019 amends the Marriage Law, which is anticipated to bring about significant changes to the way marriage is carried out, particularly with regard

to the minimum age requirement for marriage, while reducing the harmful societal and economic effects of the previous Marriage Law.

However, in practice, we still find many marriages that are in accordance with the law and also experience divorce. In fact, a successful marriage definitely requires maturity and responsibility physically and mentally, to be able to realize ideal expectations in married life. While a person's physical and financial abilities should be considered more important when determining their marital age, the issue of underage marriage continues to grow in spite of official regulations. The implementation of the Law on Child Protection and regulations prohibiting early childhood marriage is often ignored and defeated by the customs and traditions that exist in a community group so that the regulations made by the government in revising this Law are still many violated and many are still divorced (Heryanti, 2021).

II. METHOD

The method used in this article is a qualitative method with a case study approach. Qualitative research is used to understand society's perspective on the ideal age of marriage in family resilience. Based on this research, qualitative research is research that produces analytical procedures that do not use statistical analysis procedures or other qualification methods. This research is descriptive qualitative in nature where the author examines the applicable legal provisions and what happens in reality in society. Or in other words, it is research conducted on the actual situation or real conditions that occur in society with the aim of knowing and discovering the facts and the data needed (factfinding), after the required data is collected then it goes to problem identification (problem-identification) and ultimately leads to problem solving (problem-solution). A case study approach is used to examine in depth the phenomenon of legal analysis of the ideal marriage age in maintaining marriage in terms of the opinions of psychologists and ulama.

III. RESULT AND DISCUSSION

Limit Of The Ideal Age Of Marriage

There is a need to revise the regulations regarding the minimum age for marriage since the Islamic religion does not address this topic. This is due to the fact that no verses in the Qur'an or hadith indicate a minimum age for marriage, and Islamic legal texts do not address the matter either. The goal of increasing the legal marriage age for women is to prevent underage brides from being wed. A person is considered a kid if they have not yet turned eighteen years old. The program's secondary goals include lowering the divorce rate, lowering the rates of maternal and child mortality, increasing the likelihood of having healthy children, and ensuring that all children have the opportunity to grow and develop to their full potential up until they graduate from high school. Consequently, 2019 Law No. 16 came into being (Siregar, 2020). One thing that is relevant, if not crucial, is the age restriction for marriage. Marriage necessitates a certain level of psychological development. There may be more divorces if people get married at a young age because they don't realize how much responsibility each spouse has in a marital relationship. One of the hallmarks of success is a willingness to shoulder responsibilities. They are prepared to commit to one another in marriage and all the responsibilities that come with it, including but not limited to: providing for one another's financial needs, ensuring the proper education of their children, and maintaining a harmonious social life (Amini, 2020).

Despite the fact that Law No. 16 of 2019 mandates that marriages take place between the ages of 19 and above, the author's study shows that many divorces occur at this age, and what's worse is that the average length of marriage is just two or three years.

A. Resilience of Marriage Age After the Birth of Law No. 16 of 2019

In response to the alarming rate of underage marriage in Indonesia, the government passed Law No. 16 of 2019 in October 2019. This law deals with the revision of Law No. 1 of 1974, which deals with marriage. As a result of the revision, the minimum age for married men

and women is now 19 years old. However, these ages are still classified as adolescents, and adolescents are also classified as a transition period, namely the transition from children to adulthood. Early marriage is currently a concern for all people in developing countries, Indonesia is one of them (al I. H., 2024).

“sebenarnya UU yang dibuat pemerintah ini cukup baik akantetapi UU ini mengikat untuk umatmuslim, karenalaki-laki itu balighketika 3 SMP ataupun 1 SMA dan perempuan haidketika SD ataupun SMP maka dapat dikatakandewasa, dan apabila itu sudahterjadimakasudahdikatakandewasa dalam islam,dan kalau UU itu naikkan/ dirubah lagi makabanyak yang akanhamildiluar nikah sedangkan di umur 19 saja sudahbanyak” (Afghany, Personal Interview Chief Judge of the Sei Rampah Religious Court, 2024).

Among teenagers, early marriage is considered a way out to avoid sin, namely free sex. There are also those who do it because they are forced and get pregnant out of weptlock. We often hear this phenomenon in society, but isn't marriage not just a qabul and halal what is haram, but a moral and material readiness to wade through and share anything with your beloved partner.

The existence of a minimum age restriction by the state in the implementation of marriage is intended so that the person who will get married really has the maturity of thinking, the maturity of the soul, and has really adequate physical strength. The possibility of avoiding divorce in the family is also getting smaller because both parties already have the calmness to think and make decisions. This age restriction is also intended to support the success of the national program in the field of family planning (Ibrahim, 2022).

Table: Application for Marriage Dispensation

No.	Year	Total Applications
1	2021	9
2	2022	16
3	2023	13

Data Source: Sei Rampah Religious Court

The facts show that even though there is an age restriction by law, underage marriage still occurs and this is inevitable, many factors that cause underage marriage include: pregnancy out of wedlock, having had sex outside of wedlock, low education and others. The law does not outright forbid weddings that take place before a certain age, but in cases where this is not possible, the couple may still seek legal recognition by petitioning the Religious Court for a Marriage Dispensation (Damanik, 2023).

When one considers a person only in terms of their monetary possessions and their ability to pay for their living expenses, it becomes sunnah for them to marry, even if it is still permissible. Meanwhile, Shafi'iyah scholars consider that the intention is sunnah for those who do it with the intention to gain peace of mind and continue the offspring. Legal marriage becomes mandatory if a person is seen in terms of living expenses is sufficient in terms of his body and is urgent to marry, so that if he does not marry he will fall into misconduct, then such a person is obliged to marry (Musyarrafa, 2020)

“ada beberapa faktor yang menyebabkan terjadi pernikahan dini:(1) factor pendidikan, kalau orang yang berpendidikan rendah rata-rata menikah muda “dari pada aku duduk-duduk gajelas bagus aku nikah” (2) factor lingkungan, banyak factor lingkungan yang tidak menunjukkan adab karna banyak factor broken home melihat yang seharusnya tidak dilihat seperti tetangga yang broken home membawa perempuan kerumahnya dan terjadilah pergaulan bebas. (3) factor keluarga, banyak orang tua yang tidak memperhatikan anaknya dan anaknya juga keras kepala.” (Afghany, Personal Interview Chief Judge of the Sei Rampah Religious Court, 2024)

Early marriage occurs because of one's own desire to get married young and live independently. This happens because there is a feeling of mutual love between men and women regardless of their age, not thinking about the problems that will be faced later and how to solve these problems. In addition, there is a feeling of mutual love and already feeling compatible. Reasons why people get married at a young age include unplanned pregnancies, financial difficulties, familial pressures (in the form of arranged weddings), and a lack of formal education. In addition to affecting the couple's financial stability, the couple's emotional well-being (which may not be fully developed), their ability to complete their education, and their social and psychological networks, early marriage may have far-reaching consequences (al I. H., 2024).

Table: Divorce Under the Age of 25

No.	Years	Number of cases
1	2022 Bulan Agustus– September	20
2	2023 Bulan Febuari- Juni	40

Data Source: Sei Rampah Religious Court

“Menurut bapak jasmi,S.H sebagai panitera sei rampah ia mengungkapkan bahwasanya perceraian di usia muda itu dikarenakan ada factor ekonomi yang berdampak pada kdrt, bukan hanya yang usia tahun bahkan diatas 25 tahun juga mengalami perceraian karna faktor ekonomi” (Jasmin, 2024)

The resilience of Indonesia's families must be strengthened, seeing the increasingly troubling divorce rate in Indonesia. Because family resilience is the foundation of national resilience, as well as if the fragility of family resilience causes the collapse of national resilience. Family resilience is needed so that no more Indonesia children are victims of divorce that causes depression and (broken homes) so that many cases of delinquency and deviation occur in children. To obtain a strong family resilience building, the family must meet several aspects: (a) physical resilience, which is the economic ability of a family to obtain economic resources to meet the needs of clothing, food, board, and the educational and health needs of family members:(b) social resilience, which is the ability of the family to apply religious values and norms, maintain bonds, commitments, and communication between families to overcome challenges, Family problems and threats: (c) psychological resilience, which is the ability of family members to manage emotions (al S. A., 2023)

The government's strategy in minimizing early marriage is carried out with moral and mental development. The moral and mental development is carried out by carrying out suscatin activities (Bride-to-be Course) by the Office of Religious Affairs (KUA) in collaboration with the National Population and Family Planning Agency (BKKBN). The bride-to-be course aims to increase understanding and knowledge about home/family life and can reduce the number of disputes, divorces, and domestic violence (KDRT). So that the marriage becomes good and in accordance with the intention of fostering a family that is sakinah, mawaddah, and warahmah. So, it must be prepared mentally and spiritually/morally (al D. e., 2020)

Psychologists' Review Of Marital Age

The sacred bond between a man and a woman, sealed in matrimony, allows them to have a family. Creating a loving and supportive household is one of marriage's primary purposes. Before getting married, every couple should make a detailed plan for their household's finances, housing, and other important matters so that they can handle any challenges that may arise. Each partner in a marriage must reach a certain level of emotional and physical maturity before tying the knot. That has to do with how old the bride-to-be is. Thus, physical health and the desire to establish a mindset suitable to domestic life have a greater impact on the age of marriage.

According to psychological theory, there are three distinct stages of the human soul. The first phase concerns children (0-12 years old). In this phase, children will begin to experience behavioral development. Among the developments of these behaviors are closed behaviors or hidden behaviors, such as perception, memory, attention, and memory, and open behaviors, which are behaviors that are immediately visible such as walking, running, laughing, writing. The second phase is adolescence (13-21). Adolescence is a transition period from childhood at the age of 12 to adulthood at the age of 21. At each of these age stages, a person feels and experiences the progress that has been made. If the person experiences a failure in developmental tasks, then the person will get into trouble at the next stage of development. The third phase is adulthood (edolesen), which is the transition period from adolescence to early adulthood, where this phase is the closing phase of adolescence. It usually occurs at the age of 21. This phase of Edolesen does not last long, because if a person has reached this phase, then it does not take them long to reach adulthood. The attitude that happens to a person who is in this edolesen phase is that they begin to be able to find their identity, become clearer and more directed and able to be accountable and can set their own standards. The head of Indonesia's child protection agency claims that "for men it is 25 years while for women it is 22 years" the optimum ages for men and women to tie the knot because by then, both sexes have reached a point of physical and mental maturity where they are competent to provide for their families. According to him, children under the age of 20 cannot carry out family functions such as earning a living (Aziz, 2022).

A lack of maturity in handling family issues is a contributing cause to divorce among married couples. Many marriages have not reached the age of maturity and have a great impact on psychology. One of them, it is easy for a married couple to get a divorce, even in fact the one who demands a divorce lawsuit is his wife. This means that in this case, maturity must be considered for couples who want to get married. Actually, the issue of age for couples who want to get married is not a problem, but for couples after getting married at this age will show their true nature and character. Because a person's age indirectly affects his nature and character and the influence of his family. When they are immature, they are generally irritable, easily jealous, closed, quiet, and unable to control their emotions (Hikmah, 2020).

According to Psychologists Hazrati, M.Psi. Psikologi. say "secara psikologi tidak ada usia ideal dalam dalam mempertahankan perkawinan secara kuantatif karena ketika seseorang yang berusia 25 tahun belum tentu dewasa dan usia 19 tahun bisa jadi sudah dewasa secara pemikirannya akan tetapi ada 2 bagian yang menjadi patokan dalam melihat dewasa seseorang dari segi umurnya yang (1) kronologi umurnya; dilihat dari umurnya biasanya umur 25 tahun keatas sudah matang, yang ke (2) usia mentalnya (kedewasaanya); dilihat dari cara berfikirnya apakah sudah dewasa sehingga berjalan dengan baik atau tidak. Akan tetapi umur yang baik untuk menjalani suatu perkawinan itu di usia 25 tahun tetapi dari data yang peneliti ambil banyak yang menikah di usia muda itu disebabkan banyaknya hamil diluar nikah, dan faktor perceraian itu karna ekonomi dan kdrt sehingga pemerintah membuat aturan menikah yang ideal itu 19 tahun baik laki-laki maupun perempuan karna kalau di naikan atau dirubah makin banyak hamil diluar nikah dan banyak juga yang bercerai tetapi kalau bisa di KUA itu dibuat bimbingan secara baik dan merata kalau bisa setiap bulan tidak hanya yang hendak menikah tetapi yang sudah menikah juga harus mengikuti pelatihan psikologi ini bukan hanya formalitas saja, mendengarkan keluh kesah masyarakat untuk bercerita apa yang terjadi dalam masalah rumah tangganya dan ini dilakukan secara gratis yang di fasilitasi negara. Dan saran saya kalau sudah mengikuti tes atau bimbingan psikologi ini dia mendapatkan sertifikat sehingga terciptalah masyarakat untuk mengikuti bimbingan dan tes ini. Jadi kesimpulannya tidak ada usia yang ideal dalam perkawinan tetapi seharusnya ada penambahan syarat dibuat pemerintah untuk melakukan tes kesehatan mentalnya dan dilakukan bimbingan secara komprehensif kepada masyarakat yang ingin menikah dan yang sudah menikah agar tercegahnya perceraian bagi masyarakat." (Hazrati, 2024).

According to Psychologist Zuraidah Lubis, M.Psi. Psikologi say "dewasa akhir bagi seorang perempuan 24 tahun dan dewasa akhir seorang laki-laki 27 tahun di umur inilah sebenarnya orang yang layak menikah dari sudut pandang psikologi. Untuk mencegah

perceraian dilakukan konseling pranikah yang dilakukan di KUA akan tetapi konseling pranikah ini bukan hanya pada saat seseorang yang hendak menikah tetapi dilakukan pada saat duduk dibangku sekolah SMA, konseling pranikah ini menjelaskan tentang alat reproduksi yang baik itu bagaimana, melihat calon pasangan itu bagaimana dari segi pemikiran pekerjaan dan keluarga. dan menurut saya tentang undang-undang ini masih terlalu muda dan belum dianggap dewasa sehingga usia ideal untuk menikah itu perempuan 24 tahun dan laki-laki 27 tahun akan tetapi kalaulah dirubah tidak bisa juga dan itu harus dilakukan dengan pertimbangan-pertimbangan yang ada akan tetapi bisa dicegah melalui harus ada penambahan syarat yang dibuat pemerintah seperti wajib mengikuti konseling pranikah ini dan dilakukan tes dan kalau bisa ada sertifikak seseorang yang hendak menikah dan ini kalau bisa menjadi syarat wajib.” (Lubis, 2024).

Scholars' Review Of The Age Of Marriage

The author visited the MUI headquarters in order to gather data on the organization's stance on Law Number 16 of 2019, which deals with the optimal age of marriage. The author went to great lengths to gather all the necessary details.

According to Prof. DR. H. Asmuni, MA said “Sebenarnya undang-undang no 16 tahun 2019 yang dibuat pemerintah sudah cukup baik karena di usia 19 seseorang sudah berpikir lebih dewasa akan tetapi masih banyak juga perceraian karena kepada calon pengantin itu tidak melakukan bimbingan pra nikah di KUA dengan baik dan benar, dan seharusnya juga saran dari saya ketika seseorang itu hendak untuk menikah mereka harus mendapatkan surat kesehatan jasmani untuk mengetahui apakah diasehat (tidak mandul), siap untuk mengandung dan perlu adanya ujian kesehatan psikolognya karena perceraian banyak karena faktor kdrt salah satunya, agar mengetahui apakah dia ada gangguan sikis dan siap menjalankan pernikahan agar terhindar dari kdrt, dan yang hendak menikah harus mengikuti bimbingan pra nikah di KUA bukan hanya sekedar formalitas saja dan kalau bisa harus ada ijazah buat yang sudah mengikuti pelatihan tersebut dengan cara itu bisa menjadikan keluarga yang sakinah mawaddah warohmah.” (Asmuni, 2024).

By referring to the above submission, we can get information that the resource person supports the policy of the Indonesia government in the law that regulates the age of marriage. However, the MUI figure suggested that the government should not only pay attention to age to make the household successful and also the government should also pay attention to the quality of the bride-to-be. By providing guidance and so on because for resource persons, age is not the only guarantee or measure to realize success in the ark of the household. Meanwhile, to respond to the health problems of a married person, it should be done physically, namely whether the bride-to-be is ready with her reproduction and is ready with her psychology.

According to Mr. Muhibbussabry, Lc, MA said “Ketentuan undang-undang mengenai batasan usia pernikahan minimal 19 tahun merupakan hasil ijtihad pemerintah, yang memiliki kewenangan dan keahlian di bidang ini. Penetapan ini dilakukan dalam rangka menciptakan kemaslahatan bagi setiap penduduk Indonesia yang akan membina keluarga. Oleh karena itu, saya berpendapat bahwa pembatasan usia ideal tersebut sudah sesuai dan tepat untuk dilaksanakan oleh masyarakat Indonesia. Pernikahan adalah proyek kehidupan yang membutuhkan perencanaan yang matang untuk menghindari kegagalan yang mungkin terjadi. Oleh karena itu, perlu dilakukan Memilih waktu yang tepat untuk menikah menikah terlalu muda, bisa membuat seseorang belum siap secara matang untuk mengemban tanggungjawab rumah tangga dan keluarga, menikah terlalu tua, juga bisa membuat seseorang kehilangan kesempatan untuk membangun hubungan dan memulai keluarga dalam masa kehidupan yang lebih muda. Pemilihan waktu yang tepat memperhitungkan kesiapan fisik, mental, dan sosial individu. Merencanakan pemilihan pasangan dari semua aspek: agama, sosial, ekonomi, dan psikologis. Dari segi agama, pasangan harus memiliki pemahaman agama yang baik, atau setidaknya menjaga kewajiban-kewajiban agama yang mendasar. Memperhatikan aspek budaya dan pendidikan, serta tingkat kedekatan. Meskipun bukan syarat mutlak, hal ini membantu mengurangi perbedaan signifikan di antara pasangan.

Mengikuti bimbingan pranikah yang diselenggarakan oleh Badan Penasihatannya Pembinaan dan Pelestarian Perkawinan (BP4) bertujuan untuk memberikan pembimbingan, pembinaan, dan perlindungan kepada keluarga Muslim di seluruh Indonesia. saya berpendapat bahwa usia minimal 19 tahun yang ditetapkan oleh mazhab Hanafi, dan diikuti oleh undang-undang, merupakan batasan waktu ideal untuk melangsungkan pernikahan ditinjau dari kedewasaan fisik, emosional, dan sosial. Perlu dicatat bahwa faktor perceraian tidak semata-mata disebabkan oleh usia. Banyak faktor lain yang menjadi pemicu meningkatnya angka perceraian di Indonesia” (Muhibbussabry, 2024).

The move by the MUI of North Sumatra province was not taken arbitrarily because it only wanted to defend the government that set the regulation. But MUI officials in North Sumatra province did some serious digging into the law to examine the phenomena of raising the marriage age under Law No. 16 of 2019 on Marriage, and this was the next logical step. The author hopes that the MUI of North Sumatra province will take further action to make his narrative or opinion a condition, so that it can be used as a tool for social change and a renewed commitment to good community life. However, it is important to note that the figures' views that the author presents have not been officially established as a fatwa or regulation. Therefore, issues with the Islamic marriage age may be addressed by listening to the opinions of MUI leaders in North Sumatra Province. To learn more about the Islamic legal examination of the optimal marital age in sustaining marriages according to academics and psychologists, as well as the viewpoints of MUI authorities in the province of North Sumatra.

IV. CONCLUSION

Age is not the only determining factor in marital success. Factors that contribute to divorce at the ideal age include lack of mental readiness, economic problems, lack of understanding of the purpose of marriage, and emotional immaturity. Psychologists emphasize the importance of emotional and mental stability, not just chronological age. They recommend mental health testing and comprehensive pre-marital counseling as a condition of marriage. Ulama support government policies regarding marriage age limits, but also emphasize the importance of the quality of the prospective bride and groom, not just age. They suggested more intensive pre-marital guidance and physical and psychological health checks. To increase marital resilience, more comprehensive efforts are needed, including pre-marital education, ongoing post-marital guidance, as well as strengthening the psychological and spiritual aspects of couples. There needs to be synchronization between positive law, religious perspectives, and psychological considerations in determining policies related to marriage to create families that are sakinah, mawaddah, and warahmah. Even though the minimum age for marriage has been regulated in law, the success of marriage is determined more by mental and spiritual readiness and a deep understanding of the purpose of marriage. A holistic and multidisciplinary approach is needed in preparing and nurturing marriage to increase family resilience in Indonesia.

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