



# Legal Analysis of the Increasing Number of Marriage Dispensations in 2020-2022 at the Rantau Prapat Religious Court

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**Abstract:** This research aims to identify the primary factors driving the increase in marriage dispensation requests at the Rantau Prapat Religious Court from 2020 to 2022 and analyze legal opinions on this phenomenon. The study employs qualitative descriptive analysis, gathering data through in-depth interviews, document analysis, and participant observation. Findings indicate that social and economic changes, the impact of the COVID-19 pandemic, low education levels, and local cultural and traditional influences are significant factors contributing to the rise in marriage dispensation requests. Additionally, the legal analysis reveals that judges exhibit flexibility in applying the law by considering the specific circumstances of each case, ensuring decisions are made in the best interests of the children and families involved.

**Keywords:** Marriage Dispensation, Early Marriage, Religious Courts

## 1. Introduction

A marriage dispensation is a special permission granted by the authorities, in this case the religious court, to waive the minimum age limit set by law for carrying out a marriage. In Indonesia, in accordance with Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, the minimum age for marriage is 19 years for men and women. Marriage dispensation can be given if there are urgent reasons or special conditions that require the marriage to take place even though the age of one or both of the bride and groom has not reached the minimum limit (Rofiq, 2019).

Social, economic, and cultural factors significantly influence a family's decision to seek a marriage dispensation. Socially, families may face pressures or expectations from their communities or extended families that compel them to pursue marriage for younger individuals, often to adhere to traditional norms or resolve familial issues. Economically, financial hardships can drive families to consider early marriage as a practical solution to alleviate economic burdens or secure financial stability. Culturally, deeply rooted traditions and local customs may favor early marriage, influencing families to seek dispensations to comply with these practices. In Indonesia, where the legal minimum age for marriage is set by Law Number 16 of 2019 at 19 years, dispensations are granted by the religious court under special circumstances, allowing for flexibility in cases where social, economic, or cultural pressures create urgent needs for marriage despite not meeting the legal age requirement.

Based on the results of observations made on the number of applications for

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marriage dispensation in Rantau Prapat City from 2020 to 2022, a significant increase can be seen, especially in 2021 which recorded 117 applications, compared to 2020 which only had 73 applications. Despite a decrease in 2022 to 57 applications, the overall trend shows the impact of unstable economic and social conditions, influenced by the prolonged COVID-19 pandemic. This increase reflects the challenges in implementing marriage laws that set minimum ages, while also demonstrating the need to understand and address the root causes that drive the practice of early marriage (Ibrahim, 2019).

In the period 2017 to 2019, the number of applications for marriage dispensation increased every year. The data collected shows trends that vary from year to year, reflecting various social, economic and legal factors that influence a family's decision to apply for a marriage dispensation. This trend is important to analyze in order to understand the dynamics and needs of society regarding early marriage and its implications for government policies and programs in the field of family and child welfare.

The increase in the number of marriage dispensations at the Rantau Prapat Religious Court cannot be separated from the social and economic context of the local community. Most people in this region still adhere to customs and traditions that allow early marriage as a solution to various problems, such as poverty, dropping out of school, and out-of-wedlock pregnancies. Apart from that, the COVID-19 pandemic that has hit since early 2020 has also had a significant impact on various aspects of life, including encouraging an increase in requests for marriage dispensations.

One of the main reasons often stated in requests for marriage dispensation is pregnancy out of wedlock. This condition forces families to immediately marry off their children in order to maintain the family's good name and avoid social stigma. Apart from that, low education and lack of knowledge about reproductive health are also contributing factors. Children who do not receive adequate education tend not to have sufficient understanding about the consequences of sexual relations at an early age.

The COVID-19 pandemic exacerbates this situation by increasing the school dropout rate and reducing the economic level of families. Many children have to stop going to school because of limited access to online learning or because their parents have lost their jobs and are unable to afford education. Difficult economic conditions often encourage parents to marry off their children at a young age in the hope of reducing the family's economic burden. Apart from that, the role of technology and social media in teenagers' lives is also worth paying attention to. Unrestricted access to inappropriate information and content can influence teenagers' behavior, pushing them to engage in more precocious relationships. Lack of supervision and guidance from parents or other authority figures worsens this condition, so that many teenagers fall into promiscuity.

From a legal perspective, the existence of loopholes and varying interpretations of marriage dispensation regulations also contribute to the increase in these cases. Law Number 16 of 2019, which is an amendment to Law Number 1 of 1974 concerning Marriage, sets the minimum age for marriage at 19 years for men and women, but allows the court to grant dispensations if there are urgent reasons. Courts are often

faced with a dilemma between applying the law strictly or making concessions to take into account the applicant's social and psychological conditions, such as out-of-wedlock pregnancy or economic pressure. The lack of uniformity of standards and considerations between courts leads to inconsistencies in granting marriage dispensations, which in turn can encourage more similar requests (Indonesia, Number 9 of 1975).

Legal uncertainty and varying interpretations of "urgent reasons" create opportunities for applicants to seek courts that are more lenient in granting dispensations. In addition, the lack of strict supervision after marriage dispensation is granted adds to the complexity of this problem. Without a strong monitoring mechanism, the protection of the rights and welfare of children married under dispensation is often neglected. Therefore, it is necessary to review related laws and regulations, establish clear and uniform guidelines, and increase supervision and support for children who marry under the minimum age to reduce the rate of early marriage and ensure justice and protection of children's rights.

In responding to this phenomenon, it is important to conduct a comprehensive study of the causal factors and legal implications of the increase in marriage dispensation rates. This research aims to analyze in depth data on applications for marriage dispensation at the Rantau Prapat Religious Court, identify patterns and main causal factors, and provide recommendations for more effective policies in dealing with this problem. (Bunyamin, 2020).

Although data shows a significant increase in the number of marriage dispensation applications in Indonesia from 2019 to 2022, there are several areas that require further research to comprehensively understand this phenomenon. The specific socio-economic factors that play a role in encouraging families to marry off their children at a young age, such as unemployment, poverty, and limited access to education, have not been fully revealed. In addition, the influence of cultural norms and customs in various regions, as well as the psychological and social impacts on children who marry underage, require more in-depth study. Evaluation of the effectiveness of existing policies and intervention programs, such as changes to the minimum age for marriage and education and economic empowerment programs, also needs to be carried out. The role of technology and social media in this phenomenon is still poorly understood, as are the perceptions and attitudes of parents and society towards early marriage. Comparative studies between regions with high and low marriage dispensation rates can provide additional insight into best practices that can be applied in other regions. By bridging these research gaps, it is hoped that more effective strategies can be found to reduce the marriage dispensation rate and protect the rights and welfare of children in Indonesia.

Overall, this research aims to provide a comprehensive picture of improving marriage dispensations at the Rantau Prapat Religious Court and formulate strategic steps to overcome this problem for a better future for the young generation in this region. This research will analyze data on marriage dispensation applications from 2020 to 2022, exploring the socio-economic, cultural and legal factors that caused this increase. In addition, this research will examine how loopholes and varying

interpretations of marriage dispensation regulations contribute to this phenomenon, as well as the dilemma that courts face between applying the law strictly or providing leniency. This research will also identify inconsistencies in the granting of marriage dispensations in various courts.

With in-depth analysis, it is hoped that this research can formulate effective policy recommendations, such as clearer guidelines, increased supervision, support for children who marry under dispensation, as well as education and economic empowerment programs. The aim is to reduce the number of early marriages and ensure the protection of the rights and welfare of children in the Rantau Prapat Religious Court area, so that the younger generation can have a brighter and more prosperous future.

This research aims to understand the main factors that caused the increase in requests for marriage dispensation at the Rantau Prapat Religious Court from 2020 to 2022. In addition, this research also aims to analyze legal opinions regarding marriage dispensation provided by the Rantau Prapat Religious Court during that period. By exploring these two aspects, it is hoped that this research can provide a comprehensive picture of the dynamics and reasons behind the phenomenon of increasing requests for marriage dispensations, as well as provide insight into the legal views underlying these decisions.

Based on the above, it is interesting for researchers to conduct research with the title "Legal Analysis of the Increasing Number of Marriage Dispensations in 2020-2022 at the Rantau Prapat Religious Court".

## **2. Materials and Methods**

The research used in this study is empirical research. Empirical research methods aim to understand how law operates in real contexts or in society. This research relies on field data as the main source of information. Empirical research in legal analysis is a methodological approach that uses empirical data obtained from direct observation or primary data collection to understand and analyze specific legal issues. This approach aims to investigate actual legal phenomena and gain a deep understanding of how law is applied and interpreted in real contexts (Arifin, 2019). In legal analysis, empirical research uses empirical data from observations and interviews. This data is then analyzed systematically to identify patterns, trends and factors that influence the legal phenomena studied. This approach allows researchers to produce findings based on concrete evidence, which can make a valuable contribution to the development of legal theory and policy making. By using an empirical research approach, legal analysis can become more relevant and applicable in responding to the legal challenges faced in modern society.

In this study, the population comprises all individuals and cases related to marriage dispensation requests at the Rantau Prapat Religious Court from 2020 to 2022. The sample will include a selection of these cases, focusing on those with diverse backgrounds and reasons for requesting dispensation. To ensure a comprehensive understanding, a purposive sampling method will be employed, targeting cases that

represent various social, economic, and cultural contexts. This method will allow for an in-depth analysis of different scenarios and provide a well-rounded perspective on the factors influencing marriage dispensation requests. Additionally, key stakeholders such as court officials, legal practitioners, and affected families will be interviewed to gain insights into their experiences and perspectives. This approach will enhance the study's validity and reliability by incorporating a range of viewpoints and experiences related to the phenomenon under investigation.

In an effort to understand the complex phenomenon that occurs at the Rantau Prapat Religious Court related to the increase in marriage dispensation rates, an empirical research approach is the main basis. This approach allows researchers to investigate in depth the factors that influence marriage dispensation trends during the 2020-2022 period. By adopting the methods of observation, interviews, document studies and statistical analysis, this research will reveal the root causes of the increase in marriage dispensation applications in the region. Case studies will provide an in-depth understanding of the local context and the response of religious justice institutions, while interviews with relevant stakeholders will provide direct insight into their perceptions and experiences. Meanwhile, document analysis and statistical analysis will provide strong data to support research findings. With this holistic approach, it is hoped that this research can make a significant contribution to understanding the dynamics of marriage dispensation at the Rantau Prapat Religious Court and its implications for society and religious justice institutions.

### 3. Results and Discussion

In recent years, the increasing number of marriage dispensation requests at the Rantau Prapat Religious Court has garnered significant attention from various stakeholders. Between 2020 and 2022, there was a notable surge in applications from local residents seeking permission for marriages despite not meeting the legal minimum age requirement. This rise in requests highlights intricate social, economic, and cultural dynamics influencing the decision-making process. Marriage dispensations, typically granted when couples are below the legal age threshold, serve as a window into the broader societal issues at play, including economic hardships, educational limitations, and cultural practices. The growing trend of such requests underscores the need for a thorough examination of the underlying factors driving this increase. Researchers are thus prompted to explore these contributing factors in depth and to analyze the legal perspectives shaping the court's decisions in granting these dispensations. This investigation aims to uncover the root causes of the rise in dispensation applications and to gain a comprehensive understanding of the legal rationale behind the court's judgments, offering valuable insights into how law interacts with real-world issues. The following is a table of the number of applications for marriage dispensation from 2017 to 2019 (Prapat., 2024. [sipp.pa-rantauprapat.go.id](http://sipp.pa-rantauprapat.go.id)):

Table 1. Number of Applications for Marriage Dispensation in Rantau Prapat City 2017-2019

Year	Number of Marriage Dispensation Applicants
2019	74
2018	38
2017	33
Total	1

The following table presents data on the number of marriage dispensation applications submitted to the Rantau Prapat Religious Court during the period 2020 to 2022, which shows trends and significant changes in the number of applications each year.

The following is a table of the number of applications for marriage dispensation from 2020 to 2022 (Prapat. SI, 2024. sipp.pa-rantauprapat.go.id ):

Table 2. Number of Applications for Marriage Dispensation in Rantau Prapat City 2020-2022

Year	Number of Marriage Dispensation Applicants
2022	57
2021	117
2020	73
Total	247

Data shows a significant difference in the number of applications for marriage dispensation in Rantau Prapat City between the 2017-2019 and 2020-2022 periods. In the 2017-2019 period, the total number of applications reached 145, with details of 33 applications in 2017, 38 in 2018, and 74 in 2019. Meanwhile, in the 2020-2022 period, the total applications increased drastically to 247, with details of 73 applications in 2020, 117 in 2021, and 57 in 2022. This represents an overall increase of 102 applications in the second period compared to the first period.

The most striking increase occurred in 2021, with 117 applications, which is an increase of 79 applications compared to 2018. However, the number of applications in 2022 fell to 57, which is 17 applications lower than 2019. This change highlights the fluctuation and increasing trend of marriage dispensation applications in the City Rantau Prapat in recent years, as well as showing that there are certain factors that influence the decline in the number of applications in 2022. Further research is needed to understand the factors that cause this increase and decrease, in order to formulate appropriate policies in handling marriage dispensation applications (Mubaysaroh, 2019).

This research seeks to uncover the root of the problem that caused the increase in requests for marriage dispensation and to analyze the legal opinions given by judges at the Rantau Prapat Religious Court. By exploring factors such as economic conditions, education and culture, as well as seeing how legal views are applied in marriage dispensation cases, it is hoped that this research can provide comprehensive insight. It is hoped that the results of this research will not only provide a better understanding of the phenomenon of early marriage in the region, but also provide policy recommendations that can help overcome this problem in the future.

### ***3.1 Main Factors Causing an Increase in Marriage Dispensation Applications at the Rantau Prapat Religious Court from 2020 to 2022***

The increase in requests for marriage dispensation at the Rantau Prapat Religious Court from 2020 to 2022 can be attributed to several main interacting factors. First, social and economic changes in local communities have influenced views on early marriage. Many families experiencing economic difficulties choose to marry off their children at a young age in the hope of easing the family's economic burden. This option is often considered a practical solution to face increasingly severe economic pressures. Based on observations and interviews conducted with registrar Dra. Malayara MM, it was found that the main factors causing the increase in requests for marriage dispensation at the Rantau Prapat Religious Court from 2020 to 2022 include.

a. Social and Economic Change

Social and economic changes in local communities have influenced views on early marriage. Many families experiencing economic difficulties choose to marry off their children at a young age in the hope of easing the family's economic burden.

In his interview, Dra. Malayara MM said that, "Yes, it's true, many families who are having economic difficulties end up choosing to marry off their children at a young age. The hope is that by getting married, the family's economic burden can be slightly reduced. This decision is often seen as a practical solution to facing increasingly heavy economic pressures, especially "Since the COVID-19 pandemic has made the situation even more difficult. The pandemic has also limited access to education and social services, so many parents feel that early marriage is the most realistic solution for their children's future."

In his interview, Dra. Malayara MM also explained that, "The COVID-19 pandemic has really worsened the economic conditions of many families here. Many have lost their jobs and sources of income, so they are forced to look for alternative solutions to survive. One of the solutions chosen is to marry off their children at a young age, by "Hopefully it can ease the family's economic burden."

He added that, "Marrying off children is considered a practical way to reduce the financial burden on the family. For many parents, early marriage is the most realistic option amidst increasingly heavy economic pressures. They feel that by marrying off children, there is at least one less mouth to feed, and there may be hope of getting financial support from the partner's family."

Based on the results of the research above, it is clear that the increase in requests for marriage dispensation at the Rantau Prapat Religious Court from 2020 to 2022 is caused by various interrelated factors. Increasingly severe economic difficulties, especially due to the COVID-19 pandemic, have forced many families to look for practical solutions to reduce financial burdens, including by marrying off their children at a young age. The pandemic has also narrowed access to education and social services, so many parents see early marriage as the most realistic solution for their children's future. Low levels of education and understanding of the risks of early marriage exacerbate this situation, while the influence of local culture and traditions that support the practice remains strong. In addition, the implementation of Marriage Law no. 16 of 2019 which sets the minimum age for marriage at 19 years still faces challenges, because marriage dispensations are still granted by the courts for urgent reasons. The judges at the Rantau Prapat Religious Court, although careful, cannot ignore the social and economic realities faced by society, so the increase in marriage dispensation requests reflects the complexity between law enforcement and empathy for real life conditions.

b. Impact of the COVID-19 Pandemic

The COVID-19 pandemic that has hit the world since early 2020 has also worsened economic and social conditions, resulting in an increase in the rate of early marriage. The economic crisis caused by the pandemic has forced many families to look for

alternative ways to overcome financial problems, including marrying off their children early

In his interview, Dra. Malayara MM said that, "The pandemic has made everything more difficult, including access to education and social services. Many parents feel pressured by this difficult economic situation. They see early marriage as the most practical solution. Maybe they think, by marrying their children, can be safer from a financial perspective, even though this is actually a tough choice."

Another thing, Dra. Malayara MM too. explained that, "The economic crisis caused by the COVID-19 pandemic has really affected many families here. Many have suddenly lost their jobs or their main source of income. The pressure to find a quick and effective solution is enormous. One solution that is often chosen is marry off their children early. Although this may seem difficult, many parents see early marriage as a measure to mitigate increasing economic pressures."

Based on the results of interviews with Dra. Malayara MM, revealed that the COVID-19 pandemic has had a serious impact on economic and social conditions, resulting in a significant increase in the practice of early marriage in society. The mounting economic crisis since the start of the pandemic forced many families to take drastic steps, including marrying off their children early as a way to deal with increasing financial pressure. This situation shows that early marriage is not only a practical solution, but also reflects the enormous difficulties families face in facing the deep economic uncertainty caused by the pandemic.

#### c. Low Level of Education

Low levels of education and a lack of understanding about the risks of early marriage also play a role in increasing requests for marriage dispensation. The lack of information and education regarding the negative impact of early marriage on children's health, education and future means that many parents are not fully aware of the consequences of this decision.

In his interview, Dra. Malayara MM observed that the influence of strong local culture and traditions is the main factor that complicates the problem of early marriage in society. "Here, local culture and traditions play a very big role in influencing views on early marriage," he said. "Many families consider early marriage to be normal and even desirable in our society. This tradition is deeply rooted and an integral part of local social and cultural life."

Apart from that, Dra. Malayara MM highlighted that the lack of adequate information regarding the risks and negative impacts of early marriage also plays an important role in increasing this practice. "Parents are often not fully aware of the long-term consequences of the decision to marry off their children at a very young age," he explained. "A lack of education about this issue leaves many families less able to consider the significant psychological, social and economic impacts on their children."

The results of this interview confirm that the problem of early marriage at the Rantau Prapat Religious Court is not only influenced by economic and social conditions, but also by cultural factors and a lack of understanding of the associated



risks. A holistic approach is needed that considers all these aspects to reduce the practice of early marriage and protect children's rights.

#### d. Challenges in Legal Implementation

From a legal perspective, the increase in marriage dispensation requests shows that there are challenges in implementing Marriage Law no. 16 of 2019 which regulates the minimum age for marriage. This law sets a minimum age of 19 years for men and women to marry, but with dispensations, marriage under this age is still possible. Marriage dispensation is granted by the court for certain reasons that are considered urgent and legally acceptable.

In his interview, Dra. Malayara MM highlighted the dilemma faced in granting marriage dispensations at the Rantau Prapat Religious Court. "When we decide to grant a marriage dispensation, we are often in a difficult dilemma," he said. "On the one hand, as a court, we have an obligation to protect children's rights in accordance with applicable legal provisions, such as the minimum age for marriage. However, on the other hand, we also have to understand and carefully consider the social and economic realities faced by families who apply for dispensation."

Furthermore, Dra. Malayara MM emphasized the importance of social empathy in the decision-making process. "Giving dispensations should not be done haphazardly," he explained. "We must carefully consider the economic and social conditions of the families applying for dispensation. Sometimes, this decision is the only possible option for them to overcome financial difficulties or other emergency situations."

This interview illustrates the complexity of handling marriage dispensation cases in the Religious Courts, where legal, social and economic aspects must be carefully balanced in order to protect the interests and rights of children and respect the realities of community life.

From the interviews and observations conducted, it can be concluded that the main factors causing the increase in requests for marriage dispensation at the Rantau Prapat Religious Court include social and economic changes, the impact of the COVID-19 pandemic, low levels of education, and challenges in implementing the law. All of these factors interact in a complex manner and require a holistic approach to treatment.

### ***3.2 Legal Opinion on Marriage Dispensation at the Rantau Prapat Religious Court from 2020 to 2022***

Legal opinions regarding marriage dispensation at the Rantau Prapat Religious Court from 2020 to 2022 show that there is a complex and varied understanding of this issue. The judges at the Rantau Prapat Religious Court tend to grant marriage dispensations by considering the specific situation and conditions of each case. This approach shows flexibility in the application of the law which aims to protect the best interests of the children and families involved. However, even though there are legal justifications underlying the granting of dispensation, the judges also realize that early marriage can have a negative impact on children's health, education and future.

Therefore, apart from providing dispensations, judges also often provide advice and recommendations to families to reconsider their decisions. This approach reflects an effort to balance the application of the law with the protection of children's rights.

Implementation of Law no. 16 of 2019 concerning Marriage, which regulates the minimum age of marriage to 19 years for men and women, shows the government's efforts to protect children's rights and prevent early marriage. However, granting marriage dispensations is still permitted for certain reasons that are considered urgent. The judge has the authority to assess and decide whether the conditions proposed are strong enough to warrant a dispensation. In practice, judges at the Rantau Prapat Religious Court are often faced with a dilemma between strictly following the provisions of the law or adapting to the social and economic conditions faced by the applicant's family.

Providing marriage dispensations does not only take into account legal aspects, but also social and cultural aspects. Judges often look at family background, social pressure and economic conditions that force families to marry off their children early. In some cases, judges may consider dispensation as the best solution to avoid larger social problems, such as disharmony within the family or deep-seated economic problems. However, awareness of the risks of early marriage remains a major concern in every decision taken.

The judges also showed awareness of the importance of education and advice to families applying for marriage dispensation. They often provide recommendations so that families better understand the long-term impacts of early marriage, including the risks to reproductive health, education and children's well-being. It is hoped that this education will open the family's horizons and encourage them to consider other options before deciding on early marriage.

Overall, the legal opinion regarding the marriage dispensation at the Rantau Prapat Religious Court reflects a balance between the application of the law and empathy for the condition of society. Judges strive to carry out their duties by considering various aspects, including legal, social and cultural, to ensure that every decision taken can provide the best protection for the children involved. It is hoped that this effort can reduce the number of early marriages and improve the welfare of children in the future.

The legal opinion on marriage dispensation at the Rantau Prapat Religious Court reflects a careful balance between the application of the law and the social realities faced by society. Judges strive to carry out their duties wisely, taking into account various factors including economic conditions, social pressures and local cultures that support the practice of early marriage. The flexible approach used shows that although the law sets a minimum age for marriage, the concrete situation on the ground requires more nuanced treatment. These judges do not only focus on legality but also try to protect the rights and welfare of children involved in marriage dispensation applications.

Overall, this research provides in-depth insight into the complexity and dynamics behind the increase in marriage dispensation requests at the Rantau Prapat Religious Court from 2020 to 2022. By identifying the main factors that influence this increase

and analyzing developing legal opinions, this research is expected to be able to become the basis for further efforts to overcome early marriage. It is hoped that these findings can guide policy makers and legal practitioners in formulating more effective strategies to protect children's rights and ensure their welfare in the future, while still considering existing social and cultural conditions.

#### 4. Conclusions

This research highlights several limitations that may impact the results and conclusions drawn regarding the increase in marriage dispensation requests at the Rantau Prapat Religious Court from 2020 to 2022. The study's reliance on qualitative data from interviews and document analysis introduces potential subjective biases, as the perspectives of participants and the interpretation of documents can vary. Additionally, the research is constrained by its specific geographical and temporal focus, which may not fully capture broader regional or national trends. These limitations could affect the generalizability of the findings and may overlook other significant variables or broader patterns.

To address these limitations and deepen the understanding of factors influencing marriage dispensation requests, future research should consider expanding the scope to include multiple regions or a longer time frame. Incorporating quantitative methods, such as surveys or statistical analyses, could provide more objective data and support the qualitative findings. Further studies could also examine specific local policies and their impact on dispensation requests, and explore the long-term effects of early marriage on individuals and communities. Investigating the role of local government and community organizations in addressing early marriage and evaluating their effectiveness could offer practical solutions. Additionally, comparative studies with other regions or countries facing similar issues might reveal best practices and successful interventions. This comprehensive approach would help in creating more effective strategies to address the issue of early marriage while considering existing social dynamics.

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