



DYNAMICS OF CHILD MARRIAGE IN *SUKU ANAK DALAM* COMMUNITY

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Abstract: This paper aims to explain the dynamics of child marriage and its impact on the *Suku Anak Dalam* community. This research uses observation, interview, and documentation methods, in which researchers directly go to the field to observe and interview perpetrators of early marriages and tribal chiefs. The results of the study show that the *Suku Anak Dalam* community has its own rules and traditions regarding the appropriate age limit for marriage and does not include provisions in the law that have been positive. This tradition is a way of measuring the maturity of the bride and groom. According to the *Suku Anak Dalam*, men can get married if they can earn a living through skill tests in hunting animals or are suitable for farming. At the same time, women are considered adults if they have menstruated. Child marriage is generally a tradition passed down from generation to generation and is an unwritten legal system in society. This practice is a form of neglect regarding women's rights in domestic life, which impacts divorce, physical health, malnutrition, and marriage administration. Several factors, including tradition, arranged marriages/endogamous marriages, economics, promiscuity, and gender inequality, cause this child marriage.

Keywords: *suku anak dalam*; early marriage; marriage age regulation

Abstrak: Tulisan ini bertujuan untuk menjelaskan dinamika pernikahan anak dan dampaknya bagi masyarakat Suku Anak Dalam. Penelitian ini merupakan penelitian

lapangan dengan menggunakan metode observasi, wawancara dan dokumentasi, yaitu peneliti secara langsung turun ke lapangan untuk mengobservasi dan menginterview pelaku pernikahan anak dan kepala suku. Hasil penelitian menunjukkan bahwa masyarakat Suku Anak Dalam memiliki aturan dan tradisi tersendiri dalam menentukan usia layak untuk menikah dan mengesampingkan ketentuan dalam undang-undang yang telah dipositifkan. Tradisi tersebut adalah cara mengukur kedewasaan calon pengantin. Menurut Suku Anak Dalam laki-laki sudah boleh menikah jika sudah mampu memberi nafkah melalui uji ketangkasan berburu binatang dan bercocok tanam, sementara perempuan dianggap sudah dewasa jika sudah mendapatkan menstruasi. Pernikahan anak pada umumnya merupakan tradisi turun temurun dan menjadi sistem hukum tidak tertulis di masyarakat. Praktik tersebut merupakan salah satu bentuk pengabaian terkait hak-hak perempuan dalam kehidupan rumah tangga yang berdampak pada perceraian, kesehatan fisik, gizi buruk dan administrasi pernikahan. Pernikahan anak ini disebabkan beberapa faktor diantaranya tradisi, perjodohan/pernikahan endogami, ekonomi, pergaulan bebas dan ketidaksetaraan gender.

Kata Kunci: suku anak dalam; pernikahan dini; regulasi usia pernikahan



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INTRODUCTION

Child marriage is one of the critical issues in modern marriage law. This practice is inhumane and contrary to Human Rights (HAM), so it often becomes the spotlight and attention of the international community.¹ In Indonesia, cases of child marriage occupy a high position, with one in four girls marrying before adulthood.² The emergence of marriage regulations started from the Marriage Law No 1 of 1974, a Compilation of Islamic Law (1991) to Law No. 16 of 2019 with their respective social backgrounds, is proof that, on the one hand, the government intervenes in Islamic family law, which is flexible in determining the age of marriage and accommodates the interests of the majority of Muslims, using legal unification so that they can continue to practice marriage based on faith on the other.³

¹ Robi Adawiyah, Dian Mukhlisa, and Devrian Ali Putra, "The Reconstruction of Aisyah's Marriage Age as a Resolution for Child Marriage Practices Phenomenon," *Al-Adalah* 19, no. 1 (2022): 69-98, <https://doi.org/https://doi.org/10.24042/al-adalah.v19i1.11706>.

² Kamarusdiana and Naili Farohah, "Reform on the Marriage Age Limit by Jakarta Women's Health Organizations in Maqāsid Al-Syarī'ah Perspective," *Samarah* 6, no. 1 (2022): 198-223, <https://doi.org/10.22373/SJHK.V6I1.12892>.

³ Mies Grijns and Hoko Horii, "Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns," *Asian Journal of Law and Society* 5, no. 2 (2018): 453-66, <https://doi.org/10.1017/als.2018.9>.

Even though the regulation on the age of marriage is precise, the reality in the field is only sometimes appropriate. The rise of marriage at a young age tends to occur in developing countries, especially in rural areas⁴ with various backgrounds, which has been going on for a long time and persists today, reflecting the neglected protection of the rights of young age groups.⁵ Indonesia is one of the countries in the world with the highest absolute number of underage marriages for customary reasons in society.

This situation attracted the attention of several figures, including Umi Supratiningsih, that the marriage age regulations, as mandated by Law No. 16 of 2019, have yet to be accepted wholeheartedly by the public. This condition is motivated by community culture, economic conditions, and prohibited teenage relationships.⁶ Gavin W Jones supports⁷ That marriage patterns in Indonesia depend on culture, economic conditions, and education. According to Holijah et al., marriage age regulations have a positive effect, especially for women, so they can be physically and psychologically ready to become wives and mothers of their children.⁸ Based on research by Sastro Mustapa Wantu et al., the high rate of child marriage in Gorontalo is due to low education and economics and the public's lack of understanding regarding marriage age regulations, so they still believe in the myth that refusing a soul mate will result in avoiding a soul mate and a girl will not get a husband for the rest of her life⁹. Meanwhile, the *Suku Anak Dalam* community Winsherly Tan¹⁰ concludes that marriage in the *Suku Anak Dalam* community is still local, uncodified, and applies from generation to generation, which is different from the provisions and regulations of marriage laws that apply nationally.

⁴ Eddy Fadlyana and Shinta Larasaty, "Pernikahan Usia Dini dan Permasalahannya", *Jurnal Sari Pediatri*, Vol, 11, No. 2, (2016): 136, <https://doi.org/10.14238/sp11.2.2009.136-41>.

⁵ Qodariah Barkah et al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective," *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 17, no. 2 (2022): 383-411, <https://doi.org/10.19105/al-ihkam.v17i2.6725>; Khoiruddin Nasution and Syamruddin Nasution, "Implementation of Indonesian Islamic Family Law To Guarantee Children'S Rights," *Al-Jami'ah* 59, no. 2 (2021): 347-74, <https://doi.org/10.14421/ajis.2021.592.347-374>.

⁶ Umi Supratiningsih, "Pro and Cons Contestation on the Increase of Marriage Age in Indonesia," *Samarah* 5, no. 1 (2021): 232-51, <https://doi.org/10.22373/sjhc.v5i1.9136>.

⁷ Gavin Jones and Bina Gubhaju, "Trends in Age at Marriage in the Provinces of Indonesia," *SSRN Electronic Journal*, no. 105 (2011), <https://doi.org/10.2139/ssrn.1317127>.

⁸ Holijah Holijah and Jariyah Binti Abd Manaf, "The Importance of Increasing Minimum Age For Marriage In Indonesian Marriage Law," *Al-'Adalah* 16, no. 2 (2019): 411-32, <https://doi.org/10.24042/adalah.v16i2.4546>.

⁹ Sastro Mustapa Wantu et al., "Early Child Marriage: Customary Law, Support System, and Unwed Pregnancy in Gorontalo," *Samarah* 5, no. 2 (2021): 780-803, <https://doi.org/10.22373/sjhc.v5i2.9573>.

¹⁰ Winsherly Tan, "Tinjauan Yuridis Perkawinan Suku Anak Dalam di Jambi Berdasarkan Hukum Adat dan Undang Undang Perkawinan", *Jurnal of Judicial Review*, 2, XX (2018): 177-88.

Even though many previous studies have discussed the theme of child marriage, the difference in this research is that the communities studied are located in the majority of isolated communities in Jambi Province. *Suku Anak Dalam* or called Orang Rimba which has its own rules and traditions regarding the appropriate age limit for marriage and does not include provisions in the law that have been positive.

According to the *Suku Anak Dalam*, men can get married if they can earn a living through skill tests in hunting animals or are suitable for farming. At the same time, women are considered adults if they have menstruated. Child marriage is generally a tradition passed down from generation to generation and is an unwritten legal system in society. This practice is a form of neglect regarding women's rights in domestic life, which has an impact on divorce, physical health, poor nutrition, and marriage administration.

This research is field research using observation, interview, and documentation methods. Namely, researchers directly go to the field to observe and interview child marriage perpetrators and tribal chiefs. This research is empirical and sociological. This research was carried out in Jambi Province by taking samples in 2 (two regencies), namely Batanghari and Muaro Jambi Regencies. Researchers determined these two districts because most *Suku Anak Dalam* people live sedentary lives.

This research is field research using qualitative methods. This qualitative method is a research model that aims to reveal existing phenomena and understand the meaning behind these phenomena, both in the form of words, language, and facts that explain early marriage in the *Suku Anak Dalam* community as an object of study.¹¹

AGE OF MARRIAGE POLEMIC BETWEEN TRADITION AND REGULATION
Indonesian society is a society that lives in legal diversity and pluralism. They are subject to three legal systems: customary law, religious law, and civil law. Legal pluralism is the cause of diversity in determining the age of maturity in Indonesian law. Because the age of maturity is very determining in deciding a legal action,¹² marriage is needed to prevent child marriage. Legal pluralism is possible because

¹¹ Iskandar, *Metode Penelitian Kualitatif* (Jakarta: Gaung Persada Pers, 2009). 1.

¹² Ali Sodikin and Al-Robin Al-Robin, "Diversity in Determining Maturity Age in Indonesian Law: Maqāsid Al-Sharīah Perspective," *Justicia Islamica* 18, no. 1 (2021): 97-114, <https://doi.org/10.21154/justicia.v18i1.2621>.

Indonesian society is very diverse, so marriage rules in various regions differ according to their respective customs and beliefs.

Child marriage has always been a hot issue among Muslims. Subjects once covered by piles of historical pages are now returning to the surface. Long debate¹³ among experts, Islamic law activists, and the state in the context of the institutionalization of Islamic law in Indonesia.¹⁴ Furthermore, human rights in interpreting child marriage. The debate is widening and covers various aspects and involves many parties such as religious institutions, government institutions (executive and legislative), and mass media (online, print, and television) to mobilize women to oppose or support child marriage. The state uses the term child marriage to be limited by age. Meanwhile, from a religious point of view, child marriage is performed by someone who has not yet reached puberty.

In terms of law, there are different provisions related to the age limit, both in terms of civil law, marriage law, and citizenship law. This is because no benchmark can be used accurately in determining the boundaries of a person's maturity, giving rise to ambiguity, which ultimately results in the legitimacy of a person in carrying out legal actions.¹⁵ However, if a common thread is drawn from every burden of maturity, then the responsibility for all activities a person takes becomes a benchmark for a person's maturity.¹⁶

Amendment to Law Number 16 of 2019 concerning the marriage age limit for men and women of 19 (nineteen) years¹⁷ to avoid child marriage and reduce birth rates and the risk of maternal and child mortality. From a medical point of view, underage marriages hurt both the mother and the child being born.¹⁸ Meanwhile,

¹³ Supraptiningsih, "Pro and Cons Contestation on the Increase of Marriage Age in Indonesia." Muhammad Mufid Sakhilani, "Dilema Perkawinan Usia Dini: Antara Tradisi Dan Regulasi," *Jurnal Dakwah dan Sosial* 2, no. 2 (2019): 137-49.

¹⁴ Susan Blackburn and Sharon Bessell, "Marriageable Age: Political Debates on Early Marriage in Twentieth Century Indonesia," *Jurnal Indonesia* 63 (1997): 107, <https://doi.org/https://doi.org/10.2307/3351513>.

¹⁵ Ruzaipah Ruzaipah, Abdul Manan, and Qurrota A'yun A'yun, "Penetapan Usia Kedewasaan Dalam Sistem Hukum Di Indonesia," *Mitsaqan Ghalizan* 1, no. 1 (2021): 1-20, <https://doi.org/10.33084/jmg.v1i1.2808>.

¹⁶ Sodikin and Al-Robin, "Diversity in Determining Maturity Age in Indonesian Law: Maqāsid Al-Sharīah Perspective."; M Ghufron, "Makna Kedewasaan Dalam Perkawinan," *Al-Hukama'* 6, no. 2 (2016): 319-36, <https://doi.org/10.15642/alhukama.2016.6.2.319-336>.

¹⁷ Holijah and Abd Manaf, "The Importance of Increasing Minimum Age For Marriage In Indonesian Marriage Law."

¹⁸ Kazem Mohammad et al., "Sexual Risk-Taking Behaviors among Boys Aged 15-18 Years in Tehran," *Journal of Adolescent Health* 41, no. 4 (2007): 407-14, <https://doi.org/10.1016/j.jadohealth.2007.05.003>.; K. G. Santhya, "Early Marriage and Sexual and Reproductive Health Vulnerabilities of Young Women: A Synthesis of Recent Evidence from Developing Countries," *Current Opinion in Obstetrics and Gynecology* 23, no. 5 (2011): 334-39, <https://doi.org/10.1097/GCO.0b013e32834a93d2>. KG Santhya, Shireen J Jejeebhoy, and Saswata

from a social point of view, according to sociologists, underage marriages can reduce family harmony.¹⁹ This is caused by emotions that are still unstable, the turmoil of young blood, and an immature way of thinking.²⁰ Seeing underage marriage from various aspects does have many negative impacts. Therefore, the government only tolerates marriage over nineteen for women and men.

On the other hand, Islamic law experts legalize child marriage. This understanding results from an interpretation of QS. At-Thalaq: verse 4. Besides that, history records that Aisyah was married to the Prophet at a very young age. The substance of Islamic law is to create social benefits for humans in the present and the future.

The problem that is quite a dilemma is that both government policies and religious law contain elements of benefit.²¹ The government prohibits child marriage based on various considerations.²² Conversely, religion does not limit the age of marriage; it also has a positive value.²³

However, indigenous peoples view a person as an adult if he can look after his interests. As stated by Ter Haar, that adult is capable (*volwassen*), married and living separately, leaving his parents' Soerojo interprets adulthood as *Kuwait gawe*,²⁴ capable of taking care of his own needs; this is reinforced by Miftahus Sholehudin who states that maturity in the customary concept is based on: 1) Community assessment; 2) The ability to hunt and find food; 3) The ability to lead his friends; 4) Seeing a person's physical condition.²⁵

From the orthodox perspective above, the concept of maturity does not fully represent a person's conception of maturity because it must be seen from various

Ghosh, "Early Marriage, Sexual and Reproductive Health Risks : Experiences of Young Women and Men in Andhra Pradesh and Madhya Pradesh, India", 2008.

¹⁹ Evelyn L Lehrer, "Age at Marriage and Marital Instability : Revisiting the Becker-Landes-Michael Hypothesis," *Population Economics*, 2008, 463–85.

²⁰ Ahmad Rofiq, *Hukum Islam di Indonesia*, (Jakarta: PT Raja Grafindo Persada, 2020). 76-77.

²¹ Mahmudin Bunyamin, "The Implementation of the Concept of Maslahat (Benefits) in Determining the Minimum Age of Marriage in Islamic Family Law in Indonesia and Jordan," *Al-'Adalah* 18, no. 2 (2021): 315, <https://doi.org/10.24042/al-'adalah.v18i2.8645>.

²² Holijah and Abd Manaf, "The Importance of Increasing Minimum Age For Marriage In Indonesian Marriage Law."

²³ Asep Saifuddin Jahar, *Hukum Keluarga, Pidana Dan Bisnis: Kajian Perundang-Undangan Indonesia, Fiqh dan Hukum Internasional* (Jakarta: Kencana, 2013).

²⁴ R Wignjodipoero Soerojo, *Pengantar Dan Asas-Asas Hukum Adat* (Jakarta: CV Mas Agung, 1990).

²⁵ Miftahus Sholehudin, "Legislasi Pendewasaan Usia Perkawinan Alternatif Perpektif Hukum Adat Dalam Pembangunan Hukum Nasional," *Jurnal Hukum Samudra Keadilan* 14, no. 1 (2019): 1-14, <https://doi.org/10.33059/jhsk.v14i1.1081>.

aspects, including psychological, physical health, social, economic, and other aspects.

MARRIAGE CUSTOMS IN THE *SUKU ANAK DALAM* COMMUNITY

The *Suku Anak Dalam* or called *Orang Kubu/Orang Rimba*, known as the Kubu people, is one part of the tribes in Jambi. Many terms are used to label the *Suku Anak Dalam*. In anthropological literature, the *Suku Anak Dalam* is called "Orang Kubu"²⁶ and is a tribe that lives nomadic in the forests of Jambi Province. This term is an interpretation of the lives of those who, since their ancestors, have depended on the forest and its products.²⁷ Muntolib, in his dissertation, called them "Orang Rimba,"²⁸ while the government gave the community names that changed according to the projects implemented for the community. It starts with the term isolated tribe, a generalization for all tribes considered to "not live normally." Then they were called Remote Indigenous Communities (KAT), which were then called the *Suku Anak Dalam* (SAD).

In general, the life of the *Suku Anak Dalam* community is similar to that of remote indigenous communities in Indonesia.²⁹ As a cultured society, the *Suku Anak Dalam* has customs identical to the surrounding Malay communities. They also recognize marriage, divorce, and polygamy. Regarding marriage, the *Suku Anak Dalam* community has customary laws or traditions that still carry magical and sacred values that are their life guidelines. The wedding that is applied adheres to the principle that "*caro kamu caro kamulah, caro kami biar mak inilah, karena ini warisan dari nenek moyang kami,*" which means that the ways and laws that are carried out by the community outside then carry out these rules in your way, while the laws and methods -The customary way that we adhere to is like this, let us carry it out

²⁶ Orang kubu, sebutan yang digunakan oleh Orang Melayu Jambi dan Palembang terhadap kelompok masyarakat yang tinggal di dalam hutan. Orang Rimba tidak suka disebut Orang Kubu karena sarat dengan konotasi negatif seperti kotor, kafir, menjijikkan, bodoh dan tertinggal. Adi Prasetijo and M Si Candidate, "Between Dominance and Resistance: The Construction of Ethnic Identity of Orang Kubu," *International Young Scholar Conference: Current Research on Southeast Asia*, no. November (2011): 1-13.

²⁷ Adi Prasetijo and M Si Candidate, 'Between Dominance and Resistance : The Construction of Ethnic Identity of Orang Kubu', *International Young Scholar Conference: Current Research on Southeast Asia*, November, (2011): 2.

²⁸ Moentholib Soetomo, "Orang Rimbo : Kajian Struktural-Fungsional Masyarakat Terasing Di Makekal Propinsi Jambi" (Universitas Padjajaran, 1995).

²⁹ Kehidupan mereka hampir sama dengan suku Sakai di Riau, baca Nathan Porath, "They Have Not Progressed Enough': Development's Negated Identities among Two Indigenous Peoples (Orang Asli) in Indonesia and Thailand," *Journal of Southeast Asian Studies* 41, no. 2 (2010): 267-89, <https://doi.org/10.1017/S0022463410000056>.

ourselves. After all, this is an inheritance from our ancestors from the Suku Anak Dalam.³⁰

In general, the nature of marriage in the *Suku Anak Dalam* community can be seen from three aspects, namely:

1. Bridge exchange, namely the exchange of girls between one group and another.
2. The outpouring of energy (bride service), namely the customary principle that must be implemented. The tradition of following the future in-laws for at least one season. While following the prospective in-laws, a man must prove that he is a responsible head of the household and an excellent prospective son-in-law. Future in-laws will assess whether the prospective son-in-law is worthy or not to marry his daughter.
3. Dowry (bride price). A marriage that occurs or is allowed to choose a preferred wife means without being prohibited, but for women, it is forbidden to marry outsiders or people of different ethnicities.

The marriage guidelines have different understandings from the current national law.³¹ In the context of child marriage, the *Suku Anak Dalam* community does not provide explicit standards regarding the age limit for marriage. Because their births were not recorded and they do not have birth certificates, they also do not know how old they are now. Therefore, the regulation on the marriageable age for girls is that if they reach puberty, they are considered capable of getting married. At the same time, mature boys are marked by an agility test to hunt animals. However, if he failed, the groom-to-be was allowed to repeat it the following day. According to the women of the *Suku Anak Dalam*, a man's courage lies in his ability to make a living and hunt. They have carried out this regulation from generation to generation from their ancestors until now.

This agility test for the *Suku Anak Dalam* community is by the verses of the Qur'an, which regulates the eligibility of a person to marry as contained in the letter an-Nisa verse 6, which means:³² "And test the orphans until they are old enough to match, then if in your opinion they If you are smart (good at maintaining wealth), then give them their wealth."

³⁰ See the testimony of Tumenggung Tarib "Orang Rimbo" in Forest is Our Home and Source of Livelihood at the hearing of Case No. 35/PUU-X/2012 on 27 June 2012 at the Constitutional Court of the Republic of Indonesia.

³¹ Winshery Tan, 'Tinjauan Yuridis Perkawinan Suku Anak Dalam di Jambi Berdasarkan Hukum Adat dan Undang Undang Perkawinan', *Jurnal of Judicial Review*, 2, XX (2018): 177-88. <https://journal.uib.ac.id/index.php/jjr/article/view/354>.

³² Departemen Agama RI, *Al Qur'an dan Terjemahannya*. 2000.

This verse interprets that we are ordered to test the intelligence and mentality of children by paying attention to religion, maturity of thinking, and how to manage the property and train children to use wealth until they are fit for marriage. And if we think that they are competent and intelligent in managing assets in the mental test, then leave the assets to them. This is consistent with the requirement that men in the Suku Anak Dalam community can hunt for men to be responsible for carrying out household obligations, primarily the responsibility of earning a living.

Meanwhile, according to Law Number 16 of 2019, the regulation on the age of marriage is “marriage is only permitted if a man and a woman have reached the age of 19 (nineteen) years”.³³ In general, the prospective husband is younger than the future wife. The difference in the age limit for marriage in the Suku Anak Dalam community is for boys aged at least 13-16 years and for girls 15-17 years.

FACTORS CAUSING EARLY MARRIAGE IN SUKU ANAK DALAM JAMBI

Child marriage violates human rights and prevents girls from obtaining an education. The impact of this marriage, apart from having an adverse risk for the mental health of the husband and wife due to an unstable soul, can also endanger the physicality of the wife herself, such as maternal death, infant mortality, the birth of malnourished babies, domestic violence, The increase in poverty and youth divorce rates is accompanied by the number of widowers.³⁴

Based on the data obtained by researchers in the field, some informants revealed the reasons underlying the Tribe of Children in carrying out early marriages; there were several background factors, including:

The first is the customary factor. Generally, *Suku Anak Dalam* community marriage is carried out without age restrictions. According to them, the size of an adult male is when he is physically strong and can hunt alone with hunting equipment like those used by adults. The tools used are spears, machetes, and ambushing. They are generally considered to have been able to hunt at about 15. If you can track, then it is permissible for you to get married through a dexterity test; if you have not succeeded/passed, the marriage is postponed until the man has achieved/passed the agility test. For women, maturity can be known when they can

³³ Holijah and Abd Manaf, “The Importance of Increasing Minimum Age For Marriage In Indonesian Marriage Law.”

³⁴ Dana Tilson and Ulla Larsen, “Divorce in Ethiopia: The Impact of Early Marriage and Childlessness,” *Journal of Biosocial Science* 32, no. 3 (2000): 355-72, <https://doi.org/10.1017/S0021932000003552>.

menstruate.³⁵ The adult size for the Suku Anak Dalam is similar to Balinese customary law. If a person can begin (*nyuun*) according to the weight being tested, they are declared *loba* as an adult. For example, if a person can *negen* eight coconuts or *nyuun* six coconuts, then he is automatically said to an adult.³⁶

In the process of marriage, adhering to the seloko "*bersepakat dan berunding, menerima dan menjemput*". This *seloko* is a guideline in carrying out the marriage process in the *Suku Anak Dalam*, where to decide on a spouse for two prospective brides and groom must go through consensus and negotiate first, whether the application is accepted or not, determines the date of the wedding, what the wedding ceremony will be like, where the position is settled after marriage later and other problems.³⁷

Both economic factors and the demands of life are the main factors in the occurrence of early marriage.³⁸ As the author's interview with a member of the *Suku Anak Dalam*, Jaba said, early marriage is an alternative to reduce the economic burden on the family.³⁹ The factors disclosed by Jaba also occur in rural communities or marginalized communities in various regions in Indonesia.⁴⁰ Parts of the world⁴¹ and industrial society.⁴² This is reinforced by the results of a 2018 National Statistics Agency survey, which concluded that in poor households, girls are considered an

³⁵ Muhammad Andri Primandhani and Yunanto, "Keabsahan Perkawinan Yang Dilakukan Oleh Masyarakat Adat Suku Anak Dalam Setelah Berlakunya Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan (Studi Kasus Di Bukit Duabelas, Kabupaten Tebo, Provinsi Jambi)," *Legalitikum* 1, no. 1 (2019): 11-27, <https://ejournal2.undip.ac.id/index.php/index>.

³⁶ Jusuf, *Sudut Pandang Sosiologi Fungsi Keluarga*, (Surabaya: Sinar Sejahtera, 2004). 39.

³⁷ Mailinar and Bahren Nurdin, "Kehidupan Keagamaan Suku Anak Dalam Di Dusun Senami Lii Desa Jebak Kabupaten Batanghari," *Kontekstualita* 28, no. 2 (2013): 141-57.

³⁸ Maria Cancian and Molly A. Costanzo, "Comparing Income-Shares and Percentage-of-Income Child Support Guidelines," *Children and Youth Services Review* 96, no. December 2018 (2019): 451-62, <https://doi.org/10.1016/j.chilyouth.2018.12.011>.; Suzanne Petroni et al., "New Findings on Child Marriage in Sub-Saharan Africa," *Annals of Global Health* 83, no. 5-6 (2017): 781-90, <https://doi.org/10.1016/j.aogh.2017.09.001>.; Andrea J. Melnikas et al., "Child Marriage Practices among the Rohingya in Bangladesh," *Conflict and Health* 14, no. 1 (2020): 1-12, <https://doi.org/10.1186/s13031-020-00274-0>.

³⁹ Jaba, Residents of "Suku Anak Dalam", *interview*, November 2022.

⁴⁰ Luh Putu Ratih Kumala Dewi and Teguh Dartanto, "Natural Disasters and Girls Vulnerability: Is Child Marriage a Coping Strategy of Economic Shocks in Indonesia?," *Vulnerable Children and Youth Studies* 14, no. 1 (2019): 24-35, <https://doi.org/10.1080/17450128.2018.1546025>.

⁴¹ Robert Jensen and Rebecca Thornton, "Early Female Marriage in the Developing World," *Gender and Development* 11, no. 2 (2003): 9-19, <https://doi.org/10.1080/741954311>.; Haile Gabriel Dagne, "Early Marriage in Northern Ethiopia," *Reproductive Health Matters* 2, no. 4 (1994): 35-38, [https://doi.org/10.1016/0968-8080\(94\)90006-X](https://doi.org/10.1016/0968-8080(94)90006-X).; Judith Ann Walker, "Early Marriage in Africa--Trends, Harmful Effects and Interventions.," *African Journal of Reproductive Health* 16, no. 2 (2012): 231-40.; Melnikas et al., "Child Marriage Practices among the Rohingya in Bangladesh."

⁴² Shoshana Grossbard- Shechtman, *Marriage and the Economy: Theory and Evidence from Advanced Industrial Societies* (Cambridge University Press, 2003).

economic burden, and early marriage is used as a solution to escape from this financial burden.⁴³

Third, the educational factor (dropping out of school) is one of the factors behind them getting married at a young age. Because the level of education is low, knowledge of the impact of early marriage is minimal. For the Suku Anak Dalam, education is less important in life. They adhere to the concept of life: "We must learn from the forest and must be able to utilize forest products." As Baya, a member of the Suku Anak Dalam, stated that they did not go to school and could not read or write, their parents taught them to learn from nature and cultivate natural products for life.⁴⁴ This can be found in their lives where children only graduate from elementary school or drop out, which triggers early marriage. One thousand one hundred ten people did not finish elementary school, and only 141 finished junior high school.⁴⁵ This pattern is also typical in poor or developing countries. According to Marcos et al.'s research, it was concluded that the high and low levels of education and the neglect of instruction are the causes of the high rate of early marriage offenders.⁴⁶ In practice, a dropout from school is an excuse for expediting marriage for their children, as experienced by HT, a young marriage actor who dropped out of school due to economic factors.⁴⁷ The younger the age of marriage, the lower the level of education the child achieves. On the contrary, based on the results of Team B, Heaton et al.'s research in several regions of Indonesia in 2014 shows that the increasing trend of learning among adolescents causes them to delay marriage, which is quite effective in reducing divorce statistics in Indonesia.⁴⁸

Fourth, promiscuity and lack of parental supervision. In general, their parents work as farmers. Go in the morning and come back in the evening. This resulted in children being under-supervised, so they dated beyond the boundaries, as happened to SR and BH, who married because they were pregnant. The author's interview with the Head of Jebak Village, represented by the Village Secretary,

⁴³ Badan Pusat Statistik, *Pencegahan Perkawinan Anak* (Jakarta: Kementerian Perencanaan Pembangunan Nasional, 2020). 44.

⁴⁴ Baya, Residents of "Suku Anak Dalam", *interview*, November 2022.

⁴⁵ Documentation of Jebak Village Head Office, Batanghari Regency, 2021.

⁴⁶ Marcos Delprato, Kwame Akyeampong, and Máiréad Dunne, "Intergenerational Education Effects of Early Marriage in Sub-Saharan Africa," *World Development* 91 (2017): 173-92, <https://doi.org/10.1016/j.worlddev.2016.11.010>; Marcos Delprato et al., "On the Impact of Early Marriage on Schooling Outcomes in Sub-Saharan Africa and South West Asia," *International Journal of Educational Development* 44 (2015): 42-55, <https://doi.org/10.1016/j.ijedudev.2015.06.001>.

⁴⁷ Hayati, Resident of "Suku Anak Dalam," *interview*. November 2022.

⁴⁸ Tim B. Heaton, Mark Cammack, and Larry Young, "Why Is the Divorce Rate Declining in Indonesia?", *Journal of Marriage and Family*, 63, no. 2, (2001): 480-90.

stated that early marriage in the *Suku Anak Dalam* community was a reason to save their children from promiscuity.⁴⁹ This case is strengthened by Sastro Mustafa Wantu et al.'s findings that pregnant teenagers out of wedlock are caused by promiscuity and the dangers of the glittering world, which is misleading.⁵⁰ This reason is the cause of early childhood marriage as an attitude and the right solution to avoid the sin of adultery and unwanted pregnancies.

Fifth, in Endogamous Matchmaking/Marriage,⁵¹ the *Suku Anak Dalam* is likelier to marry fellow Orang Rimba.⁵² This is a form of maintaining their identity as jungle people. So, it is not surprising that arranged marriages cause many endogamous marriages.⁵³ Consent to marriage in the *Suku Anak Dalam* community is often an accumulation of coercion or arranged marriages on the parents/guardians of the child so that the child agrees to marry as a form of respect and devotion to parents.⁵⁴ Parents think that marrying off their child means a form of protection for the child, but this causes the child's loss of opportunity to develop and freedom in choosing a life partner. By the seloko "*adalah menjadi kewajiban orang tua untuk mengantarkan anaknya berumah tangga, terutama anak perempuan*".⁵⁵

Fifth is gender inequality. In the *Suku Anak Dalam* community, women are seen as a group with a lower status than men. They are forbidden to study; even outsiders are not allowed to know the names of the *Suku Anak Dalam* women. The responsibilities and burdens of women are only in the domestic realm as wives and mothers who, in their tradition, women are called kitchen ashes. In this context, women are only allowed to stay at home based on their traditional seloko "*Setukat tidak boleh meninggalkan tanggo sebingkah tidak boleh meninggalkan halaman.*" They mean that women are not allowed to leave their yards when married. Because of the concept of women as "kitchen ashes," women's dependence on their husbands economically is very high, so, in the end, women see the criteria for choosing a

⁴⁹ Muhammad Nuh, Secretary of Jebak Village, *interview*, November 2022.

⁵⁰ Wantu et al., "Early Child Marriage: Customary Law, Support System, and Unwed Pregnancy in Gorontalo."

⁵¹ Jones and Gubhaju, "Trends in Age at Marriage in the Provinces of Indonesia."

⁵² Umami Kalsum, Rd. Halim, and Adelina Fitri, "Pola Perkawinan, Pola Konsumsi Dan Status Gizi Balita Orang Rimba Di Sungai Terap Dan Hajran," *Jurnal Kesmas Jambi* 2, no. 2 (2018): 87-96, <https://doi.org/10.22437/jkmj.v2i2.6557>.

⁵³ Rahmi Hidayati and Ramlah Ramlah, "The Shifting View on the Prohibition of Exogamous Marriage among the *Suku Anak Dalam* Community," *Al-'Adalah* 17, no. 2 (2020): 231-48, <https://doi.org/10.24042/adalah.v17i2.5396>.

⁵⁴ Baya, Resident of "*Suku Anak Dalam*," November 2022

⁵⁵ Anonim, *Buku Pedoman Adat Jambi*, (Lembaga Adat Propinsi Jambi: 1994). 44

husband based on their skills in hunting, finding food, and earning money.⁵⁶ Besides that, women's lack of understanding of laws and regulations is due to a lack of socialization from the government, and most *Suku Anak Dalam* women are not aware that the laws and regulations set by the government give them equal rights with men.⁵⁷

Based on the factors behind the practice of early marriage, there is an assumption that unions that meet the minimum age limit often have legal consequences that are not what is aspire to, mainly if marriages are carried out underage. Several negative impacts occur related to early marriage carried out in the *Suku Anak Dalam* community, including the following:

First, early marriage will have an impact on the occurrence of divorce. Because their age for marriage is between 15-18 years, they have yet to show maturity in thinking and acting. Based on the author's interview with the informant, he initially married a fellow *Suku Anak Dalam*. Still, because he married early and did not understand the rights and obligations in the household, he finally divorced and remarried a Padang person.⁵⁸ This is reinforced by a survey conducted by Dana Tilson and Ulla Larsen on 8757 Ethiopian women aged between 15-49 years, with the finding that divorce is very prone to occur in young couples.⁵⁹ So is Evelyn L Lehrer's analysis that people who marry early tend to have a higher risk of dissolving their marriage than those getting married late.⁶⁰ The same thing also happened in Indonesia, as in a West Java survey by Gavin W Jones et al.⁶¹

Both early marriages can cause physical harm, maternal mortality, the birth of malnourished babies, and infant mortality. This also happened to the *Suku Anak Dalam* community, who married at a young age, as was experienced by Tumenggung Nyenong's wife: "his wife died after two days of painful childbirth."⁶² Then, it was confirmed again through the results of Abdul Haris' research concluded that the factors in malnutrition that occurred in the *Suku Anak Dalam* toddlers

⁵⁶ Zarfina Yenti, "Kesehatan Reproduksi Perempuan Rimba: Studi Tentang Kearifan Lokal Perempuan Rimba Dalam Memanfaatkan Lingkungan," *Kafa'ah: Journal of Gender Studies* 7, no. 2 (2017): 159, <https://doi.org/10.15548/jk.v7i2.182>.

⁵⁷ Yani, Resident of "Suku Anak Dalam." November 2022.

⁵⁸ Baya, Resident of "Suku Anak Dalam." November 2022.

⁵⁹ Tilson and Larsen, "Divorce in Ethiopia: The Impact of Early Marriage and Childlessness."

⁶⁰ Lehrer, "Age at Marriage and Marital Instability : Revisiting the Becker-Landes-Michael Hypothesis."

⁶¹ Tuti Djuartika Gavin W Jones, Yahya Asari, "Divorce in West Java," *Journal of Comparative Family Studies* 25, no. 3 (1994): 395-416, <https://doi.org/DOI:10.3138/jcfs.25.3.395>.

⁶² Tumenggung Nyenong, Resident of "Suku Anak Dalam." November 2022.

included consumption patterns⁶³ and marriage patterns.⁶⁴ A study conducted by Zarfina Yenti reinforces that early marriages carried out by women of the Suku Anak Dalam will, of course, affect their knowledge about reproductive health⁶⁵ and the nutritional status of toddlers. The impact of early marriage is also hazardous for cervical cancer. This is reinforced by researchers such as Ravi Prakash et al. in India and Kazem Mohammad et al. in Taheran, Iran. Nawal M. Nour in Afrika⁶⁶ concluded how risky the uterus of women who marry early is.

The three early marriages that occurred in the *Suku Anak Dalam* community also had an impact on marriage administration, as was the case with the author's interview with Jubai, where he married at a young age and was not recorded by the Marriage Registrar because if he married through KUA Kec, the business was rather complicated and the costs were also quite expensive.⁶⁷ The *Suku Anak Dalam* community in Batanghari, Sarolangun, and Muara Jambi regencies comprise most of the population. If they get married, they are not registered at the local sub-district Office of Religious Affairs, which means they do not have a marriage certificate as authentic proof of their marriage. It becomes a different problem for them and the stakeholders. Not having a marriage certificate means that other population documents, such as birth certificates, cannot be issued. Besides that, the Sirri marriage case will corner and weaken the position of women because their position as a wife and the rights related to their position as a wife are not recognized by law. Responding to many unrecorded marriages, the local Religious Courts⁶⁸ bridged this through the *istbat nikah* program, an alternative solution for them to legalize their first marriage.⁶⁹

For the *Suku Anak Dalam* community, early marriage is generally considered not violating the law, so it is legal. On the other hand, early marriage among the *Suku Anak Dalam* community is a form of neglect regarding women's rights in

⁶³ Abdul Haris, Adelina Fitri, and Ummi Kalsum, "Determinan Kejadian Stunting Dan Underweight Pada Balita Suku Anak Dalam Di Desa Nyogan Kabupaten Muaro Jambi Tahun 2019," *Jurnal Kesmas Jambi* 3, no. 1 (2019): 41-54, <https://doi.org/10.22437/jkmj.v3i1.7598>.

⁶⁴ Kalsum, Halim, and Fitri, "Pola Perkawinan, Pola Konsumsi Dan Status Gizi Balita Orang Rimba Di Sungai Terap Dan Hajran."

⁶⁵ Yenti, "Kesehatan Reproduksi Perempuan Rimba: Studi Tentang Kearifan Lokal Perempuan Rimba Dalam Memanfaatkan Lingkungan."

⁶⁶ Nawal M. Nour, "Health Consequences of Child Marriage in Africa," *Emerging Infectious Diseases* 12, no. 11 (2006): 1644-49, <https://doi.org/10.3201/eid1211.060510>.

⁶⁷ Jubai Resident of "Suku Anak Dalam." November 2022.

⁶⁸ "Bahas Isbat Nikah Terpadu Suku Anak Dalam/Kubu KPA Sarolangun Bertemu Bupati Sarolangun," accessed July 4, 2022., <https://badilag.mahkamahagung.go.id/>.

⁶⁹ "PA Muara Bulian Gelar Sidang Isbat Nikah Suku Anak Dalam," accessed October 9, 2022, <https://badilag.mahkamahagung.go.id/>.

domestic life. This is contrary to the purpose of marriage, which is to create a harmonious, prosperous, and happy household.⁷⁰ As individuals, they must be free from pain, free from the burden they bear as children, and free to make better life choices. Because, after all, even though they are isolated people, they have the right to get a decent living like children in general. If allowed, it will set a bad precedent for their future.

Generally and broadly speaking, the Islamic family laws⁷¹ that apply in Indonesia and the Islamic world are the same. Even if there are differences here and there, these differences have more to do with administrative-technical matters than juridical-philosophical differences. One of them relates to the issue of determining the age limit for marriage. In the case of the *Suku Anak Dalam*, to implement the rules set by the government about the law, they have to deal with customs, habits, and norms that have previously been firmly entrenched in society so that their effectiveness is highly dependent on people's choices in solving problems. Law. Because, in principle, all legal rules that still exist in society cannot be isolated from their relationship with other laws, such as state law, religious law, customs, and even international law.

The indigenous people of the *Suku Anak Dalam* still need to be disciplined with national law regarding marriage matters. However, they adhere to customary rules that aim to be the same as what the Indonesian people aspire to without threatening the sovereignty and integrity of the Unitary State of the Republic of Indonesia. Therefore, there is a need for legal harmonization between customary law, especially the ordinary law of the *Suku Anak Dalam*, and Law no. 16 of 2019 concerning marriage so that the *Suku Anak Dalam* community can carry out the provisions of marriage not deviating from the applicable rules without losing the identity and uniqueness of the indigenous people of the *Suku Anak Dalam* while continuing to carry out the traditions they have carried on for generations and considering that the *Suku Anak Dalam* community is also part of Indonesian citizens.

Several things make the marriage rules not work for the *Suku Anak Dalam*. First, women need to understand the law itself due to a lack of socialization, and most women need to realize that the rules have given equal rights to men. Second,

⁷⁰ Barkah et al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective."

⁷¹ Of all the laws in Muslim countries, family law is the only one to which traditional fiqh is attached. See Lynn Welchman, *Women and Muslim Family Laws in Arab States: A Comparative Overview of Women and Muslim Family Laws in Arab States: A Comparative Overview Of* (Amsterdam University Press, 2007), <https://doi.org/10.5117/9789053569740>.

traditional leaders (tribal chiefs) still adhere to the prevailing customs. Third, the enacted laws are more formally legal than culturally and religiously, so their application highly depends on state officials.

In terms of its application, marriage regulations are included in a group or part of Islamic law that requires the assistance of state authorities (sultan). In enforcing and implementing the law, the state first provides its juridical basis because it is the state's power as an institution with the legality and passion for this matter. Recognized or not, laws that state institutions have formed can have an effect or influence on the social conditions of society, directly or indirectly, even though the level and degree of change are always different.

CONCLUSIONS

Regarding marriage, the *Suku Anak Dalam* community has customary laws or traditions that still carry magical and sacred values that are their life guidelines. The practice of early marriage in the *Suku Anak Dalam* community is carried out without any age limit. They have their customs and rules in marriage. One of these rules is related to measuring the maturity of the bride and groom (marriage age limit). According to them, the size of an adult male is when he is physically strong and can become his target through an agility test. Meanwhile, for women, maturity can be known when they can menstruate.

According to the *Suku Anak Dalam*, early marriage is generally considered not violating the law and is said to be legal. However, this practice is a form of neglect regarding women's rights in domestic life, which has an impact on divorce, physical health, poor nutrition, and wedding administration. Based on data obtained by researchers in the field, there are several reasons underlying the Child Tribe in carrying out early marriages, namely traditional factors (no age limit), economics, education (dropping out of school), promiscuity (lack of parental supervision) and arranged marriages/endogamous marriages.

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