

# Socio-cultural Study on the Implementation of Regional Regulation No. 5 of 2021 on the Prevention of Early Marriage in Sekarteja Village, East Lombok Regency

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**Abstract** : West Nusa Tenggara (NTB) Province in the 2017-2020 period showed quite high cases of child marriage. The NTB Provincial Government prepared and ratified Regional Regulation Number 5 of 2021 concerning the Prevention of Child Marriage as a step to suppress the occurrence of child marriage. The effectiveness and efficiency of this regional regulation will be seen from the implementation process, one of which occurred in the Sekarteja Village, Selong District, East Lombok Regency. Therefore, this research attempts to explain the implementation of the regional regulation by reviewing its socio-cultural aspects.

To answer the problems raised, this research uses a descriptive qualitative method with a case study approach. Data analysis techniques obtained in the field were analyzed using qualitative descriptive analysis. The results of the research explain that the implementation of regional regulation number 5 of 2021 concerning the Prevention of Child Marriage cannot be carried out optimally in the Sekarteja Village. As a suggestion in this research, efforts are needed to revitalize Merariq culture in order to prevent child marriage.

**Keywords** : Child Marriage, Implementation of Regional Regulations, Prevention of Child Marriage, Socio-Cultural.

## INTRODUCTION

Marriage is a dream shared by two people to continue life and lineage. To achieve this, various things need to be prepared and considered, including capability, material, age, psychological maturity, as well as physical and mental readiness for marriage. These factors will also determine the sustainability of a family's marriage. Preparation and careful consideration of these factors are efforts to realize a good marriage so that it does not end in divorce.

The government also supports the community by setting age limits for when individuals are allowed to marry. Article 7 paragraph (1) of Law Number 16 of 2019, which amends Law Number 1 of 1974 on marriage, stipulates that marriage is only permitted if both the man and woman have reached the age of 19. This age limit is intended to minimize divorces caused by a person's lack of readiness in terms of psychological, physical, and mental aspects. This applies to all citizens of Indonesia without exception.

Although the government has set rules and limitations regarding the minimum age for marriage, in reality, many people still marry at a young age, not meeting the established minimum age requirement. This is evident from the high number of dispensation requests for marriage due to the individuals not having reached the minimum age for marriage.

The West Nusa Tenggara Province (NTB) during the period of 2017-2020 showed a relatively high incidence of child marriage. In 2017, the rate of child marriage in NTB was 16.02%, ranking 10th nationally. The following year, the rate decreased to 15.48%, ranking 7th nationally in 2018, but increased again to 16.016% in 2019. Based on marriage dispensation requests, there were 311 requests in 2019, which increased to 803 in 2020. The NTB Provincial Office for the Empowerment of Women, Child Protection, Population Control, and Family Planning (DP3AP2KB) recorded even higher numbers, with 332 requests in 2019 and 805 in 2020. In 2021, the cases of child marriage increased even further to 1132 cases.

The situation of child marriage in NTB, which remains very high, is certainly worrying without proper handling. This is because marriage at a young age can negatively impact the growth and development of children, reproductive health disorders, the risk of maternal and child mortality, the occurrence of domestic violence, poverty, and the low quality of human resources. Without good preventive and management efforts, this will have serious implications for future generations in NTB.

The prevention of child marriage encompasses all actions, activities, or efforts undertaken by local governments, communities, families, parents, and all stakeholders aimed at preventing child marriage and reducing the rate of child marriage in the region. The goals of preventing child marriage are to: a) ensure protection and fulfill children's rights so they can live, grow, and develop optimally in accordance with human dignity; b) improve the quality of life, welfare, and health of mothers and children; c) reduce the rate of child marriage; d) prevent the risk of maternal and child mortality; e) prevent domestic violence; f) reduce poverty rates; and g) enhance the quality of human resources. The enactment of Local Regulation Number 5 of 2021 on the prevention of early marriage is expected to suppress the rate of child marriage in Sekarteja village, thereby avoiding risks faced by mothers and infants.

In efforts to curb child marriage, the local government of the NTB province has formulated and ratified Local Regulation Number 5 of 2021 on Child Marriage Prevention. Based on this regulation, the effort is an initiative and breakthrough by the local government to prevent and reduce the high rates of child marriage that still occur. The regulation includes sanctions for those who violate it and rewards for those who contribute to suppressing child marriage in NTB.

The enactment of this local regulation in 2021 has had a significant impact on the process of preventing child marriage in NTB. The number of child marriage cases based on marriage dispensation requests in NTB in 2022, although still high, appears to have decreased compared to the previous year. In 2022, there were 709 marriage dispensation requests, while the previous year saw 1,127 requests.

In East Lombok district, the incidence of child marriage is not too high, especially considering the population size, which is the largest in the NTB province. In 2022, there were 31 marriage dispensation requests in East Lombok district. With the ratification of this local regulation, researchers want to examine the socio-cultural aspects of the implementation of local regulations in preventing child marriage in Sekarteja Village, Selong Subdistrict, East Lombok District. Therefore, the issue to be studied by the researchers is the socio-cultural study of the implementation of local regulations on the prevention of child marriage in Sekarteja Village.

The purpose of this study is to determine the socio-cultural aspects of the implementation of local regulation number 5 of 2021 on the prevention of early marriage in Sekarteja Village. This is important, given that the rate of early child marriage in NTB is still high. This research is intended to explain and understand the relationship between cultural aspects of the community in efforts to prevent child marriage.

Socio-Cultural; Socio-cultural refers to a container or process related to the relationship between humans and culture. This process is associated with regulated human behavior, creating a binding process between material and spiritual elements (Soekanto, 2004). Society and culture

are two inseparable things; the Sasak tribe's cultural practice of merariq (marrying) by elopement or abduction is still commonly performed. This ancestral tradition often becomes one of the causes of child marriage cases. It could potentially become an obstacle in the implementation of local regulations within the framework of preventing child marriage in NTB, especially on the island of Lombok.

Sociocultural theory helps in understanding how an individual can create a reality, relationships, and influences within a social and cultural context (Nauvaliana Ashri, 2021). The sociocultural theory itself discusses how human interactions occur within a culture. Through this understanding, it is possible to bring about various dialectics amidst the Sasak community's life with the emergence of these regulations. Cultural practices that are deeply rooted in the community's life must then confront new rules that may be contradictory.

The Sasak community to this day still believes in the cultural practice of merariq as a sacred procession. In its implementation, the community still strictly follows various existing rules and binds them as is customary in general. This also includes various implications that will be received for any violation of the existing rules. One belief is that a Sasak girl will have difficulty getting married and is suspected of becoming an old maid if the female family violates the process by asking for their abducted daughter back. Therefore, a girl who has been abducted must still carry out the marriage according to the rules prevailing in society. The marriage procession is still carried out even though the child is underage.

The social phenomenon of early marriage occurring in various regions in Indonesia is not much different; one of the main causes is that the sexual behavior of teenagers who have sex outside of marriage often ends in early marriage. In addition, the socio-cultural demands still prevailing in society consider a woman who has reached the age of 16 to be mature enough for marriage. If she surpasses that age, parents worry that their daughter will become the talk of the community as an unsold girl, hence becoming the subject of ridicule with the term "old maid" (Ali, 2015).

The phenomena of issues arising from the community's strong adherence to existing beliefs often lead to violations of existing regulations, even though the laws are clear. Child marriages still frequently occur under the pretext of requesting marriage dispensations for various reasons. This is why the number of child marriages accompanied by divorces continues to occur.

According to Local Regulation No. 5 of 2021, Article 8, paragraph c, there is a need for cultural revitalization that risks promoting child marriage. Society needs a change in mindset that it is better for a child to marry young than to end up not marrying until old age. The culture of thinking that a girl must marry quickly for fear of getting old and not being desirable in society needs to be changed. Young age marriage does not always bring happiness. Marriage requires readiness and maturity from both individuals, both morally and materially, so preventing child marriage will also impact the community's economic level.

Implementation of the Regional Regulation on the Prevention of Child Marriage; The essence of implementation is a planned and gradual series of activities carried out by the executing agency based on policies established by the competent authority. As Grindle defines, implementation can be measured by its process, questioning whether the execution of the program is in accordance with what has been determined, looking at the action program of individual projects, and secondly, whether the goals of the program are achieved (Agustino, 2008).

Child marriage is a marriage conducted between a male and a female, where one or both are still underage. Meanwhile, the prevention of child marriage encompasses all efforts, actions, and activities carried out by local governments, village governments, communities, families, parents, and all stakeholders in order to prevent child marriage and reduce the rate of child marriage in the region. From here, the local government issues policies by ratifying Local Regulation No. 5 of 2021 on the prevention of child marriage. The objectives of the regulation on the prevention of child marriage include: 1) To realize protection and ensure the fulfillment of children's rights so that they can live, grow, and develop optimally in accordance with human dignity; 2) To ensure that children have resilience and are able to become agents of change; 3) To build values, norms, and perspectives that prevent child marriage; 4) To guarantee that children receive comprehensive

basic services for their welfare related to the fulfillment of rights and child protection; 5) To increase synergy and convergence of efforts to prevent child marriage; 6) To improve the quality of life, welfare, and health of mothers and children; 7) To reduce the incidence of child marriage; and 8) To enhance the quality of human resources.

The rate of child marriage continues to rise along with the increasing divorce rate. Child marriage and divorce at a young age are certainly not desirable, as children are the greatest asset of our region and even our nation. Childhood should be a golden age for education, not for establishing a household for which they are mentally unprepared. Therefore, collaboration from various parties, from the government to parents, is highly expected to prevent child marriage. Preventing child marriage can enhance the quality of human resources we possess, enabling us to compete in the era of globalization because we have qualified and prosperous human resources.

Prevention of child marriage can be carried out through legal channels and community prevention efforts by considering the articles set forth in Regional Regulation Number 5 of 2021. Strengthening the role of parents must also be considered by conducting socialization and education about the importance of child protection and the prevention of child marriage, which poses a significant risk to the reproductive and mental health of children. Economic empowerment of families should also be carried out through family entrepreneurship, the family hope program, and/or other programs that ensure children from poor and vulnerable families receive social assistance, so that child marriage does not become a reason to escape poverty with the hope that if a child marries, the family's burden will be reduced, which in reality only adds new problems.

To reduce the incidence of child marriage, cooperation between parents, the community, and stakeholders is necessary. Therefore, Regional Regulation Number 5 of 2021 states in paragraph (2) that village or urban village officials who are aware of plans for child marriage must take preventive and handling measures against child marriage. Paragraph (3) prohibits village or urban village officials from facilitating and/or being involved in the execution of child marriages that do not comply with legal regulations.

In implementing the prevention of Child Marriage at the village/urban village level, the Village Head/Lurah can involve the Bale Mediation, Krama Desa, or other institutions at the Village/Urban Village level. Meanwhile, prevention efforts at the Hamlet/Neighborhood and Village/Urban Village levels are carried out by providing understanding to children and their parents about the consequences of child marriage and mediating the parties to postpone marriage until the child is mature and ready for marriage.

## **METHODS**

This research uses descriptive qualitative research with a case study approach. This method is used to study objects naturally, placing the researcher as a key instrument in the research (Sugiyono, 2016). This study aims to descriptively explain the socio-cultural aspects in the implementation of regional regulation no. 5 of 2021 on the prevention of child marriage. The goal is to describe systematically, factually, and accurately how the regulation is implemented (Nazir, 2013). A case study was conducted on a series of actual events that occurred in the Sekarteja Village, Selong Subdistrict, East Lombok Regency over a period of 1 year (Rahardjo, 2017).

The subjects of this research are the community members at the research location, especially stakeholders such as the Village Head, Village Staff, Neighborhood Heads, and the community in the research area. The determination of subjects was done by purposive sampling. In this case, the researcher determines the sample selection by establishing specific characteristics that align with the researcher's objectives, so it is expected to answer the research problems. The object of this research is the Implementation of the Regional Regulation on the prevention of early-age marriage.

The instrument in this research is the researcher themselves (human instrument), who functions to establish the focus of the research, select informants as data sources, collect data, assess data quality, analyze data, interpret data, and make conclusions on their findings. The data collection techniques used by the researcher include the collection of primary and secondary data. Primary data includes data acquisition through observation techniques, in-depth interviews, and documentation. Meanwhile, secondary data is research data obtained indirectly through

intermediary media (produced by others) or used by other institutions not as processors but can be utilized in a particular research.

The data analysis technique obtained in the field is analyzed using qualitative descriptive analysis. This study proposes a qualitative analysis technique for the data analysis process using the following stages; data reduction, which is a form of analysis that sharpens, classifies, and is interpreted as a process, selection, focusing attention on simplification, from written notes in the field, data abstraction by making core summaries, processes, and requirements originating from respondents are maintained. At this stage, the researcher tries to compile relevant data, so that it becomes information that can be concluded and has a specific meaning by creating relationships between variables or phenomena, and drawing conclusions which are the final step in this research. Drawing conclusions is the process of the researcher seeking meaning from the data obtained so that they can bring forth the final results from the assessment and data reduction that has been done.

## RESULTS AND DISCUSSIONS

### a. The Community's Viewpoint in Sekarteja Village Regarding the Merariq Tradition

As part of the Sasak community, the majority of the Sekarteja village community still considers the merariq procession to be an important aspect of initiating marriage. The Sasak people feel that starting a marriage with this procession is deemed more honorable and impressive (Na & Hipertensiva, n.d., p. 146). 'Eloping' with a girl before proposing to her is seen as a form of bravery. On the other hand, the community views that proposing in a series of marriage processions is akin to begging. This underlies the emergence of the view that it is considered to lower the dignity of the bride and groom, as it is likened to a transaction of buying and selling (Fitrianita *et al.*, 2019).

The merariq process is generally carried out without the knowledge of the prospective bride's family. A man elopes with a girl at night, followed by *penyeboan*, where the prospective bride is hidden in the house of the prospective groom's relatives. This procession lasts about 1-3 days, and indirectly, it becomes a sign for the bride's family that their daughter has undergone merariq.

Within the series of merariq processions, there is one procession that will determine whether the marriage will continue or not. The bride's family will demand a dowry and *pisuke*, a sum of money that must be fulfilled by the groom's party to carry out the marriage. In this situation, the bride's family will assign a significant value, especially if there is an 'element' of objection to the presence of the prospective groom. It is not uncommon for there to be strong opposition from the bride's family. If no agreement is reached, involving a judicial guardian in the marriage often becomes the solution (Haslan & Dahlan, 2022).

The lack of a meeting point between the bride's and groom's families is a dilemmatic condition that both parties must face. The bride's family cannot immediately request their daughter back. This is due to the belief that if they ask for their daughter back, it is believed that she will have difficulty finding a partner in the future. On the other hand, the groom's party also cannot immediately return the woman they have eloped with. This is because returning a woman who has been abducted in the merariq procession is seen as an insult to the woman's family. Ultimately, there is no choice for the parents in the merariq process other than to marry off their children (Khaerani, 2019).

Looking at one of the knots in the merariq tradition procession, the main purpose of this custom is actually to provide ease for every young man to marry. Through this process, the desired marriage by both the bride and groom does not have the opportunity to be canceled due to various views and beliefs within the community. However, in its journey, that knot becomes a space for negotiation, risking honor and dignity if there is any objection from the bride's family.

Within the Merariq culture, the community has not fully considered the age limit regulations for marriage eligibility (Syaerozi, 2019). On one hand, this is due to the youth's lack of understanding of the laws or regulations regarding marriage. On the other hand, the

Merariq tradition itself does not provide space to communicate this understanding, as the 'kidnapping' process that marks the beginning of the long marriage procession in the Sasak community is always carried out secretly.

The Sasak community is generally known as a religious society, where they are quite obedient and compliant with religious laws (Islam). The views of the state laws and regulations are not entirely in line with the marriage laws in Islam. In Islam, the marker for someone being allowed to marry does not necessarily refer to their age but to their condition of being baligh (mature). A male's maturity is seen from his experience of 'wet dreams,' while for a female, it is when she has begun menstruating. Many males and females experience these before reaching the age of 17.

The community of Sekarteja Village, as part of the Sasak society, generally believes that there is no prohibition for a male or female who is baligh to marry, even though this does not comply with the requirements related to the age limit for marriage eligibility. This has become a binding factor for the community to continue with marriages even when it is known that the bride and groom are still underage. The Merariq procession involving children in such situations is still considered normal in the life of the Sekarteja community.

#### **b. Implementation of Regional Regulation No. 5 of 2021 in Sekarteja Village.**

The village government is an extension of the central and regional governments, serving as the spearhead in all government affairs (Achmad, 2018). The issuance of Regional Regulation Number 5 of 2021 on the Prevention of Child Marriage has not yet been fully implemented by the Sekarterja village government. So far, the village government has only taken the role of socializing the existence of this regulation to the community. Referring to Article 16, the Sekarteja village government can only convey the implications and various risks that may arise from the practice of child marriage.

In implementing this regulation, the Sekarteja village government strives to provide guidance to the community that is forced to carry out marriages despite the practice clearly violating existing regulations. This effort is made by directing the community to apply for a marriage dispensation. In this context, the Sekarteja village government appears to be in a dilemma, as on one hand, they must enforce the regulations as they should. On the other hand, the village government is also directly confronted with the community's belief in the cultural practice of merariq, which is still prevalent and forms the basis for child marriages.

The practice of merariq, often carried out secretly by the community, cannot be directly prohibited by the Sekarteja village government. The village government's commitment to prevention will be enacted in several situations, including when village officials become aware of a merariq plan involving children and if a family member objects to their child's involvement in the process. In situations where village officials are aware of such a plan, they will attempt to prevent it from proceeding. This effort is made through a persuasive approach by village officials towards the male party, providing views on the various risks that may arise, so the community has enough considerations to not continue with the plan. In situations where there is an objection from one party to the merariq practice, the village government always takes on the role of mediator between the two parties.

The steps taken by the Sekarteja village government, as acknowledged by the village head, indicate that the implementation of the regulation has not been maximized. Therefore, child marriages still occur in the community, although the numbers are not very high. The marriage figures referred to are based on the community's efforts to apply for a marriage dispensation due to not meeting the age requirement for marriage. On the other hand, there are still many instances where marriages are not registered. The community continues to conduct religious marriages because the age requirement is not met.

The Sekarteja village government is preparing to provide assistance to the community in case of deviations in marriage. These deviations refer to forced marriages, especially for those who are still children. In this context, the Sekarteja village government will strive to mediate between the concerned parties to resolve the issue. This step is a form of anticipation by the

village government for possible occurrences, referring to Article 19 of Regional Regulation No. 5 of 2021.

Forced marriages are very likely to occur given the traditional merariq process, where a man may force a woman to marry him. However, this situation cannot be handled by the Sekarteja village government without a complaint from the concerned parties. From a legal perspective, this is not considered a criminal act due to the 'cultural framework' (Kurniawan & Tamara, 2023). In this context, the Sekarteja village government positions itself more as a facilitator for the village community regarding various issues related to the marriage process."

### c. Revitalization of Merariq Culture as an Effort to Prevent Child Marriage

In the implementation of the regional regulation, the existence of the merariq tradition appears to be a unique challenge for the village government. The clash between the objectives of the regulation and the deeply rooted cultural traditions places the Sekarteja village government in a dilemma. On one hand, the village government hierarchically must implement every article contained in the regulation, while on the other hand, they face cultural traditions that are also inherently believed by the village officials themselves. Although the enforcement of this regulation can reduce the number of child marriages, as indicated by the decrease in the number of marriage dispensation applications, because the community begins to understand the consequences of child marriage. However, this situation opens up the potential for child marriages to be conducted without official registration (religious marriages).

Religious marriages are not taboo for the community in Sekarteja village. On the other hand, the religious Sasak community always adheres to every rule in practicing their religion. The fact is that marriages conducted under Islamic law are not based on a person's age but on events or experiences that indicate they have reached puberty or adulthood (Zulfahmi, 2020). The occurrence of religious marriages without official registration is not a new issue in the community. The community considers and values that the most important aspect of the marriage process is the fulfillment of the marriage pillars as regulated in religious law.

In the context of implementing the regional regulation, the issue of community beliefs is not a problem. The problem arises when the prospective bride and groom are still children, where the community will face complex issues related to population administration and various risks due to possible unpreparedness. Child marriages so far have almost entirely occurred due to the practice of merariq. In relation to this issue, there needs to be a revitalization of the merariq culture as an effort to prevent child marriages in Sekarteja village.

Culture as an identity is important to preserve (Aniek Rahmaniah, S. Sos., 2012). Because in its form, there are noble values that are important to be instilled and passed down to each generation. In the context of preservation, it is not merely about making culture a monument or display to be witnessed. Culture is important to develop so that it remains harmonious and dynamic with the passage of time. Like other cultural forms, the merariq tradition does not stop and become a fixed form. It is revitalized to further strengthen the community's identity and align with the current realities of community life.

In the effort to revitalize this, the role of stakeholders is certainly needed. The role of institutions and traditional leaders is crucial. Good values in culture must be maintained. However, rules that still conflict with various national and state regulations need to be adjusted and socialized to the community. This cultural revitalization cannot be carried out by anyone except the institutions or traditional leaders themselves. Because customs are always related to habits and beliefs that are passed down from generation to generation. These are ingrained in the daily lives of the community. In this context, traditional institutions are recommended to change the rules in the practice of merariq by adjusting and setting age limits for someone to be allowed to practice merariq under customary law. Of course, this must go through a fairly long process, due to the values of customs that must be preserved.

The harmony between the practice of merariq culture and various regulations from both central and regional governments can become an effective and efficient effort to prevent child

marriages, especially in Sekarteja village. Adjusting customary law and socializing it to the community is a way to provide understanding to the community. Adequate understanding of both will become a turning point for the community's perspective on good merariq practices that do not cause problems.

## CONCLUSION

Based on the facts on the ground and the discussion above, it can be concluded that the implementation of regional regulation number 5 of 2021 concerning the Prevention of Child Marriage cannot be carried out optimally in the Sekarteja Village. The village government can only socialize the contents of the regional regulation to the community. Prevention of child marriage can only be carried out by the village government, if the Sekarteja Village government knows or obtains information about marriage plans involving children. This also rarely happens because in merariq cultural practices, information is often only known by a handful of people and is not disseminated widely.

The main obstacle in implementing this regional regulation is the allusion and lack of harmony between the content of the regional regulation and the merariq cultural practices that have long been embedded in the lives of the people of Sekarteja Village. The lack of harmony is the absence of age restrictions in the practice of merariq, whereas in the regional regulations there are age restriction regulations. In this case, the village government does not have the authority to change the traditional practices that live in the Sekarteja Village as part of the Sasak community.

As a suggestion in this research, efforts are needed to revitalize Merariq culture in order to prevent child marriage. This must be done by traditional stakeholders, and socialized to the Sekarteja Village community so that new agreements emerge. The new agreement is in line with various regulations implemented by both the central government and regional governments related to handling and preventing child marriage.

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