

Juridical Analysis of Marriage Annulment under Law Number 1 of 1974 on Marriage as Amended by Law Number 16 of 2019

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ABSTRACT: Marriage annulment is a legal mechanism provided by the state to declare a marriage invalid due to the failure to fulfill the legal requirements stipulated by statutory regulations. In Indonesia, the legal framework governing marriage annulment is regulated under Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019. Nevertheless, various legal issues continue to arise in judicial practice, including the legal grounds for annulment, the parties authorized to file an annulment petition, and the legal consequences affecting the status of spouses, children, and jointly acquired property. This study aims to analyze the legal framework governing marriage annulment, examine the juridical grounds that justify the annulment of marriage, and explain the legal consequences arising from court decisions granting marriage annulment. The research employs a normative legal research method using statutory, conceptual, and case approaches. The legal materials consist of primary, secondary, and tertiary legal sources, which are analyzed qualitatively through a descriptive-analytical method. The findings indicate that marriage annulment may only be granted on grounds expressly prescribed by law and must be declared through a decision of a competent court. In principle, an annulment invalidates the marriage retroactively from the date the marriage was solemnized. However, such annulment does not eliminate legal protection for children born during the marriage nor the rights of third parties acting in good faith. Therefore, the implementation of legal provisions concerning marriage annulment should uphold the principles of legal certainty, justice, and legal expediency to ensure balanced legal protection for all parties concerned.

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I. INTRODUCTION

Marriage is one of the most fundamental legal institutions in Indonesian society, serving as the legal foundation for establishing a family and creating legal relationships involving rights and obligations between husband and wife, children, and third parties. In Indonesia, the legal framework governing marriage is primarily regulated by Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019. Article 1 of the Marriage Law defines marriage as a physical and spiritual bond between a man and a woman as husband and wife, with the objective of establishing a happy and everlasting family based on the belief in the One and Only God. Consequently, every marriage must satisfy both substantive and procedural legal requirements to obtain legal validity and protection.

Despite the existence of a comprehensive legal framework, disputes concerning the validity of marriage continue to arise in judicial practice. Cases involving underage marriage, prohibited consanguineous relationships, existing marital ties with another spouse, identity fraud, coercion, deception, and violations of administrative procedures remain common grounds for filing petitions for marriage annulment before the courts. These circumstances indicate that compliance with the legal requirements governing marriage

has not been fully achieved, thereby creating legal uncertainty regarding the status of spouses, children, jointly acquired property, and the rights of third parties affected by court decisions on marriage annulment.

From a legal perspective, marriage annulment differs fundamentally from divorce. Divorce terminates a marriage that was legally valid from its inception, whereas marriage annulment declares that a marriage was legally defective from the outset because it failed to fulfill the statutory requirements established by law. Consequently, marriage annulment produces more complex legal consequences, as it affects not only the legal relationship between husband and wife but also the legal status of children, jointly acquired property, inheritance rights, and the protection of third parties acting in good faith.

Legal certainty constitutes one of the principal objectives of every legal system. According to Soekanto (2019), law functions as an instrument to create social order while ensuring legal certainty within society. Similarly, Mertokusumo (2010) argues that legal certainty requires legal rules that are clear, predictable, and consistently enforced so that individuals are able to understand the legal consequences of their actions. Rahardjo (2009) further emphasizes that the application of law should not merely pursue normative certainty but should also realize substantive justice by considering broader social interests. These scholarly perspectives demonstrate that the legal regulation of marriage annulment must strike a balance between legal certainty and the protection of the rights of all parties concerned.

Previous studies on marriage annulment have generally focused on judicial reasoning in court decisions, the legal consequences of annulment, and the implementation of statutory provisions within the Religious Court system. Although these studies have contributed significantly to the development of Indonesian family law, most remain descriptive in nature and concentrate on specific case studies. Moreover, relatively few studies have comprehensively examined marriage annulment following the enactment of Law Number 16 of 2019, particularly regarding the consistency between statutory provisions, legal doctrines, and judicial practice in safeguarding the rights of spouses, children, and third parties.

These circumstances reveal a clear research gap. Previous studies tend to examine particular aspects of marriage annulment separately without integrating statutory analysis, legal theories, and judicial implementation following the amendment of the Marriage Law. Consequently, a more comprehensive juridical study is required to evaluate the extent to which the existing legal framework ensures legal certainty, justice, and legal protection in marriage annulment cases.

The novelty of this study lies in its normative legal analysis, which integrates the statutory approach, conceptual approach, and case approach in examining marriage annulment under Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019. Unlike previous studies that primarily emphasize judicial decisions or particular legal consequences, this research explores the interrelationship between the legal grounds for annulment, annulment procedures, judicial interpretation, and the legal consequences affecting spouses, children, jointly acquired property, and third parties acting in good faith. Through this integrated approach, the study is expected to contribute to the development of Indonesian family law by strengthening legal certainty, justice, and legal protection in the implementation of marriage annulment.

Based on the foregoing discussion, this study aims to analyze the legal framework governing marriage annulment under Indonesian marriage law, examine the juridical grounds that justify marriage annulment, and evaluate the legal consequences arising from court decisions on marriage annulment in order to strengthen legal certainty and provide balanced legal protection for all parties concerned.

II. LITERATURE REVIEW

Marriage Annulment under Indonesian Marriage Law

Marriage annulment is a legal institution that enables a court to declare a marriage invalid when it fails to satisfy the substantive or procedural requirements prescribed by law. Unlike divorce, which terminates a legally valid marriage, annulment establishes that the marriage was legally defective from its inception. Consequently, the legal effects of marriage annulment are generally retroactive, although statutory law provides exceptions to protect certain legal interests.

In Indonesia, the legal basis for marriage annulment is primarily governed by Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019, together with the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) for Muslims. These regulations specify the legal grounds upon which a marriage may be annulled, the parties authorized to submit an annulment petition, and the legal consequences arising from judicial decisions. Marriage annulment may only be granted by a competent court after careful examination of the facts and applicable legal provisions, thereby ensuring legal certainty and procedural fairness.

Legal Grounds for Marriage Annulment

The Marriage Law establishes that annulment may only be granted on grounds expressly provided by statutory law. Such grounds generally include failure to satisfy legal requirements relating to age, prohibited degrees of kinship, existing marital status, coercion, fraud, identity falsification, or other legal impediments existing at the time the marriage was solemnized. Because marriage constitutes a legally protected institution, the authority to annul a marriage rests exclusively with the judiciary following a comprehensive legal examination.

The principle of legality plays a central role in determining whether a marriage may be annulled. Under this principle, courts may only grant annulment where the statutory requirements have been clearly violated. Accordingly, judicial interpretation must remain consistent with legislative intent while ensuring fairness and proportionality in resolving disputes involving marriage validity.

Legal Consequences of Marriage Annulment

The legal consequences of marriage annulment extend beyond the dissolution of the marital relationship. Although the marriage is generally regarded as invalid from the outset, Indonesian positive law continues to provide legal protection for children born during the marriage, preserving their civil status and legal rights. Likewise, the rights of third parties acting in good faith before the annulment decision remain protected to prevent legal uncertainty and unfair prejudice.

Marriage annulment may also affect jointly acquired property, inheritance rights, maintenance obligations, and other civil relationships arising during the marriage. Therefore, courts are required to balance the principle of legal certainty with broader considerations of justice and legal protection when determining the legal consequences of annulment.

Legal Certainty, Justice, and Legal Protection

Legal certainty constitutes one of the fundamental principles underlying the Indonesian legal system. According to Mertokusumo (2010), legal certainty requires laws to be clear, predictable, and consistently implemented so that individuals understand the legal consequences of their actions. Soekanto (2019) similarly argues that law functions as a mechanism for maintaining social order while providing certainty in legal relationships.

However, the application of legal rules should not rely solely on formal legal certainty. Rahardjo (2009) emphasizes that the law must also pursue substantive justice by considering social realities and protecting legitimate interests. In the context of marriage annulment, judges must therefore reconcile statutory provisions with the principles of justice, proportionality, and legal protection to ensure that judicial decisions do not disproportionately disadvantage spouses, children, or innocent third parties.

Conceptual Framework

This study is grounded in the concept that marriage annulment represents a legal mechanism designed to preserve the integrity of marriage law while ensuring that marriages comply with statutory requirements. The implementation of annulment provisions should not merely invalidate legally defective marriages but should also uphold the fundamental principles of legal certainty, justice, and legal protection.

Accordingly, this research adopts an integrated juridical perspective by examining the legal norms governing marriage annulment, judicial interpretation in court decisions, and the legal consequences arising from annulment. Through this approach, the study seeks to provide a comprehensive understanding of how Indonesian marriage law balances the enforcement of statutory requirements with the protection of individual rights and broader societal interests.

III. RESEARCH METHOD

This study employed normative legal research (doctrinal legal research), which focuses on examining legal principles, statutory regulations, legal doctrines, and judicial decisions concerning marriage annulment under Indonesian law. Normative legal research was selected because the primary objective of this study was to analyze the legal framework governing marriage annulment, identify the legal grounds for annulment, and evaluate the legal consequences arising from court decisions based on prevailing legal norms. The research adopted three complementary approaches: the statutory approach, the conceptual approach, and the case approach. The statutory approach was used to examine relevant legislation, particularly Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019, the Compilation of Islamic Law (Kompilasi Hukum Islam), and other related legal provisions governing marriage annulment. The conceptual approach was employed to analyze legal theories, doctrines, and principles concerning legal certainty, justice, and legal protection as developed by legal scholars. Meanwhile, the case approach involved examining selected judicial decisions on marriage annulment to understand how statutory provisions have been interpreted and applied by Indonesian courts.

The legal materials used in this research consisted of primary, secondary, and tertiary legal materials. Primary legal materials included the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 1974 on Marriage, Law Number 16 of 2019, the Compilation of Islamic Law, and relevant judicial decisions concerning marriage annulment. Secondary legal materials comprised legal textbooks, scholarly journal articles, and other academic publications discussing marriage law and family law. Tertiary legal materials, including legal dictionaries, encyclopedias, and other reference sources, were used to support the interpretation and analysis of legal concepts.

Legal materials were collected through library research, involving a systematic review of legislation, judicial decisions, books, scientific journals, and other relevant legal documents. The collected materials were then organized according to the research objectives to facilitate comprehensive legal analysis.

The legal materials were analyzed using a qualitative descriptive-analytical method. The analysis involved identifying relevant legal norms, interpreting statutory provisions and legal doctrines, comparing them with judicial practice, and evaluating their consistency with the principles of legal certainty, justice, and legal protection. The findings were subsequently presented descriptively to provide

a comprehensive understanding of the legal regulation and implementation of marriage annulment within the Indonesian legal system.

IV. RESULTS

A. Legal Framework Governing Marriage Annulment in Indonesia

The findings indicate that the legal regulation of marriage annulment in Indonesia is principally governed by Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019, and further complemented by the Compilation of Islamic Law (Kompilasi Hukum Islam) for Muslim citizens. These legal instruments establish that marriage annulment constitutes an exceptional legal remedy available only when a marriage fails to satisfy the substantive or procedural requirements prescribed by law.

Unlike divorce, which terminates a legally valid marriage, marriage annulment declares that the marriage was legally defective from its inception. Consequently, the authority to annul a marriage rests exclusively with the competent court after examining whether the statutory requirements for annulment have been fulfilled. This judicial mechanism reflects the implementation of the principle of legality and reinforces legal certainty within Indonesia's marriage law system.

The study also found that Indonesian marriage law adopts a restrictive approach toward marriage annulment. A marriage cannot be annulled merely because of conflicts or dissatisfaction between spouses. Instead, annulment may only be granted on legally recognized grounds expressly stipulated by statutory law. Such regulation demonstrates the legislature's commitment to preserving the stability of the institution of marriage while simultaneously ensuring compliance with legal requirements.

B. Juridical Grounds for Marriage Annulment

The research reveals that marriage annulment may only be granted where statutory requirements governing the validity of marriage have been violated. The most common legal grounds identified include marriages conducted in violation of minimum age requirements, prohibited degrees of kinship, an existing lawful marriage with another spouse, identity falsification, fraud, coercion, and other legal impediments existing at the time the marriage was solemnized.

Judicial analysis demonstrates that the burden of proof plays a decisive role in marriage annulment proceedings. Petitioners are required to present convincing legal evidence establishing that the alleged legal defect existed before or at the time of the marriage. Courts generally examine documentary evidence, witness testimony, and other admissible evidence to determine whether the statutory requirements for annulment have been satisfied.

The findings further indicate that Indonesian courts consistently apply the principle that marriage annulment constitutes an extraordinary legal remedy. Accordingly, judges tend to interpret the legal grounds for annulment strictly in order to preserve the legal certainty of marital relationships and to prevent arbitrary annulment of marriages that have already produced legal consequences for the parties involved.

C. Legal Consequences of Marriage Annulment

The study demonstrates that the legal consequences of marriage annulment extend beyond the termination of the legal relationship between husband and wife. In principle, an annulled marriage is deemed never to have existed from a legal standpoint. Nevertheless, Indonesian positive law provides several important exceptions intended to ensure justice and legal protection.

First, children born during the marriage remain legally recognized and continue to enjoy full civil rights despite the subsequent annulment of their parents' marriage. This protection reflects the principle that children should not bear adverse legal consequences arising from defects in their parents' marriage.

Second, the legal consequences of annulment also affect jointly acquired property and inheritance rights. The distribution of jointly acquired property depends upon the specific circumstances of each case, judicial interpretation, and the applicable statutory provisions. Courts generally seek to balance legal certainty with fairness in determining property rights following the annulment of marriage.

Third, Indonesian law protects the rights of third parties who acquired legal rights in good faith before the court rendered its annulment decision. Consequently, legal transactions conducted in good faith prior to the annulment remain legally valid and enforceable, thereby safeguarding legal certainty in civil transactions.

D. Analysis of Judicial Practice in Marriage Annulment Cases

An examination of judicial decisions reveals that Indonesian courts generally apply statutory provisions concerning marriage annulment consistently. Nevertheless, variations remain regarding the interpretation of evidentiary standards, procedural requirements, and the legal consequences of annulment.

Several court decisions demonstrate that judges not only rely on the literal wording of statutory provisions but also consider broader legal principles, including justice, proportionality, and legal protection. Such judicial reasoning reflects an effort to balance legal certainty with equitable outcomes for spouses, children, and third parties affected by annulment decisions.

However, the findings also indicate that differences in judicial interpretation occasionally result in inconsistent decisions in cases involving similar legal issues. These disparities may reduce legal certainty and create uncertainty regarding the application of

marriage annulment provisions. Therefore, greater consistency in judicial interpretation is essential to ensure uniform application of marriage law throughout Indonesia.

Research Findings

Overall, this study confirms that the legal framework governing marriage annulment in Indonesia has been comprehensively established through statutory regulations. Nevertheless, the effectiveness of its implementation depends not only on the clarity of legislative provisions but also on the consistency of judicial interpretation and administrative supervision in marriage registration. The findings further demonstrate that marriage annulment should not merely function as a mechanism for invalidating legally defective marriages. Rather, it should also serve as a legal instrument that simultaneously safeguards legal certainty, justice, and legal protection for all parties affected by annulment proceedings. Consequently, strengthening the harmonization between statutory regulations and judicial practice remains essential for improving the effectiveness of Indonesia's marriage law system.

V. DISCUSSION

The findings of this study demonstrate that the legal regulation of marriage annulment in Indonesia reflects the legislature's commitment to ensuring that every marriage complies with the substantive and procedural requirements established by law. The provisions contained in Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019, indicate that marriage annulment is not intended as an alternative means of dissolving a marriage but rather as a legal mechanism to invalidate marriages that were legally defective from their inception. This legal framework embodies the principle of legality by limiting annulment exclusively to the grounds expressly prescribed by statutory law.

The findings are consistent with the concept of legal certainty, which emphasizes that legal rules must be clear, predictable, and consistently applied. In the context of marriage law, legal certainty requires that the validity of a marriage and the circumstances under which it may be annulled are determined solely based on statutory provisions. Consequently, judicial authority in marriage annulment cases must be exercised within the limits established by legislation to prevent arbitrary interpretation and ensure equal treatment before the law.

This study further reveals that Indonesian courts generally adopt a restrictive interpretation of the legal grounds for marriage annulment. Petitioners bear the burden of proving that a legal defect existed before or at the time the marriage was solemnized. Such an approach reinforces procedural fairness while protecting the stability of the institution of marriage. Similar findings have been reported in previous studies, which conclude that Indonesian courts consistently require convincing legal evidence before granting marriage annulment petitions.

From the perspective of justice, the research demonstrates that the legal consequences of marriage annulment are not applied rigidly. Although an annulled marriage is generally regarded as having been invalid from the outset, Indonesian law continues to protect children born during the marriage and preserves the legal rights of third parties acting in good faith. This reflects the principle of substantive justice, whereby the law seeks not only to enforce statutory provisions but also to avoid imposing unfair consequences on innocent parties.

The protection afforded to children constitutes one of the most significant features of Indonesia's marriage law. Regardless of the annulment of their parents' marriage, children retain their legal status and civil rights. This legal protection is consistent with the broader objective of family law, which prioritizes the best interests of the child while preventing discrimination arising from legal disputes between parents.

Similarly, the preservation of rights acquired by third parties in good faith reflects the application of the principle of legal protection. Individuals who have acquired legal rights without knowledge of defects in the marriage should not suffer adverse consequences due to subsequent judicial decisions. Such protection enhances legal certainty in civil transactions and strengthens public confidence in the legal system.

Nevertheless, the findings also indicate that differences remain in judicial interpretation concerning evidentiary standards, procedural requirements, and the legal consequences of marriage annulment. Variations among judicial decisions may result in inconsistent legal outcomes in cases involving similar factual circumstances. Such inconsistency has the potential to undermine legal certainty and diminish public confidence in the judicial process.

These findings highlight the necessity of harmonizing statutory provisions with judicial practice. The development of clearer judicial guidelines regarding marriage annulment would contribute to greater consistency in legal reasoning and reduce disparities in court decisions. Uniform interpretation is particularly important because marriage annulment affects not only the legal relationship between spouses but also the legal rights of children, jointly acquired property, inheritance, and third parties.

Compared with previous studies, this research provides a more comprehensive analysis by integrating statutory regulations, legal doctrines, and judicial practice following the enactment of Law Number 16 of 2019. While earlier studies primarily focused on specific court decisions or particular legal consequences, this study examines marriage annulment from the broader perspectives of legal certainty, justice, and legal protection. Consequently, the research offers a more holistic understanding of the implementation of marriage annulment within Indonesia's contemporary legal system.

Overall, the discussion confirms that the effectiveness of marriage annulment as a legal institution depends not only on the existence of comprehensive statutory regulations but also on the consistent interpretation and application of those regulations by the judiciary.

Strengthening administrative supervision in marriage registration, improving procedural verification, and promoting uniform judicial interpretation are therefore essential measures for ensuring that marriage annulment serves its intended purpose while safeguarding the rights and legitimate interests of all parties involved.

VI. CONCLUSION

Based on the findings and discussion, it can be concluded that marriage annulment under Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019, constitutes a legal mechanism designed to ensure that every marriage complies with the substantive and procedural requirements prescribed by statutory law. A marriage may only be annulled on the legal grounds expressly provided by legislation and through a decision of a competent court. This legal framework reflects the application of the principle of legality while strengthening legal certainty within Indonesia's marriage law system. Furthermore, the regulation of marriage annulment demonstrates the legislature's commitment to balancing the enforcement of marriage law with the protection of the rights and legitimate interests of the parties affected by annulment.

The study further reveals that the legal consequences of marriage annulment extend beyond the termination of the legal relationship between spouses. Although an annulled marriage is generally deemed invalid from its inception, Indonesian positive law continues to protect the legal status and civil rights of children born during the marriage, as well as the rights of third parties who acquired legal interests in good faith prior to the annulment. This approach reflects the implementation of the principles of justice, legal protection, and proportionality within the Indonesian family law system.

The findings also indicate that, despite the relatively comprehensive statutory regulation governing marriage annulment, differences remain in judicial interpretation regarding evidentiary standards, procedural requirements, and the legal consequences of annulment. Such inconsistencies have the potential to reduce legal certainty and create disparities in judicial decisions involving similar legal issues. Therefore, greater harmonization between statutory provisions and judicial practice is necessary to ensure a more consistent application of the law and to provide effective legal protection for all parties concerned.

This study contributes to the development of Indonesian family law by providing an integrated juridical analysis that combines statutory provisions, legal doctrines, and judicial practice following the enactment of Law Number 16 of 2019. Unlike previous studies, which generally focused on specific court decisions or isolated legal consequences, this research offers a more comprehensive analytical framework for understanding marriage annulment from the perspectives of legal certainty, justice, and legal protection.

Accordingly, future legal reform should focus on clarifying statutory provisions that continue to generate differing interpretations, strengthening administrative supervision during the marriage registration process, and promoting greater consistency in judicial reasoning through clearer legal guidelines. Future research is also encouraged to adopt empirical or socio-legal approaches to examine the practical implementation of marriage annulment within Indonesia's judicial system and to undertake comparative studies with other legal systems in order to enrich the development of Indonesian marriage law and enhance legal protection for families.

VII. SUGGESTIONS

Based on the findings and discussion, several recommendations can be proposed to enhance the effectiveness of the legal framework governing marriage annulment in Indonesia.

First, the Government and the legislature should further refine the provisions on marriage annulment under Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019, particularly those concerning the legal grounds for annulment, evidentiary standards, and procedural requirements. Clearer statutory provisions would reduce divergent interpretations and strengthen legal certainty in judicial practice.

Second, the Supreme Court of Indonesia should promote greater consistency in judicial interpretation by developing comprehensive guidelines or standardized legal principles for adjudicating marriage annulment cases. Uniform application of the law would minimize disparities among court decisions and enhance public confidence in the judicial system.

Third, government institutions responsible for marriage registration should strengthen administrative verification procedures before a marriage is officially registered. More rigorous verification of identity documents, marital status, minimum age requirements, and other legal prerequisites would help prevent procedural violations that may subsequently become grounds for marriage annulment. Fourth, legal practitioners—including judges, advocates, and legal scholars—should continue to develop legal reasoning that balances statutory interpretation with the fundamental principles of legal certainty, justice, and legal protection. Such an approach is essential to ensure that judicial decisions not only comply with positive law but also provide equitable protection for the rights of spouses, children, and third parties acting in good faith.

Finally, future studies are encouraged to broaden the scope of research by employing empirical or socio-legal approaches to examine the practical implementation of marriage annulment within Indonesia's judicial system. Comparative studies involving the marriage laws of other jurisdictions are also recommended to provide broader perspectives for the continued development of Indonesian family law and to strengthen legal protection for families in the future.

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