

IMPLEMENTATION OF THE SUPREME COURT'S LETTER IN DIVORCE CASES DUE TO DOMESTIC VIOLENCE WITHIN THE RELIGIOUS COURT

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Abstract

This study determines the views of judges at the Sungguminasa Religious Court and the implementation of the Supreme Court Circular (SEMA) No. 3 of 2023 in divorce cases due to Domestic Violence (KDRT). The method used a multidisciplinary approach, namely the normative, legal, and sociological approaches. The results of the study indicate that the Sungguminasa Religious Court responded positively to the issuance of SEMA 3 of 2023 as part of a strategic step to minimize the number of divorce cases in Indonesia. Furthermore, the application several cases where the lawsuit or application was rejected based on considerations that did not meet the constraints of unclear specifications of the type of KDRT, evidence, and the existence of certain emergency conditions that hinder judges in implementing the SEMA.

Keywords: Divorce; Domestic violence; Religious court; Supreme court.

Abstrak

Tujuan penelitian ini adalah mengetahui pandangan hakim Pengadilan Agama Sungguminasa dan penerapan Surat Edaran Mahkamah Agung (SEMA) No. 3 Tahun 2023 dalam perkara perceraian akibat Kekerasan Dalam Rumah Tangga (KDRT). Metode yang digunakan adalah pendekatan multidisipliner yaitu pendekatan, normatif, yuridis, dan pendekatan sosiologis. Hasil penelitian menunjukkan bahwa Pengadilan Agama Sungguminasa merespon secara positif terbitnya SEMA 3 Tahun 2023 sebagai bagian dari langkah strategis untuk meminimalisir jumlah kasus perceraian di Indonesia. Selanjutnya, penerapan terdapat sejumlah perkara yang gugatan atau permohonannya ditolak atas dasar pertimbangan tidak memenuhi dengan kendala spesifikasi jenis KDRT yang tidak jelas, pembuktian, dan adanya kondisi darurat tertentu yang menghambat hakim dalam penerapan SEMA tersebut.

Kata Kunci: Perceraian; KDRT; Pengadilan agama; Mahkamah agung.

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INTRODUCTION

One application of the principle of making divorce difficult is Article 31 PP No. 9 of 1975 concerning the Implementation of Law No. 1 of 1974 concerning Marriage, which confirms that the judge in a divorce trial is required to reconcile the two parties as long as the examination has not been decided. Apart from that, Article 115 of Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law (KHI) states that divorce must be carried out before a trial in the Religious Court, and a divorce decision can be made after the Religious Court fails to reconcile the two parties.

In line with the principles or principles of making divorce difficult, the Supreme Court of the Republic of Indonesia implemented restrictions to reduce the number of divorces in the Religious Courts through the Supreme Court Circular Letter (SEMA) Number 3 of 2023 to perfect the legal formulation of the Religious Chamber number 1 of 2022 concerning the Implementation of the Formulation of the Results of the Plenary Meeting of the Court Chamber Supreme Court of 2023 as Guidelines for Implementing Duties for Courts, hereinafter abbreviated as SEMA. The SEMA contains a plenary formula for religious chambers which stipulates that: "Divorce cases based on continuous disputes and quarrels can be granted if it is proven that the husband and wife have had continuous disputes and quarrels and there is no hope of living in harmony again in the household followed by having separated from their residence for at least 6 (six) months unless legal facts are found the presence of Domestic Violence (KDRT).

Marriage is an integral part of Islamic law which cannot be separated from the dimensions of Islamic faith and morals. Based on this, marriage aims to create a marriage that is based on the values of monotheism and morals and is expected to have transcendental and sacred values to achieve goals that are in line with the goals of Islamic law. This is also in line with the understanding of marriage as a spiritual and physical bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on the belief in the Almighty God.

The purpose of marriage is to create a happy and eternal family. This noble goal will always be intended by every couple entering into a marriage, even with support from family and society. Marriage is carried out forever until the death of one of the husband and wife, as desired in the Islamic religion. However, in certain circumstances, some things require the marriage to be dissolved, and if the marriage continues it will cause harm. In conditions like this, divorce is permitted as a last resort in continuing the marriage bond. Based on the provisions of Article 38 of the Marriage Law, a marriage is dissolved due to: 1) death, 2) divorce, 3) and by court decision.

Divorce is only justified in emergencies so as not to cause greater losses, therefore divorce is an emergency exit in marriage for mutual safety, however.¹ In reality, data from the Religious Courts shows that divorce cases are still relatively high every year. National data regarding the divorce rate in

¹ Djamil Latif, *Aneka Hukum Perceraian Di Indonesia* (Jakarta: Ghalia Indah, 1981), h. 12

Indonesia in 2023 in 463,654 cases, and in 2022 516,344 cases.² Likewise, in South Sulawesi in 2023 there will be 12,806 cases, in 2022 there will be 15,010, and in 2021 there will be 15,575 cases.³ Meanwhile, for the Sungguminasa Religious Court area, the divorce rate for the last 3 years is still very high. In 2023 there will be 1003 cases, while in 2022 there will be 1215 cases, and in 2021 there will be 993 cases.

Based on the annual records of the National Commission on Violence Against Women, the Religious Courts are the entry point for uncovering various domestic violence that was previously tightly closed within the household, this is because the Religious Courts have a strategic role in uncovering incidents of violence that occur.⁴ One of the causes of divorce among the many divorce cases processed in the Religious Courts so far is triggered by Domestic Violence (KDRT).

SEMA Formulation No. 3 of 2023 excludes divorce cases resulting from domestic violence considering that domestic violence incidents may contain emergency conditions so they cannot be postponed any longer. However, regarding domestic violence itself, there may still be differences in interpretation among judges who decide cases, whether it is specific to physical violence only or can cover all types of domestic violence. Therefore, it is important to explore the implementation of SEMA in divorce cases related to domestic violence, including at the Sungguminasa Religious Court considering the high number of divorce cases filed at the Religious Court. Therefore, this research will focus on the implementation of the 3rd Semester of 2023 at the Sungguminasa Religious Court.

METHOD

The type of research used is descriptive qualitative research. Qualitative research is a type of research method that is carried out by studying the actual situation that occurs in society, namely looking for facts related to the problems in the research using a normative juridical approach, a sociological approach, and a case approach which examines cases related to the legal problems faced. The data sources used are primary data and secondary data, and the data collection methods are observation, interviews, and documentation.

RESULT AND DISCUSSION

1. Judge's Response to Supreme Court Circular Letter Number 3 of 2023

Supreme Court Circular Letter (SEMA) Number 3 of 2023 is a legal instrument issued by the Supreme Court of the Republic of Indonesia which is used as a guide for judges in carrying out their

² Angka Cerai Turun 10% di 2023, Kemenag Dorong Peran KUA jaga Ketahanan Keluarga. (Rabu, 15 Mei 2024). Diakses pada tanggal 15 Oktober 2024, dari <https://kemenag.go.id/nasional/angka-cerai-turun-10-di-2023-kemenag-dorong-peran-kua-jaga-ketahanan-keluarga-rgQBT>

³ Jumlah Perceraian Menurut Kabupaten/Kota dan Faktor di Provinsi Sulawesi Selatan,, 2023. (22 Februari 2024). Diakses pada tanggal 15 Oktober 2024, dari <https://sulsel.bps.go.id/id/statistics-table/3/YVdoU1IwVmlTM2h4YzFoV1psWkViRXhqTlZwRFVUMDkjMw==/jumlahperceraian-menurut-kabupaten-kota-dan-faktor-di-provinsi-sulawesi-selatan--2023.html?year=2023>

⁴ Komisi Nasional Anti Kekerasan terhadap Perempuan, Referensi Hakim Peradilan Agama tentang Kekerasan dalam Rumah Tangga, Jakarta: Komnas Perempuan, 2008, h. 79.

duties and authority. Seeing that the time for its determination is still relatively new, namely in December 2023, it is possible that there will still be dynamics in terms of the response of the judiciary, including in the implementation process.

SEMA Number 3 of 2023 essentially requires that couples who want to divorce have lived separately for six months before filing for divorce in court, but there are exceptions if there is domestic violence (KDRT). Of course, it is interesting to explore the response of Religious Court judges to the publication of the SEMA as well as the regulations in the SEMA which are expected to tighten case decisions in divorce cases so that the divorce rate can be minimized.

Muhammad Fitrah One of the Judges at the Sungguminasa Religious Court stated:

"The issuance of SEMA is an effort to reduce the divorce rate. It is hoped that the existence of SEMA can reduce divorce by first considering the decision well. Unless there is an act of domestic violence because that can be an obstacle to the divorce process in that situation emergency, while domestic violence is an act that has the potential to happen repeatedly." ⁵

The majority of married couples in their domestic life have experienced violence that has been going on for a long time and continues to recur, but most of them do not immediately report the incident in the hope that their partner might one day change and regret it, especially if the violence was experienced by one person. Wife or housewife. Many of them persist and hide the violence they experience, both verbal and non-verbal, for the reason of prioritizing patience and the interests of their children and continuing to pray that their husbands will change in the future. Therefore, Judge Sungguminasa Religious Court said:

"According to my colleagues, I am one of the judges who makes the divorce process easier. "In my opinion, if there is no harmony in a household relationship and disputes continue to occur, even if violence occurs, then divorce is something that should not be postponed because we never know what is going on in their lives."

Based on this information, as a Religious Court Judge, I consider that SEMA is very relevant to the desire to reduce the widespread divorce rate because it provides many deadlines which can be an opportunity for married couples to reconsider their decisions properly. However, considering that SEMA has only just been issued, up to now the impact of this emphasis is not yet clear because there are still many couples who still insist on continuing the case process in court.

Meanwhile, according to another judge at the Sungguminasa Religious Court, he paid close attention to SEMA No. These 3 are as follows:

"If you look closely at the SEMA, even though it has not been quite 6 months, the separation for reasons of disputes and quarrels can still be granted because the SEMA states that "divorce cases for reasons of continuous disputes and quarrels can be granted if it is proven that the husband/wife has

⁵ Muhammad Fitrah, Judge PA Sungguminasa, *Interview*, October 4, 2024, Sungguminasa Religious Court

continuous quarrels and quarrels or have been separated from their residence for at least 6 (six) months. The word "or" in the SEMA means that there is a choice, not saying "and", so that if for reasons of continuous disputes and quarrels, it fulfills one of the elements in the SEMA in question unless the SEMA says "and" then there are two elements that must be fulfilled.

Regarding SEMA, I interpret there is only 1 element and I interpret the word "or" as the word "and" And related to the question above, in my opinion, SEMA has a beneficial value in minimizing the occurrence of divorce, because before SEMA existed, there were indeed many cases of divorce occurring, just separated from residence for about 1 month or even less and they had already filed for divorce, which according to At the trial we are very quick to decide on someone's household, but because we are also at the Court we do not reject the case submitted to us, and if at the trial we have met the formal requirements and the material requirements have also been met, for example from the statements of the witnesses submitted by the Plaintiff that witnesses often see and hear the Plaintiff and Defendant arguing directly, and these arguments often occur, then these reasons have met the evidentiary requirements and have fulfilled the reasons for divorce, so there is no reason for us not to grant the lawsuit, even though During the trial, efforts were made to get the Plaintiff to think again, to consider his decision more, but the Plaintiff still chuckled and was determined to divorce the Defendant.⁶

So with the existence of SEMA, we as judges in deciding cases obtain guidance so that it is not easy to decide divorce cases based on disputes and quarrels before fulfilling the SEMA elements. The judge's statement above shows that SEMA language provides a choice between constant bickering and being separated for 6 months. So, it is not necessary that both must be included in a divorce case. Here it seems that it is left to the judge to assess each case presented to him because each case has its specifications. Moreover, if in this case there is domestic violence which has been excluded in the SEMA.

The judges who were informants in this research also seemed to agree in recognizing the positive value of SEMA 3 of 2022 because it has been proven that so far they are often faced with divorce cases where the marriage is still premature. Divorce, like marriage, is a legal event that should be considered carefully because it has an impact not only on both parties but also on those related. Therefore, it is hoped that the presence of SEMA will leave room for husbands or wives who want to file for divorce to consider it carefully, not just be triggered by momentary emotions that may even be regretted later.

In general, judges admit that there is positive value from SEMA 3 of 2022 because it has been proven that so far, they are often faced with divorce cases where the marriage is still premature. Divorce, like marriage, is a legal event that should be considered carefully because it has an impact not only on both parties but also on those related. Therefore, it is hoped that the presence of SEMA will leave room for husbands or wives who want to file for divorce to consider it carefully, not just be triggered by momentary emotions that may even be regretted later.

⁶ Radiati, Judge PA Sungguminasa, *Interview*, October 4, 2024, Sungguminasa Religious Court

In principle, the implementation of SEMA 3 of 2023 has a big contribution in minimizing the divorce rate, even though the position of SEMA is very limited, and does not have binding power like legislation. Judges basically view SEMA as a guide or guidance to assist judges in providing consistent interpretation and application of the law.

The point is that SEMA 3 of 2023 has provided guidance or direction, but the final decision regarding its implementation depends on the judge according to the facts or case in concrete according to the reasons or supporting evidence. Therefore, SEMA's role is to complement the law to provide justice and protect the rights of the parties in resolving divorce cases.

2. Implementation of SEMA 3 in 2023 at the Sungguminasa Religious Court

The application of SEMA is implemented by court employees starting from the filing receipt stage for those who receive registration files, according to the statement of one of the Judges at the Sungguminasa Religious Court:

"During the registration process, all court employees know about the existence of SEMA. The court first asked, had they been separated for 6 months?! "We don't want to directly inform them that they are not allowed to report if the separation has not been more than 6 months, but the court staff still say that currently there are new rules that determine the limits on whether a person is allowed to file a case, but if they still want to register the case, then the court staff will also still register the case because we cannot force someone to do that."⁷

If both parties are present at the first hearing, the court will still conduct mediation. If there is no peace after mediation, the case will continue. Judge Sungguminasa Religious Court also said that: Before the case continues, we at the court have directed them to withdraw their report if they have not been separated for six months and are allowed to come back to report and register by the applicable provisions after the conditions are met. However, if they still insist on registering the case, then we will continue to process it and then explain the reasons for not granting the plaintiff's request because the formal requirements were not met.

There are differences in understanding regarding the implementation of SEMA No. 3 of 2023. Some judges think that the time of separation between a husband and wife is counted from the time they register their case in court, and some other judges think that the separation between husband and wife is counted from the time they first separate their residences until then one of the spouses registers their case in court. However, in general, the majority of judges apply the fact that they have been separated from their residence for 6 (six) months until they register and proceed in court.

During the trial process, if it is proven that a husband and wife have not separated for 6 (months), the court will still direct the plaintiff to stop or withdraw the report. Litigation in court is not included

⁷ Muhammad Fitra, Judge PA Sungguminasa, *Interview*, October 4, 2024, Sungguminasa Religious Court

or not counted within the six months. For example, one of the married couples came to report acts of domestic violence that occurred in their household, so it was reported that they had lived separately for 2 months. Then the case continued by going through various stages in court for 4 months, so that the separation period was 6 months. Following the direction of the chairman of the Religious Chamber, in this case, his claim could not be granted, and in his decision, it was stated that his claim could not be accepted because it did not fulfill one of the required elements.

Apart from the timing issue above, regarding the implementation of SEMA 3, especially in divorce due to domestic violence, there are also multiple interpretations regarding the type of domestic violence addressed by SEMA, as stated by Judge MF as follows:

Now the question is, friends, what are all types of domestic violence? Judges are different too. There is a judge who applies it to everyone. Some judges do not include neglect. So now we focus on physical and sexual types of domestic violence. Yesterday there was a request to include SEMA regarding neglect as domestic violence because the average person is neglected.⁸

Apart from the problem of interpreting the type of domestic violence, another problem in implementation is in the matter of evidence, as stated by Judge MF:

“The only problem is the proof because domestic violence is usually hidden. The plaintiff did not reveal her domestic violence, saying it was just an argument, she hid her domestic violence because she was embarrassed. Apart from that, sometimes domestic violence has occurred so long ago that it cannot be proven through a post-mortem, so witnesses must be used. Except for psychological domestic violence, a lot of it has been proven because the proof is relatively easy, for example, if a woman is said to be a bastard, it's useless. Men also always say, don't hit them.”

Likewise, according to TR, another Sungguminasa Religious Court judge, in the implementation of SEMA 3 so far, obstacles have sometimes arisen in its implementation. These obstacles are explained as follows:

"Talking about problems, there are indeed obstacles because we sometimes examine cases where there are parties who file divorce cases whose separation is less than 6 months old, but if the case is not resolved it will threaten their life, such as being frequently beaten by their husband, for example, the husband often borrows money, but because he is still married, the loan shark charges the wife which can disturb the wife's peace and comfort. Sometimes we also feel worried when the divorce is proposed by the husband but the separation from the wife has not been quite 6 months, for example, the husband has been separated from his wife for 3 months so the husband wants to immediately marry another woman because of the husband's biological needs because

⁸ Muhammad Fitrah, Judge PA Sungguminasa, *Interview*, October 4, 2024, Sungguminasa Religious Court

he cannot reconcile with his wife any more so he wants to get married immediately and if he doesn't remarry he is worried that he will commit adultery. "We are worried because we will commit adultery, the status of his marriage which was carried out in an unregistered manner, and the status of his children in the future."

Several decisions as the implementation of the Supreme Court Circular Letter Number 3 of 2023 can be described as follows:

a. The decision that the lawsuit is accepted.

Decision Number 642/Pdt.G/2024/PA.Sgm, states that considering that the Supreme Court Circular Number 3 of 2023 Letter C of the Religious Chamber Formulation number 1 states that a divorce case based on continuous disputes and quarrels can be granted if it is proven that the husband and wife have continuous disputes and quarrels and there is no hope of ever living in harmony again.

Based on the decision above, it seems that the judge used SEMA as the basis for consideration in accepting the lawsuit in case Number 642/Pdt.G/2024/PA.Sgm, emphasizing that there were continuous disputes and quarrels between the husband and wife and that there was no hope of ever living in harmony again. Here the judge did not emphasize the condition of having been separated for 6 months, but on the point of continuous disputes and quarrels and there is no hope of living in harmony again. This was of course a consideration after the judge had explored the case in depth and the judge concluded that the problems between them were so serious that there was no hope of reconciliation.

b. Decision rejecting the lawsuit

Decision Number 882/Pdt.G/2024/PA.Sgm, which states that considering, that even though it has been proven that there was an argument between Plaintiff and Defendant, based on the testimony of the witnesses at the trial, Plaintiff and Defendant still live together in the same house to this day, it cannot be proven that the household of the Plaintiff and Defendant has broken down and is difficult to reconcile.

Considering, that disputes that occur in a household are a natural thing to happen because marriage is a meeting place for two individuals who are different in terms of habits, character, thoughts, and customs. However, these differences naturally thing to complement each other, and based on the facts at the trial it was proven that Plaintiff and Defendant were still living together in the same house until the time this case was tried so that the quarrel between Plaintiff and Defendant did not fulfill the provisions as intended in Sema Number 3 of 2023 Formula for Religious Chambers Number 1, thus the second element was not fulfilled.

Based on the decision above shows that the judge used Sema Number 3 of 2023 as the basis for consideration for rejecting the Plaintiff's claim for divorce based on the fact that the husband and wife were still living together, which contradicted the SEMA which requires that they have lived apart for 6 months. For the judge, these conditions do not yet show that there has been a rift and it is difficult to reconcile, so there is still hope that they can be reunited.

In the fragment of the decision above, it seems that the judge used SEMA as the basis for consideration in accepting the lawsuit in case Number 642/Pdt.G/2024/PA.Sgm, emphasizing that there were continuous disputes and quarrels between the husband and wife and that there was no hope of ever living in harmony again. Here the judge did not emphasize the condition of having been separated for 6 months, but on the point of continuous disputes and quarrels and there is no hope of living in harmony again. This was of course a consideration after the judge had explored the case in depth and the judge concluded that the problems between them were so serious that there was no hope of reconciliation.

Differences of opinion and quarrels between husband and wife are something normal in a household and these things do not necessarily have to be resolved through divorce, especially if both parties still choose to live together.

Even though SEMA has provided regulations with a predetermined time limit for deciding divorce cases, in certain conditions, in its application, exceptions still apply, especially in divorce cases that contain elements of domestic violence which have also been given separate space in SEMA for exceptions. Likewise, in other emergency cases, such as concerns about urgent biological needs, sometimes it is a consideration for judges to exclude SEMA. So, in essence, it is back to the judge to judge after digging into the case in-depth, whether SEMA should be applied in this case or whether it should be excluded to prevent harm and achieve benefits.

Looking at the decision of the judge at the Sungguminasa Religious Court, it appears that PERMA has been used as a basis for consideration in deciding divorce cases, including divorce due to domestic violence. Some claims are granted and also those that are rejected based on PERMA. The lawsuit was granted because the judge considered it to be in line with PERMA, namely that there had been continuous bickering and it could no longer be reconciled. The lawsuit was rejected because the judge was of the view that the condition of the household could still be saved. After all, the husband and wife still lived together. This condition creates an opening for the judge to assess whether there is still a chance to live in harmony again as husband and wife. In conditions like this, of course, refusing the divorce lawsuit is considered to be much more beneficial, especially for the future of their children.

Responding to PERMA 3, the Sungguminasa Religious Court Judge attempted to explore the case, including detecting emergency conditions in certain cases that made it impossible to apply the PERMA. For example, in the case of a wife whose life is threatened in a domestic violence case, or physically threatened because she is always being charged by loan sharks due to the actions of a husband who is in debt, or a husband who has an urgent biological need to immediately remarry. In such emergency conditions, it is feared that suspending as mandated by PERMA will cause harm. Therefore, when faced with cases like this, judges try to be wise by always prioritizing the principles of justice and expediency rather than legal certainty itself because the judiciary is essentially for law enforcement and justice.

In essence, the presence of SEMA Number 3 of 2023 on the one hand is a positive thing to minimize the divorce rate, but its implementation must remain within the judge's authority to decide after investigating the case in depth. Judges as God's representatives on earth have a difficult task, they

must not only focus textually on the text of legislation but must contextually explore every case they face. That's why judges are required to be able to make *ijtihad* and use all their abilities in deciding cases because they are related to the mission of upholding law and justice which is the right of all humans.

CONCLUSION

Judges at the Sungguminasa Religious Court responded positively to the publication of SEMA 3 of 2023 as part of a strategic step to minimize the increasing number of divorce cases in Indonesia in general and at the local level in South Sulawesi, especially in Sungguminasa. However, considering that SEMA is still new, its effectiveness cannot yet be tested. Implementation of SEMA 3 of 2023 in divorce cases resulting from domestic violence at the Sungguminasa Religious Court, starting from the case registration stage by the case registration officer, through to subsequent processes such as in the mediation process and so on until the decision stage where it is taken into consideration in making the decision. There are several cases where the lawsuit or application was rejected on the basis that it did not comply with the provisions of SEMA 3 of 2023. However, there are still certain obstacles faced by judges in implementing SEMA, especially regarding the specifications of the type of domestic violence, proof of the occurrence of domestic violence, and the existence of certain emergency conditions such as the need for biological needs that arise in certain cases, thus becoming obstacles for judges in implementing SEMA.

REFERENCES

- Abdul, Wahid dan Moh. Muhibbin, *Hukum Perkawinan Islam Sebagai Pembaruan Hukum Positif Di Indonesia*. Jakarta: Sinar Grafika, 2017.
- Alam, H. Andi Syamsu. *Usia Ideal Memenuhi Dunia Perkawinan*. Jakarta: Kencana Mas Publishing House, 2005.
- Ali, Bukhari. Otoritas Ijtihad dalam Kajian Hukum Islam (Analisis Kaidah Fikih al-Ijtihadu la Yunqadhu bi Al-Ijtihadi), *El-Usrah: Jurnal Hukum Keluarga*, Vol 4 Nomor 1 (2021).
- Atik, Winanti, Allika Fadia Tasya, "Dispensasi Perkawinan Anak Setelah Adanya PERMA Nomor 5 Tahun 2019", *Wajah Hukum*: Vol. 5 No. 1 April 2021.
- C.S.T Kansil dan Chistine S.T Kansil, *Kamus Istilah Aneka Ilmu*. Jakarta: Surya Multi Grafika, 2001.
- Fadhilah, Muhammad. *Menikah Itu Indah*. Yogyakarta: CV. Solusi Distribusi, 2014.
- Gobel, Meity Van. "Dispensasi Kawin Berdasarkan Undang-undang Nomor 16 Tahun 2019 di Pengadilan Agama Manado" *I'tisham: Journal of Islamic Law and Economics* Vol. 1 No. 1 Januari-Juni 2021.
- Kementerian Agama Republik Indonesia, *Al-Qur'an dan Terjemahannya*, Bandung: Mikraj Khazanah Ilmu, 2014.
- Mahmud, Abdul Matlub Majid. *Panduan Hukum Keluarga Sakinah*. Solo: Era Intermedia, 2005.

- Mardani, *Hukum Acara Perdata Peradilan Agama Dan Mahkamah Syariah*. Jakarta: Rajawali Press, 2017.
- Fitrah, Muhammad, Judge of Sungguminasa Religious Court, *Interview*, Oktober 24, 2024, Sungguminasa Religious Court
- Naim, Abdul Haris. *Fiqh Munakahat*. Kudus STAIN Kudus, 2008.
- Nastity, Nadia Aisya. "Permohonan Dispensasi Kawin sebelum dan sesudah Undang-undang Nomor 16 Tahun 2019 tentang Perkawinan (Studi kasus di Pengadilan Agama Tanjung Karang)," *Skripsi: UIN Raden Intan Lampung*, (2022).
- Nur Lubis, Dedi Mahruzani. Penggunaan Qawaid Fiqhiyyah dalam Putusan Hakim di Pengadilan Agama Medan, *TAONIN: Jurnal Syariah dan Hukum*, Vol. 2, No. 1, 2020.
- Patimah, M. Saleh Ridwan, Zulfadli, "Faktor-faktor Terjadinya Pernikahan Usia Anak Di Kabupaten Pangkep" *Jurnal Diskursus Islam*, Volume 04 Nomor 2, Agustus 2016.
- Radiati, Judge of Sungguminasa Religious Court, *Interview*, Oktober 24, 2024, Sungguminasa Religious Court
- Rofiq, Ahmad. *Hukum Islam di Indonesia*. Jakarta: PT Raja Grafindo Persada, 1998.
- Sonny, Dewi Judiasih, Deviana Yuanitasari dan Aldani Katya, "Perlindungan hukum terhadap anak yang melakukan perkawinan bawah umur tanpa Dispensasi Kawin dari Pengadilan" *ACTA DIURNAL*, Vol. 4 No. 2, Juni 2021.
- Suma, Muhammad Amin. *Hukum Keluarga Islam di Dunia*. Rajawali Pers: Jakarta, 2004.
- Tanjung, Armaidi. *Free Sex No Nikah Yes*. Amzah : Jakarta, 2007.
- Tarigan, Amiur Nuruddin dan Azhari Akmal. *Hukum Perdata Islam di Indonesia*. Kencana Prenada Media Group: Jakarta, 2004.
- Titik, Titik Triwulan. *Pengantar Hukum Perdata di Indonesia*. Presentasi Pustaka Jakarta, 2006.
- Tim Penyusunan dan Pengembangan Bahasa, *Kamus Besar Bahasa Indonesia*. Jakarta: Balai Pustaka, 1988.
- Republik Indonesia, "Undang-Undang Nomor 16 Tahun 2019 perubahan atas Undang-undang Nomor 1 Tahun 1974 tentang pernikahan" Jakarta : Dharma Bhakti, 2019.
- Republik Indonesia, "Undang-Undang Nomor 1 Tahun 1974 tentang pernikahan" Jakarta: Media Pers, 1974.
- Zainuddin, Nurul Fattiah, Dara Hafika Tanjung, Alwi Lubis dan Alfira Khairunnisa, "Dampak dari Perceraian Orang Tua Terhadap Perkembangan Emosi Anak", *Al-Mursyid: Jurnal Ikatan Alumni Bimbingan dan Konseling Islam* 3 (1), 2021.
- Zulkifli, "Dispensasi Perkawinan di Bawah Umur pada Lembaga Pengadilan Agama Indonesia" *Skripsi: Institut Agama Islam Negeri (IAIN) Palopo* (2021).