

BALANCING TRADITION AND LAW: ADDRESSING CHILD MARRIAGE IN WEST NUSA TENGGARA, INDONESIA

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ABSTRACT

Child marriage is a serious issue in Indonesia, particularly in the Province of West Nusa Tenggara (Nusa Tenggara Barat/NTB), where it has been justified by the local tradition of 'Merarik.' In response, the Regional Regulation of West Nusa Tenggara Province Number 5 of 2021 concerning the Prevention of Child Marriage has been issued; however, it has not significantly decreased the rate of child marriage. Utilizing doctrinal and socio-legal methods, this study explores the justification for such regulating as well as the opportunities and challenges encountered when this regulation conflicts with local customs. The study reveals that the regional regulation should be tailored to specific socio-local conditions. Successful implementation of this regulation depends on the involvement of stakeholders, such as traditional leaders, academics, and the community. Although this regulation constrains customary law, such restrictions are required from a sociological jurisprudence perspective for practical benefits. Furthermore, the "merarik" tradition within the Sasak ethnic community can continue to be practiced without violating the established legal age for marriage. This serves as a valuable lesson on how law as social engineering can be examined in the modern Indonesian context.

Keyword: Child marriage; Regional regulation; living law; Sociological jurisprudence; *Merarik*. Indonesia.

INTRODUCTION

Children are a mandate and a gift from God Almighty that must be looked after well, because every child has dignity, honor and rights as a human being that must be upheld¹. Children's rights are an integral part of human rights, as recognized in the 1945 Constitution of the Republic of Indonesia and the United Nations Convention on the

¹ Muhammad Fachri Said, "Perlindungan Hukum Terhadap Anak Dalam Perspektif Hak Asasi Manusia," *JCH (Jurnal Cendekia Hukum)* 4, no. 1 (September 28, 2018): 141–52, <https://doi.org/10.33760/jch.v4i1.97>.

Rights of the Child. In this context, it is crucial to ensure that every child is treated in a manner consistent with their dignity and protected from actions that could undermine their human values.

From the perspective of national life and citizenship, children have a strategic role as the nation's successors and guardians of national aspirations. Therefore, children's rights must be guaranteed, including the right to survival, development, participation, and protection from all forms of violence and discrimination. Additionally, children's civil rights and freedoms must also be ensured as part of the state's commitment to creating an environment that supports the holistic well-being of children. Thus, fulfilling children's rights is not only a moral obligation but also a constitutional responsibility.

Furthermore, according to Law Number 23 of 2002 concerning Child Protection, as amended by Law Number 17 of 2016 concerning the Stipulation of Government Regulation in place of Law Number 1 of 2016 on the Second Amendment to Law Number 23 of 2002 on Child Protection, the State, Government, Regional Governments, Communities, Families, and Parents are obliged to provide protection and ensure the fulfillment of children's rights in accordance with their respective duties and responsibilities².

The government plays a strategic role in providing a legal and policy framework that supports the protection of children's rights³. As the implementer of the state's mandate, the government has the responsibility to create a safe and conducive environment for children. The government must also respond decisively to issues threatening children's safety, such as violence, neglect, and exploitation in various forms. One issue that requires special attention from the government is the practice of child marriage.

The Province of West Nusa Tenggara (NTB) is one of the regions that continues to face high rates of child marriage or early marriage. Based on data from the Central Statistics Agency (BPS), the province with the highest child marriage rate in 2023 was West Nusa Tenggara province at 17.32 percent, followed by South Sumatra at 11.41

² Government of Indonesia, "Law Number 23 of 2002 Concerning Child Protection," bpk.go.id § (2002), <https://peraturan.bpk.go.id/Details/44473/uu-no-23-tahun-2002>.

³ Penny Naluria Utami, "Pencegahan Kekerasan Terhadap Anak Dalam Perspektif Hak Atas Rasa Aman Di Nusa Tenggara Barat," *Jurnal HAM* 9, no. 1 (July 30, 2018): 1–17, <https://doi.org/10.30641/ham.2018.9.1-17>.

percent, West Kalimantan at 11.29 percent, West Sulawesi at 11.25 percent, and Papua at 11.19 percent⁴.

Meanwhile, according to data from the NTB Office of Women's Empowerment, Child Protection, Population Control, and Family Planning (DP2AP2KB), the number of child marriage cases has shown an increase each year. In 2019, there were 370 cases, which rose to 875 cases in 2020, 1,132 cases in 2021, 710 cases in 2022, 723 cases in 2023, and finally, 581 cases in 2024⁵.

The consistently high rate of child marriage in the Province of NTB over the years is not a phenomenon that occurs suddenly. There are factors influencing child marriage in the Province of NTB, including social values, culture, customs, and beliefs. Social values in some communities consider child marriage as a way to reduce the economic burden on families or protect girls from potential abuse⁶. Local cultures and customs consider child marriage as commonplace⁷. Meanwhile, in some beliefs influenced by religious interpretations, marrying a child at a young age is seen as an act to avoid sin, which is reinforced by a lack of access to reproductive health education and information⁸.

According to existing regulations, child marriage can only occur through the mechanism of child marriage dispensation. In Indonesia, applications for child marriage dispensation can be processed in two ways: through the District Court as the general court and the Religious Court for citizens who adhere to Islam. The fact that child marriage practices remain widespread in the Province of NTB indicates that the mechanism for applying for child marriage dispensation in the courts is ineffective in reducing the practice of child marriage. The ineffectiveness arises from the fact that prevention is solely based on a marriage dispensation ruling⁹. Only those individuals who seek a

⁴ Raisya Aliya Fatika, "10 Provinsi Dengan Proporsi Pernikahan Dini Tertinggi 2023," *Goodstats.Id*, 2024, <https://data.goodstats.id/statistic/10-provinsi-dengan-proporsi-pernikahan-dini-tertinggi-2023-PTjyi>.

⁵ Dinas Pemberdayaan Perempuan Perlindungan Anak Pengendalian Penduduk dan KB Provinsi Nusa Tenggara Barat, "Data Kekerasan Dan Perkawinan Anak," 2020, <https://dp3ap2kb.ntbprov.go.id/Data-Dan-Informasi/Download/Data-Kekerasan-Anak/>.

⁶ Ida Rosyidah and Ikhliah Muzayyanah Dini Fajriyah, "Menebar Upaya, Mengakhiri Kelanggengan: Problematika Perkawinan Anak Di Nusa Tenggara Barat," *Harmoni* 12, no. 2 (2013): 59–71, <https://jurnalharmoni.kemenag.go.id/index.php/harmoni/article/view/175>.

⁷ Suci Prasita Dewi and I Made Bramantya Purana, "Gerakan Anti Merarik Kodeq (Gamak) Dalam Upaya Menekan Pernikahan Dini Di Kecamatan Kediri Kabupaten Lombok Barat Provinsi Nusa Tenggara Barat," *Jurnal Konstituen* 4, no. 1 (November 7, 2022): 9–24, <https://doi.org/10.33701/jk.v4i1.2702>.

⁸ Siti Atika Rahmi et al., "Upaya Menurunkan Pernikahan Anak Melalui Sosialisasi Peraturan Daerah Nusa Tenggara Barat No 5 Tahun 2021," *Jurnal Abdi Masyarakat Ilmu Pemerintahan (JAMIN)* 1, no. 1 (2022): 73–84, <https://journal.ummat.ac.id/index.php/JAMIN/article/view/7870>.

⁹ (Dra. Hj. Kartini 2025)

marriage dispensation can be prohibited by the court. The trial stages consist of submitting an application, examining files, trial, judge's decision and issuing a permit.¹⁰ This prevention is inherently passive. The community remains free to engage in religious marriages and can subsequently pursue official marriage registration once they reach the appropriate age, allowing them to obtain a marriage certificate from the state.

The government of NTB Province issued Regional Regulation of West Nusa Tenggara Province Number 5 of 2021 concerning Prevention of Child Marriage (NTB Provincial Regulation 5/2021) as a follow-up to the preventive measures undertaken by the regional government. The NTB government employs two approaches to prevent child marriage: through judicial mechanisms and through public outreach. This policy is expected to reduce the increasing rates of child marriage each year in the Province of NTB, in accordance with the provisions in the main law, the Marriage Law, which sets the minimum age for marriage at 19 years. It is evident that the regional government is making preventive efforts to limit the high rates of child marriage as mandated by higher law.

However, on the other hand, there are prevailing values (living law) that are believed and practiced by the community¹¹. Especially in private aspects such as marriage, this could lead to conflicts in the implementation of this Regional Regulation.

The Sasak community who inhabit the island of Lombok, NTB Province, are one of the ethnic groups with a rich and diverse cultural identity¹². As the majority group in Lombok, the Sasak community has a distinctive language, customs, and traditions, where the Sasak language is the main means of communication. The Sasak community has a variety of traditional rituals and ceremonies that reflect the beliefs of animism and Islamic influences that have long been rooted in the community, such as wedding ceremonies, circumcision, and harvest celebrations. In addition, the social structure of the Sasak community is generally patrilineal, where the bloodline is taken from the paternal side,

¹⁰ (Dra. Hj. Kartini 2025)

¹¹ Mahdi Syahbandir, "Kedudukan Hukum Adat Dalam Sistem Hukum," *Kanun Jurnal Ilmu Hukum* 12, no. 1 (2010): 1–10, <https://jurnal.usk.ac.id/kanun/article/download/6285/5176>.

¹² Wahyu Febriyansah et al., "Perspektif Kebinekaan Dalam Masyarakat Adat Sasak," *Seminar Nasional Paedagogia Universitas Muhammadiyah Mataram* 3 (2023): 496–502, file:///C:/Users/USER%20DK/Downloads/16430-55811-1-PB.pdf.

and the gender role in the family and society is quite defined, with men playing the role of breadwinners and women as housekeepers¹³.

The Sasak community is known for its rich and diverse cultural heritage, one of which is the tradition of "*merarik*." The *merarik* custom is the process by which a man wishes to marry a girl; he will elope with the girl to make her his wife, or in simpler terms, "*kawin lari*."¹⁴ Through the *merarik* tradition, the Sasak people express values such as trust, honor, and politeness, which have been passed down from generation to generation. *Merarik* also serves as a means for the community to preserve their customs and strengthen their cultural identity amidst the tide of modernization. Therefore, it is fitting to say that *merarik* is very important in Sasak marriage.

Unfortunately, there is potential for conflict between this customary law and the positive law established by the state. As such, the goal of social engineering in preventing child marriage through the aforementioned Regional Regulation is suspected of potentially negating the living law that exists within the community in the Province of NTB. The state attempts to frame child marriage as any marriage occurring below the age of 19, and consequently, marriages under this age must be prevented. The Regulation on the Prevention of Child Marriage is seemingly positioned as a tool for social engineering to prevent child marriage. Furthermore, regarding the conformity of norms and legal products, can regional regulations effectively address the prevention of child marriage? As we know, each piece of legislation has its own content and is established based on its specific category.¹⁵

Based on the background presented above, this study will discuss and analyze the justification for regulating the prevention of child marriage in the form of regional regulations, the opportunities and challenges associated with the regional regulation on the prevention of child marriage in the Province of NTB, and how the regional regulation

¹³ Agus Mahfudin and Baiq Maedani Sulistiani, "Pernikahan Pada Masyarakat Suku Sasak Antara Menak Dengan Jajar Karang," *Jurnal Hukum Keluarga Islam* 8, no. 2 (2023): 110–28, <https://journal.unipdu.ac.id/index.php/jhki/article/view/4785>.

¹⁴ Baiq Desy Anggraeny, "Perkawinan Adat Merarik: Kajian Budaya Hukum Masyarakat Suku Sasak," *De Jure: Jurnal Hukum Dan Syari'ah* 9, no. 1 (2017): 43–52, https://scholar.google.com/scholar?hl=en&as_sdt=0%2C5&q=Kajian+Budaya+Hukum+Masyarakat+Suku+Sasak&btnG=.

¹⁵ Rizki Amelia and Jainuddin Jainuddin, "Efektivitas Peraturan Daerah Nusa Tenggara Barat Nomor 5 Tahun 2021 Tentang Pencegahan Perkawinan Anak," *SANGAJI: Jurnal Pemikiran Syariah Dan Hukum* 7, no. 2 (November 15, 2023): 199–212, <https://doi.org/10.52266/sangaji.v7i2.1989>.

concerning the prevention of child marriage is viewed from the perspective of sociological jurisprudence¹⁶.

RESEARCH METHOD

This research combines doctrinal and socio-legal approaches, integrating legal studies with social perspectives to provide a deeper understanding. The socio-legal approach is based on the premise that law is produced socially¹⁷. This interdisciplinary legal research method can overcome the limitations of traditional legal approaches, which often focus solely on the text of norms and regulations. Such approaches are frequently inadequate in depicting how law functions within society. The doctrinal approach is used to understand the background of the local regulation on the prevention of child marriages in the NTB Province, along with its justification based on the normative content in the formation of legislation. The socio-legal approach aids in understanding the challenges and opportunities in the implementation of the local regulation on the prevention of child marriages in the NTB Province and how the parties involved play a role in preventing child marriages. By integrating social analysis¹⁸, this research explores the dynamics of child marriage in the Province of NTB from the perspective of sociological jurisprudence¹⁹.

RESEARCH OUTCOME AND DISCUSSION

1. Regional Regulation in Preventing of Child Marriage

Marriage is crucial for humanity and has a significant impact on human life. A carefully prepared marriage has a higher probability of creating a harmonious family. Conversely, a marriage that is not prepared and not planned will lead to even greater

¹⁶ Sri Hariati, "Eksistensi Peraturan Daerah Nomor 5 Tahun 2021 Tentang Pencegahan Perkawinan Anak Sebagai Upaya Preventif Pernikahan Dini Menurut Perspektif Hukum Islam," *Collegium Studiosum Journal* 6, no. 1 (June 15, 2023): 81–89, <https://doi.org/10.56301/csj.v6i1.742>.

¹⁷ Nicole Graham, Margaret Davies, and Lee Godden, "Broadening Law's Context: Materiality in Socio-Legal Research," *Griffith Law Review* 26, no. 4 (October 2, 2017): 480–510, <https://doi.org/10.1080/10383441.2017.1548001>.

¹⁸ David N. Schiff, "Socio-Legal Theory: Social Structure And Law," *The Modern Law Review* 39, no. 3 (May 18, 1976): 287–310, <https://doi.org/10.1111/j.1468-2230.1976.tb01458.x>.

¹⁹ Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*, ed. Ahsan Yunus (Yogyakarta: Mirra Buana Media, 2020).

problems. One of the issues regarding marriage in Indonesia is the practice of child marriage.

This is due to the very low levels of education and a lack of awareness in the community regarding the negative impacts of child marriage. Even to this day, Indonesia ranks fourth globally in child marriage, with a reported 25.53 million cases according to data from the United Nations Children's Fund (UNICEF) in 2023²⁰. Meanwhile, in Southeast Asian countries such as Cambodia, there are a total of 1.3 million cases of child marriage in 2023. Then, when compared to other Muslim-majority countries such as Pakistan, there are as many as 20.5 million cases of child marriage in 2023²¹. Child marriage is defined as a marriage conducted between a male and a female where one and/or both parties are still considered children²². This occurs when a child, whether a boy or a girl, marries before reaching the age established by the government, which is currently 19 years. Child marriage in Indonesia is a social phenomenon that has persisted across generations, occurring in both rural and urban areas and encompassing various economic strata and backgrounds.²³ However, in various regions of Indonesia, there are still not many regional regulations that focus specifically on the issue of child marriage.

One of the regions in Indonesia that still experiences a high rate of child marriage is the Province of NTB. This situation has led the local government of NTB Province to issue regulations in the form of regional laws to prevent and address this issue. NTB Provincial Regulation 5/2021 is one of the first regional regulation in Indonesia that specifically highlights the problem of child marriage. Over the past six years, NTB Province has been one of the provinces in Indonesia with a very high rate of child marriage. According to data from the Office of Women's Empowerment, Child Protection, Population Control, and Family Planning (DP3AP2KB) of NTB Province, the incidence of child marriage has been increasing each year. In 2019, there were 370 cases,

²⁰ UNICEF, "Unicef Data Warehouse," 2023, https://data.unicef.org/resources/data_explorer/unicef_f/?ag=UNICEF&df=GLOBAL_DATAFLOW&ver=1.0&dq=PT_F_20-24_MRD_U15+PT_M_20-24_MRD_U18+PT_F_20-24_MRD_U18+PT_M_15-19_MRD+PT_F_15-19_MRD..&startPeriod=2016&endPeriod=2023&lastnobservations=1.

²¹ The Child Marriage Data Portal, "Pakistan," 2023, <https://childmarriedata.org/country-profiles/pakistan/>.

²² Government of Indonesia, "Regional Regulation of West Nusa Tenggara Province Number 5 of 2021 Concerning Prevention of Child Marriage," bpk.go.id § (2021), <https://peraturan.bpk.go.id/Details/175640/perda-prov-nusa-tenggara-barat-no-5-tahun-2021>.

²³ Nur'azizah Imas Mayaputri, "Proses Advokasi Yayasan Plan Internasional Indonesia Dalam Menanggulangi Permasalahan Perkawinan Anak Di Indonesia (Studi Kasus: Lombok Barat, Sukabumi, Dan Rembang)" (Universitas Muhammadiyah , 2021), <https://etd.umsy.ac.id/id/eprint/7227/>.

which rose to 875 cases in 2020, 1,132 cases in 2021, 710 cases in 2022, 723 cases in 2023, and finally, 581 cases in 2024²⁴. The following is a table of child marriages in NTB Province:

Table 1. Child Marriage in NTB Province (2019-2024)

Child Marriage in NTB Province		
No	Year	Amount
1.	2019	370
2.	2020	875
3.	2021	1132
4.	2022	710
5.	2023	723
6.	2024	581

Source: DP2AP2KB NTB.

The data above illustrates the significance of addressing the issue of child marriage, both for the community itself and for stakeholders. It is evident that in 2021, the rate of child marriage surged enormously. Concurrently, according to data released by the NTB Provincial Government, the number of stunting²⁵ children also increased to 31.4%, worsening further in 2022 to 32.7%. This increase is certainly linked to the impact of child marriage, which results in a lack of patience and maturity among married couples in raising children, ultimately leading to stunting²⁶. This situation has prompted the NTB Provincial Government to formulate, design, and enact NTB Provincial Regulation 5/2021 and West Nusa Tenggara Governor Regulation Number 34 of 2023 regarding the Regional Action Plan for the Prevention of Child Marriage for the years 2023-2026 (NTB Provincial Governor Regulation 34/2023), in order to prevent and reduce the rate of child marriage in NTB Province.

²⁴ Dinas Pemberdayaan Perempuan Perlindungan Anak Pengendalian Penduduk dan KB Provinsi Nusa Tenggara Barat, "Data Kekerasan Dan Perkawinan Anak."

²⁵ Stunting is a condition in which a child's height is significantly lower than the average for their age due to long-term nutritional deficiencies. See also Kementerian Kesehatan, "Stunting," Kemkes.Go.Id, 2025, <https://ayosehat.kemkes.go.id/topik-penyakit/defisiensi-nutrisi/stunting#:~:text=Pengertian,Stunting adalah masalah kurang gizi kronis yang disebabkan oleh asupan,tidak sesuai dengan kebutuhan gizi.>

²⁶ Tim UJDIH BPK Perwakilan Provinsi Nusa Tenggara Barat, "Penanganan Stunting Pada Provinsi Nusa Tenggara Barat ," 2023, https://ntb.bpk.go.id/wp-content/uploads/2024/05/TH-NTB-Reviu_Stunting_oke.pdf.

The regional governments to establish specific regulations for their areas cannot be separated from the context of granting autonomy to regions following the end of the New Order regime²⁷. Regional regulations are mentioned in the constitution and serve as instruments for the administration of regional government. These regulations are intended to govern local affairs in order to implement regional development and to create a better quality of life for all citizens at the regional level.²⁸

Regional regulations are essentially legal products formed through a democratic process involving the representative body of the Regional People's Representative Council (both at the provincial and regency/city levels) and the Governor or the Regent/Mayor. Therefore, regional regulations are often referred to as local *wet*, which are fundamentally the same as national laws, with the only difference being the scope of their applicability²⁹. If national laws apply universally, then regional regulations are applicable within the province or regency where those regulations are established.

The content of regional regulations is not merely a means of implementing higher legislative regulations but also embodies the aspirations, values, and interests of the local community. Specifically, the content of regional regulations is intended for the administration of regional autonomy and assistive tasks, as well as to accommodate the specific conditions of the region and/or further elaboration of higher legislative regulations³⁰.

In the context of NTB Provincial Regulation 5/2021, the content of this regional regulation, based on existing categories, is intended to accommodate the specific conditions of the region. This can be observed in the preamble of the aforementioned regulation, which generally explains that child marriage in NTB Province has shown an increasing number and can lead to negative impacts on child development, reproductive

²⁷ Yuswanto Yuswanto and M. Yasin Al Arif, "Diskursus Pembatalan Peraturan Daerah Pasca Putusan MK No. 137/PUU-XIII/2015 Dan No. 56/PUU-XIV/2016," *Jurnal Konstitusi* 15, no. 4 (January 15, 2019): 710–31, <https://doi.org/10.31078/jk1542>; Suharyo Suharyo, "Pembentukan Peraturan Daerah, Dan Penerapan Sanksi Pidana Serta Problematikanya," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 4, no. 3 (December 31, 2015): 431, <https://doi.org/10.33331/rechtsvinding.v4i3.15>.

²⁸ Firdaus Firdaus, "Refleksi Konstitusionalitas Pengawasan Peraturan Daerah Pasca Putusan Mahkamah Konstitusi Nomor 137/PUU-XIII/2015," *Jurnal Konstitusi* 16, no. 2 (July 11, 2019): 391–415, <https://doi.org/10.31078/jk1629>.

²⁹ According to Mian Khurshid A. Nashim, 'statute' can be classified into five categories, namely: (1) general; (2) local; (3) personal; (4) public; dan, (5) private. See also Yuswanto Yuswanto and M. Yasin Al Arif, "Diskursus Pembatalan Peraturan Daerah Pasca Putusan MK No. 137/PUU-XIII/2015 Dan No. 56/PUU-XIV/2016," *Jurnal Konstitusi* 15, no. 4 (January 15, 2019): 710–31, <https://doi.org/10.31078/jk1542>.

³⁰ See Article 14 of Law Number 12 of 2011 concerning on the Establishment of Legislations and Article 236 paragraph (3) of Law Number 23 of 2014 concerning Regional Government

health issues, risks of maternal and child mortality, domestic violence, poverty, and low quality of human resources. Therefore, the existence of the aforementioned regional regulation within the framework of regional regulation formation is appropriate and receives justification for the alignment of its content with the legal product.

2. Opportunities and Challenges

In the academic document issued by the NTB Provincial Government regarding the formation of the Regional Regulation on the Prevention of Child Marriage, the legal basis for the enactment of this regulation has been outlined, specifically in relation to the Revision of Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019 (Marriage Law), which raises the minimum marriage age to 19 years for both women and men. This serves as a strong legal foundation for establishing the NTB Provincial Regulation on the Prevention of Child Marriage, which ensures that this age limitation is effectively enforced through comprehensive regulations, thereby targeting implementation accurately and reducing cases of child marriage in the Province of NTB³¹.

This minimum threshold was subsequently changed based on several considerations. First, underage marriage can be detrimental to children, particularly girls. Second, the minimum age of 19 years is considered to provide sufficient maturity, allowing individuals to marry responsibly without ending up in divorce and to have healthy and quality offspring. Third, underage marriage can lead to a loss of educational opportunities for children. Fourth, the distinction in the minimum marriage age between men and women creates discrimination.

The establishment of this regional regulation truly provides a fresh perspective on the complex issues related to child marriage occurring in the Province of NTB. Furthermore, since the issuance of NTB Provincial Governor Regulation 34/2023 as an implementing regulation, the aforementioned Governor Regulation comprehensively outlines the strategies employed by the government in its efforts to prevent child marriage.

³¹ Badan Pembentukan Peraturan Daerah Dewan Perwakilan Rakyat Daerah Provinsi Nusa Tenggara Barat, "Naskah Akademik Rancangan Peraturan Daerah Provinsi Nusa Tenggara Barat Tentang Pencegahan Pernikahan Anak," 2020, <https://jdih.ntbprov.go.id/sites/default/files/NA%20PERDA%20Perkawinan%20usia%20anak.pdf>.

Certainly, there is no guarantee that the provincial government's regional action plan in NTB will effectively reduce the rate of child marriage. However, analyzing the strategies within it reveals potential opportunities for the success of the aforementioned regional regulation. **First**, there are preventive efforts being made through the establishment of the Child Marriage Prevention Task Force (Satgas PPA), which involves various stakeholders, including community leaders, academic figures, from campus institutions to students, social organizations, and the community itself. This participation has been outlined in the aforementioned Governor Regulation as an implementing regulation of the regional regulation³².

In the implementation of this regional regulation, there is optimism that the policy will undoubtedly have a positive impact in the future. The involvement of all elements of society and the government will need to be aligned with Article 6 paragraph (1) of NTB Provincial Regulation 5/2021, which states:³³

- “ Prevention of child marriage can be done through:
- a. prevention of child marriage through the Courts; and
 - b. Efforts to prevent child marriage in society.”

Then, in paragraph (3) it states that:

“ Efforts to prevent child marriage in society as referred to in paragraph (1) letter b include:

- a. optimizing the capacity of children's resources;
- b. creating an environment that supports the prevention of child marriage;
- c. increasing accessibility and expanding services;
- d. strengthening regulations and institutions; and
- e. strengthening stakeholder coordination.”

Therefore, a series of preventive actions that align the goals and targets in the regional regulation with a very broad scope of duties involving all parties, both the government and the community, in accordance with NTB Provincial Governor Regulation 34/2023, will provide an extraordinary opportunity for impactful outcomes in the future. Moreover, the judge at the Mataram Religious Court, Dra. Hj. Kartini, S.H., stated that in addition to preventive efforts through litigation pathways, greater emphasis

³² Government of Indonesia, “Regulation of the Governor of West Nusa Tenggara Province Number 34 of 2023 Concerning the Regional Action Plan for the Prevention of Child Marriage for 2023-2026,” bpk.go.id § (2023), https://jdih.ntbprov.go.id/sites/default/files/produk_hukum/Pergub%20Nomor%2034%20Tahun%202023.pdf.

³³ Government of Indonesia, Regional Regulation of West Nusa Tenggara Province Number 5 of 2021 concerning Prevention of Child Marriage.

must be placed on non-litigation measures that involve stakeholders, religious leaders, and/or figures whom the community regards as "respected" to maximize efforts in reducing the incidence of child marriage in the Province of NTB³⁴. Moreover, it is known that the authority of stakeholders such as the DP3AP2KB³⁵ (Office of Women's Empowerment, Child Protection, Population Control, and Family Planning) and BKKBN³⁶ (National Family Planning Coordinating Board) has become more actively involved since this regulation was enacted, and the implementation of its regulations has resulted in more intensive work programs in each urban village/rural area within NTB Province. This involvement is facilitated through the assistance of health cadres and integrated health service posts (posyandu) present in every village/urban community.

Secondly, when considering the characteristics of the community in NTB Province, there are sociological factors that can be utilized to maximize the chances of successful implementation of NTB Provincial Regulation 5/2021. This pertains to the presence of religious leaders, community figures, and/or commonly referred to as "*Tuan Guru*," who often have a significant influence on the development of human resources in NTB Province. In Lombok Island, the role of *Tuan Guru* is not solely confined to the transmission or transfer of religious knowledge; rather, *Tuan Guru* also plays a crucial role in social community as a central figure in educational development, encouraging overall community participation. As a central figure within the community, *Tuan Guru* builds educational facilities and encourages the community to participate in the planning, implementation, and follow-up of practices managed by the government³⁷. The presence of *Tuan Guru* is even more trusted by the community than anyone else, as their knowledge and the community's fanaticism towards religious values make *Tuan Guru's* influence

³⁴ (Dra. Hj. Kartini 2025)

³⁵ DP3AP2KB, "DP3AP2KB Siapkan Rencana Kegiatan Pencegahan Perkawinan Anak," *Dinas Pemberdayaan Perempuan Perlindungan Anak Pengendalian Penduduk Dan KB Provinsi Nusa Tenggara Barat*, 2024, <https://dp3ap2kb.ntbprov.go.id/2024/05/22/dp3ap2kb-siapkan-rencana-kegiatan-pencegahan-perkawinan-anak/>.

³⁶ Fenty Chandrasari, "BKKBN NTB Perkuat Program Pencegahan Stunting Dengan Fokus Kelahiran Berisiko," *Radio Republik Indonesia*, 2024, <https://www.rri.co.id/stunting/1040289/bkkbn-ntb-perkuat-program-pencegahan-stunting-dengan-fokus-kelahiran-berisiko>.

³⁷ Aswasulasikin Aswasulasikin, Siti Irene Astuti Dwiningrum, and Sumarno Sumarno, "Tuan Guru Sebagai Tokoh Pembangunan Pendidikan Di Pedesaan," *Jurnal Pembangunan Pendidikan: Fondasi Dan Aplikasi* 3, no. 1 (July 1, 2015): 1–10, <https://doi.org/10.21831/jppfa.v3i1.6669>.

very strong in society³⁸. This is clearly one of the steps that will make the process of preventing child marriage easier and more effective.

Aside from the opportunities presented by this regional regulation, and as is the nature of imperfect regulations, there are also accompanying challenges³⁹. **First**, regarding the preventive efforts against child marriage through judicial mechanisms, as stated in point (a) of Article 6 paragraph (1) of the aforementioned Regional Regulation, which declares that the initial preventive measure for child marriage shall be conducted through the court.

Certainly, this raises significant questions, particularly as the appendix of NTB Provincial Governor Regulation 34/2023 does not mention any steps that can be taken when preventive measures against child marriage are carried out through the court. In the phrase of Article 6 paragraph (2) of NTB Provincial Regulation 5/2021, it has also been stated that: "Prevention of child marriage through the courts as referred to in paragraph (1) letter a is carried out in accordance with the provisions of statutory regulations."

Meanwhile, the regulations concerning child marriage have been set forth in the Marriage Law in Article 7 paragraph (2), which states that:

In the event of a deviation from the stipulated minimum marriage age requirement, the parents of the male party and/or the parents of the female party may request a dispensation from the court on the grounds of urgent necessity, accompanied by sufficient supporting evidence⁴⁰.

Subsequently, the guidelines for adjudication have been comprehensively regulated in Supreme Court Regulation Number 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation Applications. However, the issue lies in that this Supreme Court Regulation does not provide clarity regarding this matter.

³⁸ Zaenudin Amrulloh, "Kuasai Tuan Guru Atas Kepemimpinan Keagamaan: Modal Sosial Sebagai Legitimasi Perubahan Sosial Di Lombok," *Mudabbir: Jurnal Manajemen Dakwah* 2, no. 1 (July 7, 2021): 17–36, <https://doi.org/10.20414/mudabbir.v2i1.3490>.

³⁹ Jeremy Bentham discussed the imperfections that can affect laws. He then categorized these imperfections into two degrees or levels. The first-degree imperfections are caused by factors including: (1) Ambiguity; (2) Obscurity; (3) Overbulkiness. Meanwhile, the second-degree imperfections arise from factors including: (1) Unsteadiness in respect of expression; (2) Unsteadiness in respect of import; (3) Redundancy; (4) Longwindedness; (5) Entanglement; (6) Nakedness in respect of aids to understanding; (7) Disorderliness Taufik Effendy, "Bahasa Peraturan Perundang-Undangan," *Al-Adl : Jurnal Hukum* 5, no. 10 (July 1, 2013): 20–27, <https://doi.org/10.31602/al-adl.v5i10.192>. See also The testimony of Zainal Arifin Mochtar as an expert for the Petitioner in the Constitutional Court Decision Number 91/PUU-XVIII/2020

⁴⁰ Government of Indonesia, "Law Number 16 of 2019 Concerning Amendments to Law Number 1 of 1974 Concerning Marriage," bpk.go.id § (2019), <https://peraturan.bpk.go.id/Details/122740/uu-no-16-tahun-2019>.

The aforementioned Supreme Court Regulation only outlines the mechanism that judges must follow in handling requests for marriage dispensation. The decision to grant such a request depends on the judge's subjectivity, provided that the requirements stipulated in the regulation are met, which include consideration of the psychological, sociological, cultural, educational, and economic conditions of the child and parents. However, the decision to grant the request should not solely focus on whether the situation of the parents and child urgently necessitates marriage, but also on nurturing societal mindsets and cultural approaches to formulating solutions to these issues. Despite the implementation of NTB Provincial Regulation 5/2021, there are concerns that prevention through judicial pathways may not effectively play a role in offering guidance to parents and children as a preventive measure.

If the judge finds sufficient evidence and logical reasoning, and the parents are willing to take responsibility for the continuity of the marriage, then the judge has no choice but to grant the request, because the aforementioned Supreme Court Regulation does not clearly define what constitutes "urgent reasons" and "sufficient evidence."⁴¹ . This creates legal uncertainty and opens up opportunities for the community to request a marriage dispensation even if they are still underage.

Secondly, when considering the existing sociological conditions, there is a tradition passed down through generations in NTB Province, particularly on Lombok Island, known as the "*merarik*" tradition, which can hinder the prevention of child marriage. The *merarik* custom involves a process where a man elopes with a young girl to make her his wife, or more bluntly, it is akin to "elopement." This tradition is so deeply ingrained in the community that when someone wants to inquire about an individual's marital status, they simply ask whether the person has gone through *merarik*. Therefore, it is accurate to say that *merarik* is a crucial aspect of marriage among the Sasak people⁴². In the context of preventing child marriage, this tradition does not recognize age limits. As long as there is mutual consent between the man and the woman to be married, the tradition can proceed, regardless of whether the parents approve. *Merarik* can still take place even though, from the perspective of positive law, it is illegal and constitutes a criminal act.

⁴¹ See Article 12 Government of Indonesia, "Supreme Court Regulation Number 5 of 2019 Concerning Guidelines for Adjudicating Marriage Dispensation Applications," bpk.go.id § (2019), <https://peraturan.bpk.go.id/Details/206071/perma-no-5-tahun-2019>.

⁴² Nur Yasin, *Hukum Perkawinan Islam Sasak* (Malang: UIN Malang Press, 2008).

However, *merarik* possesses a unique aspect in that if the prospective couple fails to follow through with the marriage, it becomes a disgrace to both families, affecting both the male and female parties.

The *merarik* custom certainly presents a significant challenge for the government and stakeholders tasked with and authorized to eradicate child marriage⁴³. The educational process about the dangers of child marriage must be intensified so that, at the very least, the practice of *merarik* can occur without involving individuals who are underage. Thus, although this practice may continue out of respect for tradition, it will at least not violate the existing positive laws.

Thirdly, how individuals might circumvent the regulations by entering into a religious or unregistered marriage (*nikah siri*) while still underage, and then applying for official recognition (*isbat nikah*) once they reach the appropriate age in court. This legal loophole poses a challenge in efforts to curb the rates of child marriage⁴⁴. This is partly because NTB Regulation Number 5 of 2021 does not contain punitive measures, so those who wish to engage in, facilitate, or permit child marriage do not perceive it as a wrongful act with negative consequences, either for the individuals involved or for the future of the nation⁴⁵. Therefore, it becomes a challenge to change societal mindsets so that there is no intention to circumvent the existing laws and regulations. This is particularly relevant given the government's efforts to involve all elements of society.⁴⁶

Fourthly, The final challenge comes from the implementation of NTB Provincial Regulation 5/2021. Although this Regional Regulation has been formed since 2021, this regional regulation can only be implemented in 2023. This is because the implementing regulations of this regional regulation, namely NTB Provincial Governor Regulation 34/2023, were only formed in 2023. This is because after the formation of the Regional

⁴³ (Dra. Hj. Kartini 2025)

⁴⁴ Because, in essence, if we refer to the majority religion in NTB Province in accordance with Islamic Sharia, based on the opinions of the four schools of thought, according to Hanafi scholars, the pillars of marriage are only the proposal (*ijab*) and acceptance (*kabul*). Meanwhile, according to the majority of scholars, the pillars of marriage consist of: a) the presence of a groom; b) the presence of a bride; c) a guardian; d) two witnesses; e) proposal (*ijab*) and acceptance (*kabul*). See Wahbah Az-Zuhaili, *Fiqh Islam Wa Adillatuhu* (Jakarta: Gema Insani, 2011); When compared to the marriage pillars according to the Maliki school of thought, they are almost identical to those of the Hanafi school. The difference lies in the view of the Maliki scholars who consider the dowry (*mahr*) as one of the pillars of marriage. Contrast this with Abdurrahman Jaziri, *Kitab al Fiqh 'ala al Madzahib al Arba'ah* (Beirut: Dar al Kutub al 'Ilmiyyah, 1990).

⁴⁵ (Hj. Muniroh 2025)

⁴⁶ Sonny Dewi Judiasih, "Kontroversi Perkawinan Bawah Umur: Realita Dan Tantangan Bagi Penegakan Hukum Keluarga Di Indonesia," *Acta Diurnal Jurnal Ilmu Hukum Kenotariatan Dan Ke-PPAT-An* 6, no. 2 (June 30, 2023): 174–92, <https://doi.org/10.23920/acta.v6i2.1295>.

Regulation, the regional government was busy handling Covid-19 cases. The matter of handling the prevention of child marriage was only carried out by the court institution⁴⁷. Therefore, in 2024, the NTB Provincial Government then formed a Child Marriage Prevention Task Force to support the success of the existing regional regulation⁴⁸. So, it is too early to conclude whether NTB Provincial Regulation 5/2021 can be said to be successful or not.

3. Regional Regulation: Sociological Jurisprudence Perspective

Law is a social norm that is inseparable from the values embraced and emerging in society; it can be understood as a reflection of the community itself. Law is viewed as a living law, or the law that exists within society. The values that thrive within the community (behavior) may initially originate as a custom, which then evolves into a sentiment among the community that adopts that custom, transforming it into something deemed appropriate⁴⁹.

In addition to being a social norm, law is also seen as an instrument for maintaining social order. It is often synonymous with order, referencing Aristotle's assertion that "for law is order." However, law is not the only norm that can serve as a reference for achieving order. There are other norms, such as moral norms, etiquette, and religious norms, that can also function to create order. Nonetheless, law is the most effective norm because legal provisions are binding and enforced by the relevant authority (the state), and there are specific sanctions for violations outlined in written regulations.

In the context of NTB Provincial Regulation 5/2021, the aforementioned regulation is intended to achieve social order. The need for regulation concerning child marriage is grounded in the existing conditions in NTB Province. The number of child marriages in NTB Province is relatively high and brings various negative impacts, such as interruptions in child development, reproductive health risks, increased maternal and child mortality rates, and psychological issues. Furthermore, this situation has the potential to lead to domestic violence, poverty, and a decline in the quality of human

⁴⁷ (Hj. Muniroh 2025)

⁴⁸ Muh Halwi, "Pemprov NTB Bentuk Satgas Pencegahan Perkawinan Anak," *Radio Republik Indonesia*, 2024, <https://www.rri.co.id/daerah/753411/pemprov-ntb-bentuk-satgas-pencegahan-perkawinan-anak>.

⁴⁹ Syahbandir, "Kedudukan Hukum Adat Dalam Sistem Hukum."

resources. Therefore, it is essential to implement preventive measures against child marriage to protect children's rights.

The implementation of NTB Provincial Regulation 5/2021 is closely related to the perspective of the sociological jurisprudence school. The sociological jurisprudence movement views law as a social reality⁵⁰. The main thinkers of the sociological jurisprudence school include Eugen Ehrlich and Nathan Roscoe Pound. Sociological jurisprudence holds a special position in the development of legal thought because it is regarded as a school that synthesizes (takes a middle path) the argumentative bases between the historical school and legal positivism⁵¹.

For Eugen Ehrlich, there is a need for a combination of awareness between the law in legislation and the understanding that society also has a continually evolving reality. Ehrlich advocates this so that law can become a truly effective tool. Thus, Ehrlich argues that good law is law that lives within society (The center of gravity of legal development is not in legislation, nor in juristic thought, nor in judicial decisions, but in society)⁵². Ehrlich's ideas are rooted in the concept that national and state life should maintain a balance between the desire to implement legal reforms through regulation and the awareness of the living realities in society. This is based on the view that legal science is not merely aimed at practical ends but is a discipline focused on facts rather than just words⁵³.

The concept of "living law and just law" refers to the inner order within society that reflects the living values contained within it. Legal changes should carefully consider the living law present in that society. These living legal values encompass a broader scope than just customary law alone⁵⁴. Eugen Ehrlich defines living law as follows: "The living law is the law which dominates life itself even though it has not been posited in legal propositions."⁵⁵

⁵⁰ Zainal Arifin Mochtar and Eddy O.S Hiariej, *Dasar-Dasar Ilmu Hukum: Memahami Kaidah, Teori, Asas Dan Filsafat Hukum* (Depok: Rajawali Pers, 2023).

⁵¹ Widodo Dwi Putro, "Perselisihan Sociological Jurisprudence Dengan Mazhab Sejarah Dalam Kasus "Merarik"," *Jurnal Yudisial* 6, no. 1 (2013): 48–63, <https://lib.ui.ac.id/detail?id=20378906&lokasi=lokal>.

⁵² Putro.

⁵³ Mochtar and Hiariej, *Dasar-Dasar Ilmu Hukum: Memahami Kaidah, Teori, Asas Dan Filsafat Hukum*.

⁵⁴ Mochtar and Hiariej.

⁵⁵ Eugene Ehrlich and Klaus A. Ziegert, *Fundamental Principles of the Sociology of Law* (Routledge, 2017), <https://doi.org/10.4324/9780203791127>.

According to Ehrlich's perspective, law is 'social law.' He does not disregard the role of the state in shaping law, but he emphasizes that the true source of legal authority comes from society, not from the state. Although law may be externally regulated by state institutions, internally, interactions within social groups rely more on the members themselves. This is what is referred to as living law. Ehrlich argues:

Of course, we can learn only so much of the living law from the document as has been embodied therein. How shall we quarry that part of the living law that has not been embodied in a legal document, but which nevertheless is a large and important part thereof? There is no other means but this, to open one's eyes, to inform oneself by observing life attentively, to ask people, and note down their replies. To be sure, to ask a jurist to learn from actual observation and not from sections of a code or from bundles of legal papers is to make an exacting demand upon him; but it is unavoidable, and marvelous results can be achieved in this manner."⁵⁶

When considering Pound's thoughts on sociological jurisprudence, his ideas are quite popular in Indonesia. Pound places great emphasis on the findings of early sociologists in asserting that law should be studied as a social institution. For Pound:

Law was a specialized form of social control that exerts pressure on a person in order to constrain him to do his part in upholding civilized society and to deter him from anti-social conduct, that is, conduct at variance with the postulates of social order⁵⁷.

Pound's thinking in the doctrine of sociological jurisprudence is, to this day, a remarkable success, in certain respects surpassing what he himself envisioned⁵⁸. Referring to one of his magnum opuses, *Jurisprudence*, Pound states that law serves as a means for society to encourage changes towards a better condition than before. In the teachings of sociological jurisprudence developed by Pound, there is a well-known concept referred to as 'law as a tool of social engineering.'⁵⁹

Roscoe Pound, in his book *Jurisprudence*, never explicitly uses the term "law as a tool of social engineering," and this theme is not found in the index of his book. However, interpreting Roscoe Pound's teachings as law as a tool for social engineering is not incorrect, as the core of his teaching is the utilization of law as a means to effect social

⁵⁶ Ehrlich and Ziegert.

⁵⁷ Steven Vago and Steven E Barkan, *Law and Society* (New York: Routledge, 2018).

⁵⁸ Brian Z. Tamanaha, "Sociological Jurisprudence Past and Present," *Law & Social Inquiry* 45, no. 2 (May 12, 2020): 493–520, <https://doi.org/10.1017/lsi.2019.26>.

⁵⁹ Munir Fuady, *Teori-Teori Besar Dalam Hukum* (Jakarta: Kencana Prenamedia Group, 2014).

change. Pound views legal science as akin to technology, allowing for the analogy of "engineering" to be applied within the context of law and society⁶⁰.

The term "law as a tool of social engineering" was first introduced in Indonesia in the 1970s by Mochtar Kusumaatmadja, a graduate of Harvard Law School. Kusumaatmadja translated this concept as law as social engineering, signifying that law is used as a means to direct social change through a top-down approach, where all legal formation and policy must come from the government, rather than a bottom-up approach. His perspective has sparked debate as it could be seen as legitimizing the development programs of the New Order era, which later became known as development law theory⁶¹.

According to Pound, social engineering can be optimized through judicial and administrative processes. Therefore, for proponents of the sociological jurisprudence school, it is essential to assess the extent to which judicial or administrative decisions have a positive impact on society. However, Mochtar recognizes that Indonesia, as a country that adheres to the continental European legal system, places greater emphasis on legislation in the process of social engineering compared to the United States, which tends to rely on jurisprudence (judge-made law). Furthermore, the influence of classical legal positivism is strong in Indonesia, resulting in social engineering being primarily focused on the creation of legislative regulations⁶².

The influence of social engineering through written regulations can be observed in the context of marriage in Indonesia. The current Marriage Law has established that the minimum age for marriage is 19 years for both females and males. It should be understood that the minimum age limit for marriage set by the government is a form of social engineering. Previously, the old Marriage Law stipulated that the minimum marriage age for males was 19 years, while for females it was 16 years. This minimum threshold was subsequently changed based on several considerations as discussed in the previous discussion.

However, the Marriage Law, which has established the minimum age for marriage, is vulnerable to manipulation. Based on the previous discussion, legal loopholes that can

⁶⁰ Widodo Dwi Putro, *Pergulatan Filsafat Barat, Filsafat Timur, Filsafat Islam, Pemikiran Hukum Indonesia Hingga Metajuridika Di Metaverse* (Jakarta: Kencana, 2024).

⁶¹ Putro, "Perselisihan Sociological Jurisprudence Dengan Mazhab Sejarah Dalam Kasus "Merarik"."

⁶² Putro, *Pergulatan Filsafat Barat, Filsafat Timur, Filsafat Islam, Pemikiran Hukum Indonesia Hingga Metajuridika Di Metaverse*.

be exploited by those seeking to engage in child marriage include applying for a marriage dispensation in the religious court or conducting a marriage according to religious customs or a clandestine marriage (*nikah siri*) and subsequently requesting legal recognition of the marriage (*isbat nikah*) when they reach the appropriate age in the religious court.

Therefore, to enhance the effectiveness of the provisions in the Marriage Law—particularly in the Province of NTB—the existence of NTB Provincial Regulation 5/2021 as a form of social engineering becomes crucial. NTB Provincial Regulation 5/2021 plays a significant role in preventive efforts to address child marriage. These preventive measures are implemented through mechanisms outside the judicial system, emphasizing mediation to prevent child marriage. In this position, the regional regulation serves as a means of social control. Society is expected to adhere to the rules in relation to the establishment of social order⁶³.

Furthermore, an intriguing aspect that deserves attention is the intersection between efforts to prevent marriage and the customary *merarik* practice upheld by the Sasak community in the Province of NTB. From the perspective of sociological jurisprudence, can the state limit the applicability of unwritten customary law that is, in practice, alive within the community?

At this point, it is important to understand that, despite the conflict with the values present in society, reform through social engineering in sociological jurisprudence emphasizes practical utility. Sociological jurisprudence does acknowledge the concept of living law, but it views it as the result of rational choices. This contrasts with how indigenous communities practice living law, following it without a process of reflection or questioning. For indigenous peoples, living law is accepted as a tradition passed down from generation to generation, regarded as a pre-existing truth, without needing to consider its benefits or detriments, and thus does not always require rationalization⁶⁴.

Reflecting on the practice of underage marriage, which shows numerous negative impacts, living law within the perspective of sociological jurisprudence should be viewed as a rational value. Such restrictions must be implemented to promote greater good. The

⁶³ John Griffiths, "What Is Sociology of Law? (On Law, Rules, Social Control and Sociology)," *The Journal of Legal Pluralism and Unofficial Law* 49, no. 2 (May 4, 2017): 93–142, <https://doi.org/10.1080/07329113.2017.1340057>.

⁶⁴ Putro, "Perselisihan Sociological Jurisprudence Dengan Mazhab Sejarah Dalam Kasus "Merarik"."

customary practice of *merarik*, when engaged in by individuals who are still underage, cannot be justified based on rational values and the consequences it entails. Therefore, the most appropriate step to achieve an ideal state of society is to prevent the practice of "*merarik*" that leads to child marriage.

The customary practice of *merarik* carried out by the Sasak community in West Nusa Tenggara can continue without violating the established marriage age requirements⁶⁵. As long as both parties are of legal age and genuinely wish to marry based on mutual consent, the practice of *merarik* can still take place. Stakeholders in the aforementioned regional regulation play a crucial role in finding harmony between customary law and national law. They should educate the community that the existing regulations do not restrict the private aspects of their lives. The living customary law within society can operate in alignment with the national interests directed by the state through existing positive law.

CONCLUSION

The NTB Provincial Regulation 5/2021 is crucial in combating the local tradition of child marriage. Its successful implementation involves various stakeholders, including community leaders, academics, students, social organizations, and the broader community. However, challenges remain, such as reliance on judicial mechanisms for preventing child marriage, the *merarik* tradition that partially justifies it, and existing legal loopholes that enable such practices. This regulation serves as a form of social engineering aimed at changing the perception of child marriage as a local custom. With the legal marriage age set at 19, any marriage below this age must be prevented. While this regulation may limit the application of unwritten customary laws, these restrictions are essential for promoting reproductive health, mental maturity, harmonious families, and reducing domestic violence, ultimately contributing to a better society. Additionally, the *merarik* tradition practiced by the Sasak community can still occur without violating the legal marriage age. It is vital to conduct an extensive outreach campaign about NTB Provincial Regulation 5/2021, engaging local stakeholders. This experience offers

⁶⁵ Baiq Yuni Fitri Hamidiyanti et al., "Intervensi Tokoh Agama Dan Tokoh Adat Pada Tradisi Menikah Suku Sasak Dalam Rangka Menurunkan Kejadian Pernikahan Usia Dini Di Kabupaten Lombok Barat Provinsi NTB," *Buletin Penelitian Sistem Kesehatan* 21, no. 3 (October 23, 2018): 152–62, <https://doi.org/10.22435/hsr.v21i3.166>.

valuable insights into how law can function as a tool for social change in the Indonesian context.

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Interview

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