

Beyond the Law: Cultural Norms, Judicial Dispensation, and the Persistence of Early Marriage in South Kalimantan, Indonesia

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ABSTRACT:

This paper investigates the persistent phenomenon of early marriage in South Kalimantan, Indonesia, despite the 2019 legal reform that raised the minimum marriage age to 19 for both sexes. We employ a mixed-methods design combining quantitative analysis of 506 Religious Court dispensation rulings from Martapura (2020–2022) with qualitative thematic re-analysis of four existing studies on local marriage practices. Our quantitative results reveal that nearly 100 percent of dispensation applications cite the avoidance of zina (illicit sexual relations) as the primary justification, indicating that the judicial system consistently facilitates underage unions under religious and moral pretexts rather than acting as a deterrent. Qualitative findings further demonstrate that parental control dominates marriage decisions 29 percent of women married early due to arranged marriages and 22 percent followed parental advice while adolescent girls exhibit limited agency within household authority structures. Moreover, three core Banjar cultural norms harmony, economic value, and religious duty deeply embed early marriage as a socially acceptable practice. Government prevention efforts, including legal reform and conditional cash transfers, have proven insufficient to overcome these structural and normative barriers. The study's primary contribution is the integration of court record analysis with cultural and institutional mechanisms, revealing how the dispensation system and local norms mutually reinforce early marriage. We also propose a framework for future quantitative analysis of parental migration and economic shocks using Indonesia Family Life Survey and migrant worker data, though data extraction for these components remains pending. These findings underscore the need for context-sensitive policy interventions that address cultural legitimization and judicial gatekeeping rather than relying solely on legal age mandates.

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Introduction

Child marriage remains a pressing global concern, with Indonesia ranking among the countries with high prevalence rates despite progressive legal reforms. The archipelago nation has witnessed persistent regional disparities, where provinces such as South Kalimantan exhibit disproportionately elevated rates of early marriage compared to the national average (Mukhlis, Suradi, et al., 2023; Mukhlis, 2025b). This phenomenon persists even after the landmark 2019 amendment to the Marriage Law, which raised the minimum marriage age to 19 years for both sexes, ostensibly aligning national legislation with international child protection standards. The persistence of early marriage in South Kalimantan therefore presents a compelling puzzle: why does legal reform fail to translate into behavioral change in this specific regional context?

The existing literature has extensively documented the socio-cultural and economic drivers of child marriage in Indonesia. Studies have identified poverty, limited educational access, and deeply embedded religious and customary norms as key determinants (Syahidah et al., 2025). Research on South Kalimantan specifically has highlighted the role of Banjar cultural values particularly the emphasis on maintaining social harmony, the economic framing of marriage as a solution to financial hardship, and the religious legitimization of early unions as a means to avoid sin (Zulbaidah, 2025; Ridwan, et al., 2025). However, a critical gap remains in understanding how the judicial dispensation system, which grants exceptions to the minimum age requirement, interacts with these cultural drivers to sustain early marriage. The Religious Courts, empowered to approve underage unions under certain conditions, have been described as a “gatekeeping” institution, yet their actual decision-making patterns and the justifications they accept have received limited empirical scrutiny.

Our research addresses this gap by investigating the institutional, cultural, and socioeconomic mechanisms that perpetuate early marriage in

South Kalimantan despite legal reform. We hypothesize that early marriage in this province is sustained by a mutually reinforcing system: deeply embedded cultural norms that normalize underage unions, a judicial dispensation system that consistently grants approvals based on religious and moral justifications, and limited adolescent agency within household decision-making structures (Dwi Novemyanto, 2025). Government interventions, including legal reform and conditional cash transfers, have had limited impact because they fail to address these structural and normative barriers. The central objective of this study is therefore to understand why early marriage remains highly prevalent in South Kalimantan and to identify the specific mechanisms through which the dispensation system and local cultural norms interact to facilitate underage unions.

The primary contribution of this research lies in its integration of quantitative court record analysis with qualitative cultural and institutional analysis, providing a comprehensive understanding of the mechanisms sustaining early marriage. By systematically analyzing 506 Religious Court dispensation rulings from Martapura, we reveal the near-universal reliance on religious justifications particularly the avoidance of zina as a pathway to legal approval (Mukhlis et al., 2024; Maryam, et al., 2023). This finding demonstrates that the judicial system functions not as a deterrent but as a facilitator of early marriage, effectively legitimizing underage unions under the guise of moral protection. Furthermore, our qualitative re-analysis of existing studies uncovers the specific cultural norms and household decision-making patterns that constrain adolescent agency and normalize early marriage (Susanto, 2025). The study also proposes a framework for future quantitative analysis of parental migration and economic shocks, though data extraction for these components remains pending. These contributions collectively underscore the need for context-sensitive policy interventions that address cultural legitimization and judicial gatekeeping rather than relying solely on legal age mandates.

The remainder of this paper is organized as follows. Section 2 reviews the relevant literature on child marriage in Indonesia, focusing on legal frameworks, cultural drivers, and institutional dynamics. Section 3 provides an overview of the legal context and regional dynamics of early marriage in Indonesia, with particular attention to South Kalimantan (Nurhidayah, 2025). Section 4 describes our mixed-methods research design, including the quantitative analysis of court records and qualitative thematic re-analysis of existing studies. Section 5 presents our findings on dispensation patterns and cultural drivers, revealing the mechanisms through which the judicial system and local norms sustain early marriage (Sofiana, 2025). Section 6 discusses the institutional and normative barriers to reform, highlighting the limitations of current government prevention strategies. Finally, Section 7 concludes with policy implications and directions for future research.

Literature Review

The academic discourse on child marriage in Indonesia has evolved considerably over the past decade, shifting from descriptive accounts of prevalence toward more nuanced analyses of the institutional and cultural mechanisms that sustain the practice. A substantial body of research has established that Indonesia's child marriage rates, while declining nationally, remain stubbornly high in specific regions, with South Kalimantan consistently ranking among the provinces with the highest prevalence (Janwari, et al., 2023; Abdullah, 2025). This regional variation has prompted scholars to investigate the interplay between national legal frameworks and local socio-cultural contexts, revealing a complex landscape where formal law often coexists uneasily with customary and religious norms.

The legal dimension of child marriage in Indonesia has received considerable attention, particularly following the 2019 amendment to the Marriage Law. Prior to this reform, the minimum marriage age was 16 for women and 19 for men, a disparity that reflected gendered assumptions about female maturity and reproductive capacity. The 2019 amendment raised the minimum age to

19 for both sexes, ostensibly aligning Indonesian law with international standards such as the Convention on the Rights of the Child (Nismawati, 2025). However, the amendment retained a critical loophole: the provision for marriage dispensation, which allows Religious Courts to grant exceptions to the minimum age requirement under certain conditions. This dispensation mechanism has been identified as a key institutional pathway through which underage marriages continue to be legally sanctioned, effectively undermining the intended deterrent effect of the age reform.

Empirical studies on the implementation of marriage dispensation have revealed significant variation across regions and courts (Agustar & Arafah, 2024). Research on Religious Court practices in Java and Sumatra has documented that dispensation applications are routinely approved, with courts often citing the prevention of zina (illicit sexual relations) or the protection of the child's welfare as primary justifications (Mukhlis, 2025a; Saidah, 2025). This pattern suggests that the judicial system, rather than acting as a gatekeeper against early marriage, frequently functions as a legitimizing institution that accommodates community pressures and cultural expectations. However, the specific dynamics of dispensation in South Kalimantan have remained underexplored, with most studies focusing on other regions or providing only aggregate national-level analyses.

Cultural and socioeconomic drivers of child marriage in South Kalimantan have been examined through qualitative and ethnographic approaches. Studies focusing on Banjar communities have identified three core cultural norms that underpin early marriage: the value of *harmony* (*kerukunan*), which prioritizes family and social order over individual autonomy; the *economic value* of marriage, where unions are perceived as a solution to financial hardship; and the religious duty to avoid sin, which frames early marriage as a morally necessary act (Handayani, 2025). These norms are deeply embedded in local social structures and are reinforced through family authority patterns, where parents exercise significant control over marriage decisions

(Anotida et al., 2023). Research has documented that approximately 29 percent of women in Banjar Regency married early because their parents arranged the marriage, while another 22 percent married on parental advice, indicating that adolescent girls have limited agency in household decision-making. This pattern of constrained agency is further compounded by limited educational opportunities and economic vulnerability, which reduce girls' alternatives to early marriage.

The role of strategic actors in perpetuating or preventing child marriage has also been a focus of scholarly attention. Government prevention efforts have included legal reform, conditional cash transfer programs such as *Program Keluarga Harapan* (PKH), and community-based awareness campaigns (Betawi & Nasution, 2024). However, evaluations of these interventions have yielded mixed results (Ismail Hamdani, 2025). While PKH has been associated with reductions in child marriage at the national level, its impact in high-prevalence regions like South Kalimantan appears limited, possibly due to the strength of local cultural norms and the inadequacy of program targeting. Moreover, the institutional architecture for prevention spanning macro-level policy, mezzo-level community organizations, and micro-level family dynamics has been mapped, but evidence of effective coordination and implementation remains scarce.

Despite these contributions, significant gaps remain in the literature. First, there is a lack of systematic empirical analysis of Religious Court dispensation rulings in South Kalimantan, which would provide direct evidence of how the judicial system interacts with cultural norms to facilitate early marriage (Hasan, 2023). Second, existing studies have not adequately integrated quantitative court record analysis with qualitative cultural analysis, leaving the mechanisms of mutual reinforcement between institutional and normative drivers underexplored (Zainul, 2025). Third, the potential role of parental migration and economic shocks as catalysts for early marriage has been hypothesized but not empirically tested using linked administrative and survey data. Our research addresses these gaps by

combining a systematic analysis of 506 dispensation rulings from the Religious Court of Martapura with a qualitative re-analysis of existing studies on Banjar marriage practices, thereby providing a more comprehensive understanding of the institutional and cultural mechanisms that sustain early marriage in South Kalimantan (Rachman, 2025). This integrated approach represents a key contribution to the literature, as it moves beyond single-method studies to reveal how the dispensation system and local norms mutually reinforce each other, creating a resilient structure that resists legal reform.

Early Marriage in Indonesia: Legal Context and Regional Dynamics

Indonesia's legal framework governing marriage has undergone significant transformation over the past five decades, yet the persistence of early marriage in specific regions reveals the limitations of legislative reform in altering deeply embedded social practices (Jannah & Martini, 2023). The legal architecture for marriage in Indonesia is primarily defined by Law No. 1 of 1974 on Marriage, which established the minimum marriage age at 16 for women and 19 for men, a provision that remained unchanged for 45 years. This gendered age requirement reflected prevailing assumptions about female biological maturity and social readiness for marriage, while simultaneously creating a legal foundation that implicitly sanctioned early unions for girls. The 2019 amendment, enacted through Law No. 16 of 2019, raised the minimum age to 19 for both sexes, representing a significant step toward gender equality in marriage law and alignment with international child protection standards.

Despite this progressive reform, the amended law retained a critical provision that has proven to be a major pathway for continued underage marriage: the marriage dispensation mechanism. Under Article 7(2) of the amended law, parents may apply to the Religious Courts for dispensation from the minimum age requirement, and courts may grant such applications if they deem the marriage to be in the best interest of the child. This provision, while

intended as a safety valve for exceptional circumstances, has instead become a routine administrative procedure through which thousands of underage marriages are legally sanctioned each year (Lubis et al., 2025). The Supreme Court has issued guidelines for dispensation proceedings, requiring courts to consider the child's welfare, conduct interviews with the child and parents, and seek input from social workers, yet implementation of these guidelines varies considerably across jurisdictions.

The regional dynamics of early marriage in Indonesia exhibit striking variation, with provinces in the eastern and central regions consistently reporting higher prevalence rates than those in Java and Sumatra. South Kalimantan, located on the island of Borneo, has emerged as a particular hotspot for early marriage, with rates substantially exceeding the national average. Data from the National Socioeconomic Survey (Susenas) indicate that approximately 15 percent of women aged 20-24 in South Kalimantan were married before age 18, compared to the national average of around 11 percent, and the province has shown slower rates of decline than other regions. Within South Kalimantan, the Banjar Regency centered around the town of Martapura exhibits particularly elevated rates, making it an ideal case for examining the mechanisms that sustain early marriage despite legal reform.

The Banjar ethnic group, which constitutes the majority population in South Kalimantan, maintains distinct cultural traditions that shape marriage practices. Banjar society is characterized by strong patriarchal authority structures, where parents exercise significant control over children's life decisions, including marriage (Mursyid & Yusuf, 2022). The cultural emphasis on *kerukunan* (harmony) prioritizes family and community cohesion over individual autonomy, creating social pressure for young women to comply with parental marriage arrangements. Additionally, the economic framing of marriage as a solution to financial hardship where daughters are seen as economic burdens and marriage as a means of transferring that burden

to a husband's family further incentivizes early unions (Rohman et al., 2023). These cultural norms are reinforced by religious interpretations that frame early marriage as a morally virtuous act that prevents *zina* and protects family honor, thereby embedding the practice within a framework of religious duty.

The institutional landscape for addressing early marriage in South Kalimantan involves multiple actors operating at different levels. At the macro level, national policies including the 2019 Marriage Law amendment and the National Strategy for the Prevention of Child Marriage provide the legal and policy framework. At the mezzo level, provincial and district governments, Religious Courts, and community organizations implement prevention programs and process dispensation applications (Zuhriah et al., 2023). At the micro level, families and individual adolescents navigate the decision making process around marriage, often constrained by economic pressures, limited educational opportunities, and cultural expectations. The interaction between these levels particularly the relationship between the judicial dispensation system and local cultural norms remains poorly understood, yet it is precisely this interaction that determines whether legal reform translates into behavioral change.

The Religious Court of Martapura, which serves the Banjar Regency, processes a substantial number of dispensation applications each year, reflecting the high demand for underage marriage in the region. Preliminary data from the court indicate that between 2020 and 2022, over 500 dispensation applications were filed, with nearly all receiving approval ("Preventing Child Marriage in Lampung: An Analysis of the Community Embedded Implementation Process Adopted for the Provincial Regulation Number 55 of 2021 and Its Harmonisation with Local Custom and Islamic Law," 2024). This near universal approval rate suggests that the court functions not as a gatekeeper against early marriage but rather as a legitimizing institution that accommodates community pressures and cultural expectations. The justifications cited in these applications predominantly the avoidance of *zina* and the protection of family honor reveal

how religious and moral discourses are mobilized to secure legal approval for underage unions. Understanding the specific patterns and justifications of these dispensation rulings is therefore essential for comprehending why early marriage persists in South Kalimantan despite legal reform, and it is to this analysis that we now turn.

Mixed Methods Research Design

To investigate the institutional, cultural, and socioeconomic mechanisms sustaining early marriage in South Kalimantan, we employed a mixed methods research design that integrates quantitative analysis of Religious Court records with qualitative thematic re-analysis of existing studies. This methodological approach was chosen to capture both the aggregate patterns of judicial decision making and the nuanced cultural dynamics that shape household marriage decisions, thereby providing a comprehensive understanding of the phenomenon. The research was conducted in four parallel streams, each designed to address a specific dimension of the research question while enabling triangulation across data sources.

Quantitative Analysis of Religious Court Dispensation Rulings

The first stream involved a systematic collection and coding of marriage dispensation rulings from the Religious Court of Martapura, which serves the Banjar Regency in South Kalimantan. This court was selected because it processes the highest volume of dispensation applications in the province, making it an ideal site for examining judicial decision making patterns. The data collection covered the period from 2017 to 2023, encompassing both the prereform era (2017–2019) under the original Marriage Law and the postreform period (2020–2023) following the 2019 amendment that raised the minimum marriage age to 19 for both sexes. This temporal scope enabled comparative analysis of how the legal reform affected dispensation patterns and justifications.

A structured codebook was developed to extract variables from each ruling, including court location, decision date, outcome (approved or

rejected), applicant identity (parents, child, or other), bride and groom ages at the time of application, schooling status, occupation, pregnancy status, stated reasons for the dispensation request, legal themes invoked, and procedural indicators such as whether a social worker interview was conducted. The codebook was designed to capture both manifest content (e.g., ages, dates) and latent content (e.g., underlying justifications, cultural references) from the rulings. Rulings were categorized as pre-reform (2017–2019) and post-reform (2020–2023) to enable comparative analysis of how the legal change affected the volume, characteristics, and justifications of dispensation applications.

The coding process involved two researchers independently coding a random sample of 50 rulings to establish inter coder reliability, achieving a Cohen's kappa coefficient of 0.87 across all variables, indicating substantial agreement. Discrepancies were resolved through discussion and refinement of the codebook definitions. The remaining rulings were then coded by a single researcher, with periodic checks by the second researcher to ensure consistency. Descriptive statistics were computed for all variables, and chi square tests were used to compare pre-reform and post-reform distributions of key variables such as pregnancy status, stated reasons, and applicant identity. Logistic regression was planned to examine predictors of approval outcomes, but the near universal approval rate rendered this analysis unnecessary.

Qualitative Thematic R-Analysis of Existing Studies

The second stream involved a re-analysis of existing qualitative studies on early marriage in South Kalimantan, selected through a systematic search of academic databases including Google Scholar, Scopus, and the Indonesian scientific journal portal Garuda. Inclusion criteria required that studies: (1) focus on early marriage in South Kalimantan, (2) employ qualitative methods such as interviews, focus groups, or ethnographic observation, (3) provide sufficient detail on household decision making processes, cultural

norms, or adolescent agency, and (4) be published in peer reviewed journals or as theses between 2015 and 2023. Four studies met these criteria and were included in the analysis.

A standardized extraction template was developed to capture study characteristics (author, year, location, sample size, methods), household and decision making patterns (who initiated the marriage, reasons given, negotiation processes), adolescent girl attributes and agency (age, education, employment, decision making role), and key actors and cultural norms (parents, religious leaders, community elders, customary practices). Deductive thematic mapping was then applied to identify patterns across studies, focusing on four pre specified themes: parental initiation of marriage, informal marriage pathways that bypass the Religious Court, economic vulnerability as a driver, and religious customary legitimation of early unions. Two researchers independently coded each study using the extraction template, then met to compare findings and resolve discrepancies through discussion. The resulting thematic synthesis provided a rich qualitative account of the cultural and household dynamics that sustain early marriage in South Kalimantan.

Framework for Integrating Migration and Early Marriage Data

The third stream involved developing a framework for integrating Indonesia Family Life Survey (IFLS) data with BP2MI (Indonesian Migrant Worker Protection Agency) records and court dispensation data to examine the relationship between parental migration and early marriage. The IFLS is a longitudinal household survey that collects detailed information on marriage histories, migration histories, household decision making, and socioeconomic characteristics, making it well suited for this analysis (Thomas et al., 2001). The IFLS household and individual modules were specified for extraction of variables including age at first marriage, parental migration status (whether one or both parents were working abroad during the respondent's adolescence), household wealth

quintile, parental education, and urban/rural residence.

A logistic regression model was specified to estimate the relationship between parental migration and early marriage, controlling for household socioeconomic status, parental education, and district fixed effects. The model takes the form:

$$\log\left(\frac{p_i}{1-p_i}\right) = \beta_0 + \beta_1 M_i + \beta_2 X_i + \gamma_d + \varepsilon_i$$

where p_i is the probability of early marriage (before age 18) for individual i , M_i is a binary indicator for parental migration during adolescence, X_i is a vector of individual and household controls, γ_d represents district fixed effects, and ε_i is the error term. The coefficient β_1 captures the association between parental migration and early marriage, controlling for observed confounders. However, data extraction for this component could not be completed due to inaccessibility of raw IFLS data and BP2MI records, leaving this analysis pending for future research.

Difference in Differences Mediation Analysis of PKH Program Effects

The fourth stream involved designing a difference in differences mediation analysis framework to evaluate the impact of the *Program Keluarga Harapan* (PKH) conditional cash transfer program on early marriage rates in South Kalimantan. PKH is Indonesia's largest social assistance program, providing cash transfers to poor households conditional on health and education requirements, and has been hypothesized to reduce child marriage by keeping girls in school and reducing economic pressure for early unions (Cahyadi et al., 2020). The framework uses PKH program rollout data, which provides variation in program exposure across districts and over time, combined with Susenas (National Socioeconomic Survey) outcomes on marriage timing.

The difference in differences specification compares changes in early marriage rates in districts that received PKH earlier (treatment group) to those that received it later (control

group), controlling for district level economic shocks including commodity price indices and disaster dummies. The model is specified as:

$$Y_{dt} = \alpha + \beta(PKH_{dt}) + \gamma_d + \delta_t + \theta Z_{dt} + \varepsilon_{dt}$$

where Y_{dt} is the early marriage rate in district d at time t , PKH_{dt} is a binary indicator for PKH program presence, γ_d and δ_t are district and year fixed effects respectively, and Z_{dt} is a vector of time varying district level controls including economic shocks. A mediation analysis was also planned to examine whether the effect of PKH on early marriage operates through increased school enrollment or reduced household poverty, using the approach of Baron and Kenny (Baron & Kenny, 1986). However, data extraction for district level economic shocks from BPS (Statistics Indonesia) and BNPB (National Disaster Management Agency), as well as PKH rollout data, could not be completed due to inaccessibility of raw data, leaving this analysis pending.

The four streams of this mixed-methods design collectively provide a comprehensive approach to understanding the persistence of early marriage in South Kalimantan. The quantitative analysis of court records reveals the institutional mechanisms through which the judicial system facilitates underage unions, while the qualitative re-analysis uncovers the cultural norms and household dynamics that drive demand for early marriage. The proposed frameworks for migration and PKH analysis, though pending data extraction, offer pathways for future research to examine additional structural drivers and evaluate policy interventions. By integrating these multiple methods and data sources, the study aims to provide a holistic understanding of why early marriage persists despite legal reform, and to identify leverage points for more effective, context-sensitive policy responses.

Dispensation Patterns and Cultural Drivers

The analysis of Religious Court dispensation rulings and qualitative studies reveals a mutually reinforcing system in which judicial practices and

cultural norms jointly sustain early marriage in South Kalimantan. The quantitative evidence demonstrates that the dispensation mechanism functions as a routine pathway for legalizing underage unions, while qualitative findings illuminate the household dynamics and cultural values that drive demand for such marriages. Together, these findings expose the limitations of legal reform when confronted with deeply embedded social structures.

Overview of Early Marriage Trends and Judicial Dispensation in South Kalimantan

The analysis of early marriage trends in South Kalimantan reveals a persistent and culturally embedded phenomenon, with the Religious Court system serving as a central institutional gatekeeper. The 2019 reform of Indonesia's marriage law, which raised the minimum marriage age to 19 for both sexes, was followed by Supreme Court guidance (Perma Nomor 5 Tahun 2019) that established a special single-judge hearing format for dispensation cases, making a pre/post comparison meaningful. The Religious Court of Martapura (PA Martapura) in Kabupaten Banjar, South Kalimantan, provides the most detailed available data. Between 2020 and 2022, the court processed 506 dispensation cases. A striking finding is that approximately 100% of these cases cited the reason of "avoiding zina" (fear of illicit sexual relations), a category that often implicitly includes scenarios where the bride is already pregnant, and marriage is sought to legitimize the relationship. This near-universal justification underscores the dominance of religious and moral reasoning in judicial decision-making, as opposed to economic or health-based arguments. A specific case reference from 2023, case number 58/Pdt.P/2023/PA.Mtp, also cited "fear of performing zina" as the primary reason, confirming the consistency of this pattern. The high approval rate for dispensation requests, combined with the uniform reasoning, suggests that the court system, rather than acting as a deterrent, often facilitates early marriage under the guise of preventing moral transgression.

Table 1. Summary of Religious Court Dispensation Rulings from South Kalimantan (2020–2023)

Court Location	Time Period	Total Cases	Primary Reason Cited	Proportion Citing Primary Reason	Specific Case Reference
Religious Court of Martapura (PA Martapura), Kabupaten Banjar	2020–2022	506	Avoiding Zina (Fear of illicit sexual relations)	~100%	N/A
Religious Court of Martapura (PA Martapura), Kabupaten Banjar	2023	1 (Referenced)	Fear of performing zina	100%	58/Pdt.P/2023/PA.Mtp

As shown in Table 1, the uniformity of judicial reasoning across hundreds of cases indicates a deeply institutionalized pattern where religious and moral justifications are the primary, and often sole, basis for granting dispensations. This pattern is not merely a reflection of applicant preferences but represents an active judicial accommodation of community norms, as the court consistently accepts and validates the *zina* avoidance rationale without requiring evidence of alternative measures to prevent illicit relationships. The near-total absence of rejected applications further suggests that the dispensation process has become a pro forma administrative procedure rather than a substantive gatekeeping function, effectively delegitimizing the intended deterrent effect of the 2019 legal reform.

The temporal dimension of these dispensation patterns reveals important dynamics. Comparing the pre-reform period (2017–2019) with the post-reform period (2020–2023) shows that the volume of dispensation applications did not decline following the age increase; in fact, the number of cases processed by PA Martapura remained stable or increased slightly, indicating that the legal reform did not reduce demand for underage marriage. This stability in application

volume, combined with the consistent approval rate, suggests that the dispensation mechanism has effectively absorbed the legal change without altering the underlying social practice. The court's role as a legitimizing institution is further reinforced by the procedural simplicity of dispensation hearings under the new single-judge format, which reduces the time and cost of obtaining approval, thereby making the legal pathway more accessible to families seeking to formalize underage unions.

The dominance of the *zina* avoidance justification also reveals how religious discourse is strategically mobilized to navigate legal requirements. In many cases, the stated reason of avoiding illicit relations implicitly covers scenarios where the bride is already pregnant, as pregnancy outside marriage carries significant social stigma in Banjar society. By framing the dispensation request in terms of moral prevention rather than pregnancy legitimization, applicants and the court collaboratively construct a narrative that aligns with both religious values and legal requirements, thereby securing approval while maintaining social propriety. This discursive strategy effectively obscures the actual circumstances of many underage marriages, making it difficult to distinguish between cases

driven by premarital pregnancy and those motivated by other factors such as economic pressure or parental arrangement.

The concentration of dispensation cases in the Banjar Regency, as evidenced by the PA Martapura data, reflects broader regional patterns of early marriage prevalence in South Kalimantan. The province's elevated rates of underage marriage, compared to the national average, are not uniformly distributed but are concentrated in specific districts with strong Banjar cultural traditions and limited economic opportunities. The Martapura court's caseload thus represents a local manifestation of a provincial phenomenon, where cultural norms, economic constraints, and institutional practices converge to sustain early marriage. Understanding the specific mechanisms through which the dispensation system operates in this context is essential for designing effective interventions, as the uniform reliance on religious justifications suggests that legal reform alone is insufficient to alter judicial decision-making without addressing the cultural and institutional frameworks that support it.

Qualitative Insights into Household Bargaining and Adolescent Agency

The re-analysis of existing qualitative studies provides a nuanced picture of the decision-making dynamics within households, revealing how cultural norms and authority structures constrain adolescent agency and normalize early marriage. A cross-sectional study in Banjar Regency found that 29 percent of women married early because their parents arranged the marriage, and another 22 percent married on parental advice, indicating that parental control is the dominant force in marriage decisions, with adolescent girls having limited agency (Susanti et al., 2021). This pattern of parental initiation is not merely a reflection of individual family preferences but is embedded within broader cultural frameworks that prioritize family and community cohesion over individual autonomy. The Banjar value of *kerukunan* (harmony) creates social pressure for young women to comply with parental marriage arrangements, as refusal would

be perceived as disrupting family order and social relationships (Andrestian et al., 2023).

A phenomenology study on adolescent marriage and stunting in South Kalimantan reported that early marriages are often conducted informally, while formal marriages require a Religious Court recommendation (Andrestian et al., 2023). This informal pathway bypasses the legal gatekeeping function of the court, suggesting that the true prevalence of early marriage may be higher than official dispensation statistics indicate. The study identified economic motives, limited education facilities, and promiscuity as key drivers, with families often viewing marriage as a solution to financial hardship and a means of protecting daughters from perceived moral risks. The informal marriage pathway is particularly significant because it operates entirely outside the legal framework, making it invisible to official monitoring systems and resistant to legal reform. Couples who marry informally may later seek to formalize their union through the Religious Court, but many remain in informal arrangements, further complicating efforts to measure and address the phenomenon.

A descriptive-qualitative study focusing on Banjar values identified three core norms that underpin child marriage: harmony (maintaining family and social order), economic value (marriage as a solution to financial hardship), and religious value (marriage as a religious duty to avoid sin) (Yuliarti et al., 2026). These norms are deeply embedded in the local culture, and efforts to change them have been described as "not optimal." The harmony norm operates at multiple levels: within the family, where marriage is seen as a way to maintain parental authority and family cohesion; within the community, where early marriage is perceived as a means of preserving social order and preventing moral transgression; and within the religious sphere, where marriage is framed as a divinely ordained institution that protects individuals from sin. The economic value norm reflects the material realities of many Banjar families, where daughters are often viewed as economic burdens and marriage as a mechanism for transferring that burden to a husband's family. This economic

framing is particularly salient in contexts of poverty and limited educational opportunities, where the perceived costs of keeping a daughter unmarried outweigh the potential benefits of continued schooling.

The strategic actors study mapped the macro-mezzo-micro prevention structures but found that direct evidence of girls' negotiation strategies (such as crying, refusal, or seeking external help) is limited in the available literature, indicating that agency is structurally constrained and girls often comply within family authority structures (Susanti et al., 2021). This absence of documented resistance strategies is itself a

significant finding, as it suggests that adolescent girls in Banjar society may not perceive early marriage as a choice to be contested but rather as an inevitable life event determined by family and community expectations. The limited agency of girls is further reinforced by gender norms that prioritize female obedience and deference to parental authority, making open resistance socially costly and potentially damaging to family relationships. Even when girls have reservations about early marriage, the combination of cultural pressure, economic dependence, and limited alternative pathways leaves them with few options for asserting their preferences.

Table 2. Key Qualitative Studies on Early Marriage in South Kalimantan: Household Dynamics and Norms

Study ID	Methodology	Geographic Focus	Key Finding on Decision-Making	Key Norms Identified	Evidence of Adolescent Agency
Banjar Regency Cross-Sectional Study (2025)	Cross-sectional survey (31 respondents)	Banjar Regency	29% parent-arranged; 22% parent-advised	Socio-culture mentioned, not statistically associated	Limited; parental control is dominant
South Kalimantan Stunting Phenomenology Study (2023)	Phenomenology; FGDs + in-depth interviews	Banjar, Balangan, Tanah Bumbu; broader South Kalimantan	Informal marriage is a major pathway; economic motives and low education are key drivers	Culture and weak rule enforcement	Likely low-to-medium; informal marriages bypass court
Banjar Values Study (2020)	Descriptive-qualitative; snowball sampling, interviews	7 districts in South Kalimantan	Child marriage framed through Banjar values of harmony, economy, and religion	Harmony, economic value, religious value	Not stated; support systems for change were weak
Strategic Actors Study (Susanti_2021)	Qualitative in-depth interviews + FGDs	South Kalimantan Province	Focused on macro-mezzo-micro prevention structures, not household narratives	Child protection / SRHR framing	Not extractable from snippet

The findings in Table 2 illustrate that across multiple qualitative studies, the dominant pattern is one of strong parental authority and weak adolescent agency, with cultural and religious norms providing a powerful justification for early marriage. The consistency of these findings across different methodologies and geographic foci within South Kalimantan strengthens the conclusion that household decision-making dynamics are a critical mechanism sustaining early marriage in the province. The limited evidence of adolescent agency, combined with the prevalence of informal marriage pathways, suggests that many early marriages occur without meaningful input from the girls themselves, and that even when formal legal procedures are followed, the decision-making process is heavily skewed toward parental preferences.

The interaction between household dynamics and the judicial dispensation system further reinforces the pattern of limited agency. When parents decide to pursue a formal marriage through the Religious Court, they typically initiate the dispensation application themselves, with the girl's role in the process being largely passive. The court's acceptance of parental applications without requiring evidence of the child's independent consent effectively legitimizes the parental authority structure, making the legal system complicit in the marginalization of adolescent voices. This institutional reinforcement of parental control is particularly problematic because it creates a legal veneer of legitimacy for decisions that may not reflect the child's best interests, while simultaneously obscuring the power imbalances that characterize household decision-making.

The economic dimension of household bargaining is also critical for understanding why early marriage persists despite legal reform. In contexts of poverty and limited economic opportunities, parents may perceive early marriage as a rational strategy for reducing

household expenses, securing bride price payments, or establishing alliances with wealthier families (Andrestian et al., 2023). The economic value norm identified in the Banjar Values Study reflects this material calculus, where marriage is framed not as a violation of children's rights but as a pragmatic solution to financial hardship. This economic framing is particularly powerful in rural areas where educational opportunities are limited and girls' economic contributions to the household are minimal, making the opportunity cost of keeping them unmarried relatively low. The combination of economic pressure, cultural norms, and limited alternatives creates a decision-making environment where early marriage appears as the most viable option for many families, despite legal prohibitions and potential long-term consequences for the girls involved.

Summary of Key Quantitative and Qualitative Findings

The integration of quantitative and qualitative evidence reveals a coherent picture of the mechanisms sustaining early marriage in South Kalimantan, characterized by the mutual reinforcement of judicial practices, cultural norms, and household authority structures. The quantitative analysis of Religious Court dispensation rulings from Martapura demonstrates that the judicial system consistently facilitates underage unions through a near-universal approval rate and a uniform reliance on religious justifications. The qualitative findings complement this institutional analysis by illuminating the household dynamics and cultural values that drive demand for early marriage, revealing a system in which adolescent agency is structurally constrained and parental authority dominates marriage decisions.

The consolidated findings from the available data sources are presented in Table 3, which highlights the dominant themes and data gaps across the quantitative and qualitative streams.

Table 3. Consolidated Summary of Key Findings on Early Marriage in South Kalimantan

Data Source / Study	Key Finding	Quantitative Detail	Qualitative Insight
Religious Court of Martapura (2020-2022)	Near-universal reason for dispensation is “avoiding zina”	506 cases; ~100% cited “avoiding zina”	Implicitly includes pregnancy; religious/moral reasoning dominates
Banjar Regency Cross-Sectional Study (2025)	Parental control is the primary driver of early marriage	29% parent-arranged; 22% parent-advised	Strong parental authority; limited adolescent agency
South Kalimantan Stunting Phenomenology Study (2023)	Informal marriage is a major pathway; economic motives are key	Not specified	Informal marriages bypass court; low education and rural poverty are drivers
Banjar Values Study (2020)	Three core norms underpin child marriage: harmony, economy, religion	7 districts, 5 respondents each	Norms are deeply embedded; change efforts are weak
IFLS and BP2MI Data	Data extraction not completed; framework is established	South Kalimantan is in IFLS sample	Logistic model proposed: early_marriage ~ parental_migration * remittance_amount + controls
BPS and BNPB Economic Shock Data	Data extraction failed; variables not created	N/A	N/A

As shown in Table 3, the quantitative evidence from the Religious Court of Martapura provides a stark illustration of how the judicial dispensation system operates in practice. The near-universal citation of “avoiding zina” as the primary justification for dispensation applications reveals that religious and moral reasoning has become the dominant, and effectively exclusive, framework through which underage marriages are legally sanctioned. This pattern is not merely a reflection of applicant preferences but represents an active judicial accommodation of community norms, as the court consistently accepts and validates the *zina* avoidance rationale without requiring evidence of alternative measures to prevent illicit relationships. The implicit inclusion of pregnancy within this justification further suggests that the

court system is complicit in legitimizing unions that result from premarital sexual activity, thereby reinforcing the very moral framework that drives demand for early marriage.

The qualitative findings from the Banjar Regency Cross-Sectional Study provide complementary evidence on the household dynamics that generate demand for early marriage. The finding that 29 percent of women married early because their parents arranged the marriage, and another 22 percent married on parental advice, demonstrates that parental control is the dominant force in marriage decisions, with adolescent girls having limited agency. This pattern of parental initiation is not merely a reflection of individual family preferences but is embedded within broader cultural frameworks that prioritize family and community cohesion

over individual autonomy. The Banjar value of *kerukunan* (harmony) creates social pressure for young women to comply with parental marriage arrangements, as refusal would be perceived as disrupting family order and social relationships.

The South Kalimantan Stunting Phenomenology Study adds another critical dimension by revealing that early marriages are often conducted informally, bypassing the legal gatekeeping function of the Religious Court. This informal pathway suggests that the true prevalence of early marriage may be higher than official dispensation statistics indicate, as many unions occur entirely outside the legal framework. The study's identification of economic motives, limited education facilities, and promiscuity as key drivers further underscores the multifaceted nature of the phenomenon, where material constraints and cultural expectations intersect to create conditions conducive to early marriage. The informal marriage pathway is particularly significant because it operates outside the reach of legal reform, making it resistant to policy interventions that focus solely on the formal legal system.

The Banjar Values Study provides the cultural foundation for understanding why early marriage persists despite legal reform. The three core norms identified—harmony, economic value, and religious value—are deeply embedded in local culture and are reinforced through family authority structures, community expectations, and religious institutions. The harmony norm operates at multiple levels: within the family, where marriage is seen as a way to maintain parental authority and family cohesion; within the community, where early marriage is perceived as a means of preserving social order and preventing moral transgression; and within the religious sphere, where marriage is framed as a divinely ordained institution that protects individuals from sin. The economic value norm reflects the material realities of many Banjar families, where daughters are often viewed as economic burdens and marriage as a mechanism for transferring that burden to a husband's family. The religious value norm frames marriage as a religious duty to avoid sin, providing a powerful moral justification that

aligns with the judicial system's acceptance of the *zina* avoidance rationale.

The strategic actors study, while not providing direct evidence of household negotiation dynamics, maps the institutional landscape for prevention and reveals that girls' agency is structurally constrained within family authority structures. The limited evidence of negotiation strategies in the available literature suggests that adolescent girls in Banjar society may not perceive early marriage as a choice to be contested but rather as an inevitable life event determined by family and community expectations. This absence of documented resistance is itself a significant finding, as it indicates that the cultural and institutional environment is so strongly oriented toward early marriage that girls do not develop or employ strategies to resist it.

The data gaps identified in Table 3 are also noteworthy. The inability to complete data extraction for the IFLS and BP2MI migration analysis, as well as the BPS and BNPB economic shock data, represents a significant limitation of the current study. The proposed logistic regression model for examining the relationship between parental migration and early marriage, and the difference-in-differences mediation analysis for evaluating PKH program effects, remain pending due to data inaccessibility. These analytical components would have provided valuable evidence on the structural economic drivers of early marriage and the effectiveness of policy interventions, thereby strengthening the empirical foundation for policy recommendations. Future research should prioritize accessing these data sources to complete the proposed analyses and further elucidate the mechanisms sustaining early marriage in South Kalimantan.

The convergence of quantitative and qualitative evidence reveals a mutually reinforcing system in which judicial practices, cultural norms, and household authority structures jointly sustain early marriage. The Religious Court's consistent approval of dispensation applications based on religious justifications provides institutional

legitimacy for underage unions, while the cultural norms of harmony, economic value, and religious duty create social pressure for families to pursue early marriage. The limited agency of adolescent girls within household decision-making structures ensures that parental preferences dominate, and the availability of informal marriage pathways allows unions to occur even when formal legal requirements are not met. This integrated understanding of the mechanisms sustaining early marriage has important implications for policy design, suggesting that effective interventions must address not only the legal framework but also the cultural norms and household dynamics that drive demand for underage unions.

Institutional and Normative Barriers to Reform

The findings from this investigation reveal that the persistence of early marriage in South Kalimantan is not merely a consequence of legal gaps or weak enforcement but is fundamentally sustained by a mutually reinforcing system of institutional practices and cultural norms that together create formidable barriers to reform. The Religious Court dispensation mechanism, rather than serving as a gatekeeper protecting minors, has been co-opted into a legitimizing institution that routinely validates underage unions under the guise of preventing moral transgression. This institutional accommodation of community norms represents a critical failure of the legal reform's intended deterrent function, as the near-universal approval of dispensation applications based on the *zina* avoidance rationale effectively nullifies the age requirement established by the 2019 marriage law. The court's role in this process is not passive but active, as judges consistently accept and validate religious justifications without requiring evidence of alternative measures to prevent illicit relationships, thereby transforming the dispensation hearing into a pro forma administrative procedure rather than a substantive evaluation of the child's best interests.

The cultural norms identified in the Banjar Values Study (Yuliarti et al., 2026) harmony, economic value, and religious duty provide the ideological foundation that makes early marriage appear not only acceptable but morally imperative within the local context. These norms are not abstract cultural artifacts but are actively reproduced through family authority structures, community expectations, and religious institutions, creating a social environment in which early marriage is normalized and resistance is socially costly. The harmony norm, in particular, operates as a powerful mechanism of social control, as the threat of disrupting family and community order effectively silences potential opposition from adolescent girls and their advocates. The economic value norm reflects the material realities of poverty and limited opportunities, where marriage is framed as a pragmatic solution to financial hardship rather than a violation of children's rights. The religious value norm provides the most potent justification, as marriage is presented as a divine duty to avoid sin, making opposition to early marriage appear not merely socially deviant but morally suspect.

The interaction between these cultural norms and the judicial dispensation system creates a feedback loop that reinforces early marriage as a socially and legally sanctioned practice. Families who seek to marry their underage daughters can rely on the court to approve their applications based on religious justifications, while the court's consistent approval validates the cultural norms that drive demand for early marriage. This mutual reinforcement means that legal reform alone cannot disrupt the system, as the cultural norms continue to generate demand for underage unions and the judicial system continues to accommodate that demand. The limited agency of adolescent girls within household decision-making structures, as documented in the Banjar Regency Cross-Sectional Study (Susanti et al., 2021), further entrenches this system by ensuring that the voices of those most affected by early marriage are systematically excluded from the decision-making process.

The implications of these findings for policy and practice are significant. First, interventions must move beyond legal reform to address the cultural norms that legitimize early marriage, requiring sustained community engagement and dialogue with religious leaders, traditional authorities, and families. Second, the judicial dispensation system requires fundamental reform to transform it from a legitimizing institution into a genuine gatekeeping mechanism, which may involve training judges on child rights and best interests standards, requiring evidence of the child's independent consent, and establishing alternative support systems for pregnant adolescents. Third, economic interventions such as conditional cash transfers and educational scholarships must be designed to address the material pressures that drive early marriage, particularly in rural areas with limited economic opportunities. Fourth, programs to strengthen adolescent agency and provide girls with alternative life pathways are essential for creating conditions in which early marriage is not perceived as the only viable option.

Several limitations of this study must be acknowledged. The quantitative analysis was limited to dispensation rulings from a single Religious Court in Martapura, which may not be representative of practices across all districts in South Kalimantan or other provinces in Indonesia. The qualitative re-analysis relied on existing studies that were not originally designed to address the specific research questions of this investigation, potentially limiting the depth and comparability of the findings. The inability to complete data extraction for the IFLS and BP2MI migration analysis, as well as the BPS and BNPB economic shock data, represents a significant gap, as these analyses would have provided valuable evidence on the structural economic drivers of early marriage and the effectiveness of policy interventions. The proposed logistic regression model for examining the relationship between parental migration and early marriage, and the difference-in-differences mediation analysis for evaluating PKH program effects, remain pending due to data inaccessibility, limiting the study's ability to draw

causal inferences about the mechanisms sustaining early marriage.

Future research should prioritize accessing the IFLS and BP2MI data to complete the proposed quantitative analyses, as understanding the relationship between parental migration and early marriage could provide important insights into the economic drivers of the phenomenon. There is a need for longitudinal studies that track adolescent girls over time to understand how agency and decision-making power evolve within household structures, and how exposure to different interventions affects marriage outcomes. Future research should also explore the role of religious leaders and institutions in either reinforcing or challenging early marriage norms, as the religious value norm identified in this study suggests that religious actors could be either barriers or facilitators of reform. Understudied areas include the experiences of boys and young men in early marriage, the long-term economic and health consequences for both spouses, and the effectiveness of community-based interventions that engage multiple stakeholders in shifting cultural norms. Comparative studies across different provinces in Indonesia with varying early marriage rates could also help identify contextual factors that either facilitate or impede reform, providing valuable lessons for policy design in South Kalimantan and beyond.

Conclusion

This study set out to understand why early marriage persists in South Kalimantan despite the 2019 legal reform that raised the minimum marriage age to 19. By integrating quantitative analysis of Religious Court dispensation rulings with qualitative re-analysis of existing studies, we have demonstrated that the phenomenon is sustained not by legal gaps alone but by a mutually reinforcing system of judicial accommodation and cultural legitimation. The near-universal approval of dispensation applications based on the *zina* avoidance rationale reveals that the court system has been co-opted into a legitimizing institution that routinely validates underage unions, effectively nullifying

the intended deterrent effect of the age requirement. The qualitative findings further illuminate how three core Banjar norms harmony, economic value, and religious duty create a social environment in which early marriage appears morally imperative and adolescent agency is structurally constrained. Our primary contribution is therefore to show that legal reform, while necessary, is fundamentally insufficient when confronted with institutional practices and cultural frameworks that actively sustain the very phenomenon the law seeks to eliminate.

The implications of these findings extend beyond South Kalimantan to other contexts where early marriage persists despite legal prohibition, suggesting that effective interventions must address the cultural and institutional mechanisms

that drive demand for underage unions rather than relying solely on age mandates. Future research should prioritize completing the proposed quantitative analyses of parental migration and economic shocks using IFLS and BP2MI data, as understanding these structural drivers could inform more targeted policy responses. There is also a pressing need for longitudinal studies that track adolescent girls' agency over time and for intervention research that evaluates community-based programs engaging religious leaders and families in shifting the norms that sustain early marriage. The path forward requires not merely legal enforcement but a fundamental reconfiguration of the institutional and cultural systems that continue to make early marriage a socially sanctioned and legally accommodated practice in South Kalimantan.

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