

Author:

¹Asep Saepullah, ²Abdul Aziz,
³Ipuk Widayanti, ⁴M. Zidny
Nafi' Hasbi, ⁵Adamu Abubakar
Muhammad

Affiliation:

^{1,2}Universitas Islam Negeri Siber
Syekh Nurjati Cirebon, Indonesia
³Universitas Tidar Magelang,
Indonesia
⁴INISNU Temanggung, Indonesia
⁵University of Kashere, Gombe
State, Nigeria

Corresponding author:

*seppullah@uinssc.ac.id

Doi: 10.32332/milrev.v4i2.10322

Dates:

Received 07 March, 2025

Revised 07 June, 2025

Accepted 21 November, 2025

Published 01 December, 2025

Copyright:

© 2025. Asep Saepullah et al.

This work is licensed
under [Attribution-ShareAlike 4.0
International](#)



Read Online:



Scan this QR code with your mobile
device or smart phone to read online

A Contemporary Socio-Legal Evaluation of Indonesia's Post-Reformation Child Marriage Policies

Abstract: This study examines the regulation of child marriage in post-reform Indonesia through a socio-legal approach that integrates the principles of *maqāṣid al-sharī'ah*. Although recent reforms have raised the minimum age for marriage, existing policies remain inadequate to address fundamental challenges such as gender inequality, educational disparities, and public health risks. Using a doctrinal legal method complemented by content analysis, this research analyses statutory texts, academic literature, and policy documents within a qualitative interpretive paradigm informed by social jurisprudence in its socio-religious context. The findings reveal that child marriage persists due to deeply rooted structural issues, including poverty and gender inequality, which are reinforced by socio-religious norms surrounding marriage, sexuality, and morality. Regulatory inconsistencies and divergences among institutional actors further exacerbate the problem, disproportionately affecting girls. The study argues that efforts to eliminate child marriage require policies aligned with a *maqāṣid al-sharī'ah* framework that addresses structural root causes and fosters a gender-just transformation of society. In terms of academic contribution, this research bridges Islamic legal theory with contemporary socio-legal challenges, demonstrating how *maqāṣid al-sharī'ah* can inform progressive policy reform. It contributes to the literature by providing a framework for integrating normative Islamic values with socio-legal interventions, highlighting the interplay between law, culture, and religion in shaping social outcomes. Methodologically, it advances the combination of doctrinal and content analysis within a qualitative interpretive approach, offering a model applicable to other socio-legal issues in Muslim-majority contexts. The study concludes with normative recommendations for reforming child marriage policies in accordance with Islamic legal principles, prioritising the protection, dignity, and rights of children and women while promoting gender equality and long-term societal well-being.

Keywords: Child Marriage, Legal Reform, Social Policy, Socio-Legal.

INTRODUCTION

Indonesia continues to experience a relatively high rate of child marriage, indicating that the issue is deeply rooted and cannot be addressed solely through legal reform. One of the state's significant efforts to reduce its prevalence has been the amendment of Marriage Law No. 1 of 1974 through Law No. 16 of 2019, which sets the minimum marriage age for both men and women at 19 years. Establishing this age limit is crucial, as marriage before 18 is internationally recognised as a violation of children's rights and is associated with significant physical and psychological risks—particularly for girls, who are often compelled to assume adult responsibilities before reaching biological and emotional maturity.¹

In reality, the decision to marry at a young age is rarely the result of independent agency. Prevailing constructions of sexual morality, cultural pressures, and unequal gender norms shape it. Empirical studies indicate that the most commonly perceived justification for early marriage is the avoidance of zina (premarital sex) and premarital pregnancy, both of which are considered sources of family shame in many Muslim communities. Child marriage is often viewed as the most acceptable means of safeguarding family honour. Beliefs surrounding "soulmates," fears of being labelled an old maid, and limited future opportunities for girls—particularly in rural areas—further reinforce the acceptance of early marriage proposals.²

From a socio-legal perspective, the practice of child marriage emerges from negotiations between state law and socially embedded religious values. Although the revised marriage law clearly sets a minimum age, dispensations are still frequently granted by religious courts, often on the basis that the groom is financially capable. Many parents actively apply for dispensations with the same argument of preventing zina, revealing a tension between protective legal norms and community moral frameworks centred on controlling female sexuality.³

¹ Lauren Rumble et al., "An Empirical Exploration of Female Child Marriage Determinants in Indonesia," *BMC Public Health* 18, no. 1 (2018): 407.

² Lauren Rumble et al., "An Empirical Exploration of Female Child Marriage Determinants in Indonesia," *BMC Public Health* 18, no. 1 (2018): 407.

³ Lauren Rumble et al., "An Empirical Exploration of Female Child Marriage Determinants in Indonesia," *BMC Public Health* 18, no. 1 (2018): 407.

Classical Islamic jurisprudence, which historically did not specify a minimum age for marriage, is frequently cited by community members to legitimise early marriage. In classical thought, age was not considered a determinant of marital validity, as marriage served broader purposes, such as preserving lineage (*ḥifẓ al-nasl*), upholding the sunnatullāh, and strengthening social and religious bonds. However, modern legal developments in Indonesia demonstrate a shift toward child protection and gender justice, reflected in the establishment of age limits and the regulation of dispensations. Contemporary interpretations of *maqāṣid al-sharīʿah*, including the protection of life, intellect, and lineage, provide a strong normative foundation for raising the marriage age within an Islamic legal framework.⁴ National and international reports—such as those by UNICEF—emphasise the urgency of the issue, noting that one in six Indonesian women marries before the age of 18. These patterns are closely linked to limited parental education, inadequate understanding of marriage regulations, persistent stigma toward unmarried women, and insufficient reproductive health education.

Child marriage forces girls (<18 years old) to perform adult roles before physical and psychological maturity. The transition from premature adulthood to young adulthood can affect their long-term health.⁵ Therefore, the decision to marry is the daughter's, but it is essential to understand the reasons behind it. The main reasons given by respondents (48%) were to avoid zina (premarital sex) and premarital pregnancy, which are strictly prohibited in Islam.⁶ The burden of preventing premarital sex and pregnancy is greater for girls than for boys. Premarital sex and pregnancy are taboo and a disgrace not only for the girl but also for her entire family.⁷

⁴ Erfaniah Zuhriah et al., “Dimensions of The Islamic Law and Human Rights in The Protection of Children from Convicted Parents,” *De Jure: Jurnal Hukum dan Syar’iah* 16, no. 2 (2024): 432–455.

⁵ Fraulein Intan Suri and Henry Iwansyah, “Analysis of Relationship between Religious Knowledge, Attitude, and Behaviour of Islamic Universities Female Students towards the Halalness of Cosmetic and Wear Products,” *Al’Adalah* 21, no. 2 (2024): 271–298.

⁶ Rachel Kidman et al., “Reducing Child Marriage in Sub-Saharan Africa: Evaluating the Joint Potential of Protective Marriage and Education Policies,” *Children and Youth Services Review* 164 (2024): 107877; Quentin Wodon et al., “Economic Impacts of Child Marriage: Global Synthesis Report” (2017).

⁷ B K Datta, A Tiwari, and L Glenn, “Association between Child Marriage and High Blood Glucose Level in Women: A Birth Cohort Analysis,” *Public Health in Practice* 8 (2024): 100556.

In this case, accepting marriage is a way out to avoid shame and save the family's honour. Another reason for marriage is the fear of losing a boyfriend who could be their soulmate (mate) and becoming an old maid⁸. The belief that everyone has a soulmate and that rejecting someone's soulmate can make it challenging to find one in the future underlies the daughter's decision to marry. The circumstances that led the daughter to marry are unfortunate. In addition, the limited options for girls for their future make marriage and having a family an attractive option, especially when a man proposes.⁹ Overall, the practice of child marriage is driven and sustained by ideas about sexual morality, good girls, and marriageability that place girls in problematic positions as objects of shame, blame, virtue, and family honour.¹⁰

In legal philosophy, marriage does not depend on a person's age. A boy can marry a young girl when he is a child. In this situation, the parents or legal guardians of the two brides and groom are married.¹¹ The absence of a marriage age limit in early Islamic law can be interpreted as the purpose of marriage is more than just satisfying biological urges, considering that this is attached to the purpose of bearing children¹², which is the primary purpose of marriage.¹³ According to al-Ghazali, the purpose of marriage is *sunnatullāh* and applies to all forms of life.¹⁴ Marriage then functions as a means of establishing and strengthening the bond of friendship among fellow Muslims¹⁵, as well as a medium for spreading Islamic teachings.¹⁶ This is because there are six paths to Islamization, and

⁸ Anthin Lathifah, Briliyan Ernawati, and Anwar Masduki, "Problems with the Islamic Legal System Regarding Child Marriages in Indonesia during the Covid-19 Pandemic Period," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (2022): 155–176.

⁹ Yenny Febrianty et al., "Answering the Challenges of Polygamy: Justice and Legal Protection in Islamic and Indonesian Law," *Jurnal Ilmiah Mizani* 12, no. 1 (2025): 15–32.

¹⁰ Wahbah Az-Zuhaili, *Fiqh Islam Wa Adillatuhu* (Jakarta: Gema Insani Press, 2011).

¹¹ Rohmadi, "Al-Istinbath," *Optimizing Prenuptial Agreements for Asset Protection: A Maqashid Sharia Based Approach* 9, no. 2 (2024): 411–434.

¹² Muhammad bin Jarir Al-Tabariyy, "Jami 'Al-Bayan Fi Ta'Wil Al-Qur'an," *Tahqiq: Ahmad Muhammad Shakir. Beirut: Mu'assasat al-Risalah* (2000).

¹³ Abu Ishaq Al-Syathibi, *Al-Muwafaqat* (Kairo: Dar al-Hadis, 2006).

¹⁴ Abu Hamid Al-Ghazali, *Ihya' Ulumiddin* (Lebanon: Dar Ibn Hazm, 2014).

¹⁵ John L. Esposito, *Islam The Straight Path* (Oxford: Oxford University, 1998).

¹⁶ Asfa Widiyanto, Siti Zumrotun, and Heru Saputra, "The Prevention Of Underage Marriage In Indonesia : State , Religious Authority , and Human Rights" 21, no. 2 (2024): 401–422.

marriage is one of them. Marriage, especially between merchants and nobles descended from the royal family, is the most efficient way to accelerate Islamization in Indonesia.¹⁷

This practice is rooted in the Prophet Muhammad's marital customs and is not mandated in the Qur'an. Moreover, it was not applied as a prerequisite in the Prophet's marriage to Aisha, who was six years old at the time, as reported in the *ṣaḥīḥ* narration of Imam al-Bukhari.¹⁸ For example, even if a restriction is found, it will apply only to the level of maturity required to enter into a contract. It will not affect the validity of the marriage itself. The validity of marriage in Indonesia is determined, among other things, by Law Number 1 of 1974 concerning marriage, which differs from the Fiqh regulations mentioned above. This Marriage Law was established due to the government's successful efforts in promoting marriage traditions in Indonesia that cater to the interests of most Muslim communities.¹⁹ The original sentence of Article 7, paragraph (1) states that men must be 19 years old and women must be 16 years old before they can get married.²⁰ With the issuance of the limited revision of the UUP on Monday, September 16, 2019, and subsequently the Constitutional Court Decision Number 22/PUU-XV/2017 dated April 5, 2019, the marriage age requirement was changed from 19 years old to 19 years old for both men and women.²¹

According to the Indonesian Marriage Law No. 1/1974, the legal age for marriage is 16 years for women and 19 years for men. In that context, a girl who marries at age 17

¹⁷ Latifa Annum Dalimunthe, "Kajian Proses Islamisasi Di Indonesia," *Jurnal Studi Agama dan Masyarakat* 12, no. 1 (2016).

¹⁸ Abu Abdullah Muhammad bin Ismail Al-Bukhari, *Shahih Bukhari* (Beirut, Lebanon: Dar Ibn Hazm, 2009).

According to the Indonesian Marriage Law No. 1/1974, the legal age for marriage is 16 years for women and 19 years for men. In that context, a girl who marries at the age of 17 or younger is legal in Indonesia. The law also states in article 6 paragraph 2, if married before the age of 21 one must obtain permission from both parents. From what we found in West Lombok, parents support child marriage on the grounds of avoiding zina and they apply for a marriage dispensation to the religious court. It is not difficult to obtain a marriage dispensation. The judges usually ask the groom about his capacity as a breadwinner and the dispensation will be granted if the groom has proof of income (Benedicta et al. 2017)

¹⁹ Ahmad Masfulul Fuad, "Ketentuan Batas Minimal Usia Kawin: Sejarah, Implikasi Penetapan Undang-Undang Perkawinan," *Jurnal Petita* 1, no. 1 (2016).

²⁰ (Law No. 1 of 1974)

²¹ (Constitutional Court, 2019; Law No. 16 of 2019)

or younger is legally permitted in Indonesia.²² The law also states in Article 6, paragraph 2, that if one is married before the age of 21, one must obtain permission from both parents. From what we found in West Lombok, parents support child marriage on the grounds of avoiding zina, and they apply for a marriage dispensation to the religious court. It is not difficult to obtain a marriage dispensation²³. The judges usually ask the groom about his capacity as a breadwinner, and the dispensation will be granted if the groom has proof of income.²⁴ In reality, the practice of child marriage negotiates the law as it occurs in dealing with various concerns, such as sexual morality according to Islamic norms, family economic pressures, and girls' marriageability.²⁵ Underlying these concerns are gender norms that are unfair to girls—struggles to end child marriage.²⁶ The advocacy for the elimination of child marriage has been carried out at the village, district, and national levels by various organisations and alliances throughout the country.²⁷

The study of child marriage practices not only concerns the legal aspect but also touches on the cultural realm.²⁸ The reasons vary, including the desire to improve oneself, reasonable pressure, or coercion due to being trapped by circumstances. From a legal perspective, child marriage is explained in the Convention on the Rights of the Child as a marriage between humans under the age of eighteen. According to its 2014 annual report, the United Nations Children's Fund (UNICEF) reported that 85 million children were

²² Sheila Fakhria et al., "Securing Muslim Children's Civil Rights: Debate on State Legal Policy towards The Issuance of Family Cards for Unregistered Marriage Couples," *El-Mashlahah* 14, no. 2 (2024): 303-322.

²³ Lathifah, Ernawati, and Masduki, "Problems with the Islamic Legal System Regarding Child Marriages in Indonesia during the Covid-19 Pandemic Period."

²⁴ Fathul Mu'in et al., "Childfree in Modern Muslim Communities of Lampung and West Java Provinces: A Maqāṣid Al-Sharī'ah Perspective," *El-Usrah* 7, no. 2 (2024): 860-877.

²⁵ Arifah Millati Agustina, "Between Culture and The Sacredness of Fiqh: The Role of Lebe in Child Marriage Practices in Brebes, Indonesia," *Journal of Islamic Law* 3, no. 2 (2022): 212-231.

²⁶ Dwi Aprilianto et al., "The Controversy of Child Marriage Culture in The Perspective of Maqāṣid Al-Usrah: A Case Study of The Authority of Lebe' in Brebes," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (2024): 199-218.

²⁷ Zuhriah et al., "Dimensions of The Islamic Law and Human Rights in The Protection of Children from Convicted Parents."

²⁸ Taufiqur Rohman et al., "Preventing Violations of Religious and Social Norms: Judicial Interpretation of 'Urgent Reasons' in Marriage Dispensation at the Wonosari Religious Court, Indonesia," *Journal of Islamic Law* 4, no. 2 (2023): 218-236.

married in Indonesia. One in six women is married before the age of 18.²⁹ These factors include deep-rooted beliefs, low parental education, and the strengthening of the tradition of child marriage.³⁰ Lack of education also leads to a lack of information about marriage regulations in Indonesia.³¹ The low percentage of people who understand the law, the widespread term 'old maid' attached to highly educated women, promiscuity of minors, and poor reproductive health education are also factors that are often found in the practice of child marriage.³² The novelty of this study lies in its in-depth analysis of the evaluation of post-reform child policies in terms of Islamic law and provisions.

Accordingly, the study of child marriage must integrate social, legal, and religious dimensions. The novelty of this research lies in its comprehensive socio-legal evaluation of Indonesia's post-reformation child marriage policies, contextualised with contemporary Islamic values. This approach enables a deeper understanding of how legal frameworks, social practices, and religious interpretations interact to sustain the practice of child marriage in Indonesia.

METHOD

This article employs a socio-legal research design that integrates the normative analysis of statutory regulations with an empirical, contextual examination of the social realities surrounding child marriage practices in post-reform Indonesia. From the outset, the socio-legal approach is emphasised as a methodological bridge that connects legal norms, policy implementation, and their lived consequences for women and children.³³ This study employs a qualitative research design³⁴, based on document analysis, to critically

²⁹ Daud Risma et al., "The Controversy on the Minimum Age for Marriage in Indonesia: Factors and Implications," *Journal of Sustainable Development and Regulatory Issues (JSDERI)* 2, no. 1 (2024): 53-66.

³⁰ Rohmadi, "Al-Istinbath."

³¹ Febrianty et al., "Answering the Challenges of Polygamy: Justice and Legal Protection in Islamic and Indonesian Law."

³² Fakhria et al., "Securing Muslim Children's Civil Rights: Debate on State Legal Policy towards The Issuance of Family Cards for Unregistered Marriage Couples."

³³ Creswell, J. W. (2010). *Research Design Pendekatan Kualitatif, Kuantitatif, dan Mixed* (Ed. Ke 3). Pustaka Pelajar

³⁴ Matthew B Miles dan A. Michael Huberman, *Analisis data kualitatif: buku sumber tentang metode-metode baru* (Jakarta: Universitas Indonesia Press, 2014).

examine the *maqāṣid al-sharī'ah* framework. A qualitative approach is adopted based on the philosophical assumption that the humanitarian, gendered, and socio-religious dimensions of child marriage cannot be sufficiently captured through numerical data alone. This approach aligns with the study's aim to provide an in-depth understanding of the issue through the interpretive lens of *maqāṣid al-sharī'ah*, enabling a richer exploration of how Islamic legal reasoning interacts with contemporary social conditions.³⁵

This study employs document analysis as its primary method, undertaken through systematic stages that include: (1) selecting relevant documents—such as Law Number 1 of 1974 on Marriage, its amendment Law Number 16 of 2019, Supreme Court Regulation Number 5 of 2019 on marriage dispensation, derivative regulations, and regional policies; (2) categorising data based on thematic clusters including legal norms, policy mechanisms, and social impacts; and (3) applying interpretive and thematic analytical techniques to connect legal texts, religious sources, and policy documents with contemporary scientific evidence.³⁶ Additional documents analysed include child marriage socialisation materials, legal service manuals from BKKBN and the Ministry of Law and Human Rights, Religious Court decisions on marriage dispensation, and academic literature addressing the dynamics of child marriage. Through the constructivist paradigm, these data are examined using philosophical and sociological perspectives to construct a comprehensive understanding of how regulation, practice, and impact are interrelated.³⁷ This coherent methodological structure strengthens the credibility of the socio-legal analysis by enabling the study to map the central problems—such as justice, women's rights, and children's rights—within Indonesia's post-reform child marriage policies. The final objective is to present an in-

³⁵ Denzin, N. K. and, & Lincoln, Y. S. (1994). *HandBook of Qualitative Research*. Sage Publications.

³⁶ Theresia Anita Christiani, "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object," *Procedia - Social and Behavioral Sciences* 219, 3rd Global Conference on Business and Social Sciences (GCBSS-2016) on "Contemporary Issues in Management and Social Sciences Research", Kuala Lumpur, Malaysia (May 31, 2016): 201-207, accessed January 15, 2025, <https://www.sciencedirect.com/science/article/pii/S1877042816300660>.

³⁷ Andria Naude Fourie, "Expounding the Place of Legal Doctrinal Methods in Legal-Interdisciplinary Research. Experiences with Studying the Practice of Independent Accountability Mechanisms at Multilateral Development Banks," *Erasmus Law Review* 8 (2015): 95, <https://heinonline.org/HOL/Page?handle=hein.journals/erasmus8&id=99&div=&collection=>.

depth, objective, and contextually grounded evaluation of the contemporary regulation of marriage age within the framework of Islamic law in Indonesia.

RESULTS AND DISCUSSION

Indonesia's Post-Reformation Child Marriage Policy: Regulations Concerning Minimum Age Limits for Marriage

Law Number 1 of 1974, concerning marriage, was first enacted on January 2, 1974, and has been in effect for approximately 45 years. This law contains provisions on the minimum age limit for marriage. Article 7, paragraph (1) specifically states that marriage is only permitted if the male party is 19 years old and the female party is 16 years old. If neither party reaches the minimum age limit set out in paragraph (2), the parents of the parties concerned are authorised to submit a request for dispensation to the court.³⁸ However, it should be noted that the age of 16 as stipulated in Law Number 1 of 1974 still classifies someone as a child.³⁹ This definition is in line with Article 1, paragraph 1 of Law Number 23 of 2002 concerning Child Protection, which defines a child as someone under the age of 18, including those who are still in the womb.⁴⁰

This confluence of legal frameworks implies that the age at which marriage is permitted overlaps with the definition of a child under child protection laws.⁴¹ As a result, such relationships have the potential to produce more negative outcomes than positive outcomes, given the vulnerability of individuals under the age of 18 recognised in the context of child protection laws. Law Number 16 of 2019, which amends Law Number 1 of 1974 concerning Marriage, is a consequential response to the Constitutional Court of the Republic of Indonesia's decision numbered 22/PUU-XV/2017. This decision prompted the revision of Article 7 of Law Number 1 of 1974, which explicitly targets

³⁸ Aprilianto et al., "The Controversy of Child Marriage Culture in The Perspective of Maqāṣid Al-Urah: A Case Study of The Authority of Lebe' in Brebes."

³⁹ Mu'in et al., "Childfree in Modern Muslim Communities of Lampung and West Java Provinces: A Maqāṣid Al-Sharī'ah Perspective."

⁴⁰ Aprilianto et al., "The Controversy of Child Marriage Culture in The Perspective of Maqāṣid Al-Urah: A Case Study of The Authority of Lebe' in Brebes."

⁴¹ Agustina, "Between Culture and The Sacredness of Fiqh: The Role of Lebe in Child Marriage Practices in Brebes, Indonesia."

provisions related to marriage.⁴² One significant change is the increase in the minimum age of marriage for women from 16 to 19 years, which aligns with the existing minimum age of 19 for men. The impetus behind this change was a desire to limit child marriage, thus giving children the opportunity to grow and develop naturally while ensuring that their fundamental rights, including education, social welfare, health, and protection against violence and discrimination, are fulfilled.⁴³

Most importantly, beyond adjusting the age provisions in Article 7 paragraph (1) to mandate a minimum age of 19 years for both sexes, Law Number 16 of 2019 still provides an option for parties who have not reached the stipulated age to apply for a marriage dispensation.⁴⁴ As stated in paragraph (2), this provision reflects the government's commitment to reducing child marriage by maintaining a case-by-case evaluation mechanism through a request for a court dispensation. This dual approach, which includes raising the age and the provision for a request for a dispensation, underscores the government's proactive stance in aligning the legal framework to reduce cases of child marriage in Indonesia. Supreme Court Regulation Number 5 of 2019 is a legal directive issued by the Supreme Court to systematically regulate the process of handling marriage dispensation applications within the judicial environment.⁴⁵

This regulatory framework addresses the lack of explicit and detailed regulations governing the handling of marriage dispensation applications, which were previously unregulated.⁴⁶ Supreme Court Regulation Number 5 of 2019 is closely related to Law Number 16 of 2019, especially related to Article 7 paragraph (2), which stipulates that if both parties do not meet the criteria outlined in Article 7 paragraph (1), then the parents of the parties concerned can submit a marriage dispensation application through the

⁴² Rismana et al., "The Controversy on the Minimum Age for Marriage in Indonesia: Factors and Implications."

⁴³ Fadli Daud Abdullah et al., "Doi: 1 0.32332/Milrev.V3i2.9202" 3, no. 2 (2024): 141-173.

⁴⁴ Rohman et al., "Preventing Violations of Religious and Social Norms: Judicial Interpretation of 'Urgent Reasons' in Marriage Dispensation at the Wonosari Religious Court, Indonesia."

⁴⁵ Rohmadi, "Al-Istinbath."

⁴⁶ Mohammed Houmine and Khadija Loudghiri, "Exploring Child Rights and the Concept of Childhood in Islam: A Contemporary Descriptive Analysis," *Khazanah Hukum* 5, no. 2 (2023): 130-147.

courts.⁴⁷ Furthermore, the procedural aspects of marriage dispensation in court are outlined in Supreme Court Regulation Number 5 of 2019⁴⁸, which explicitly discusses the Guidelines for Adjudicating Marriage Dispensation Applications. Issued by the Supreme Court within one month of the enactment of Law Number 16 of 2019, this regulation serves as a standardising instrument for the judicial process. It should be noted that although Law Number 16 of 2019 serves as the legislative basis for determining the minimum age for marriage, Supreme Court Regulation Number 5 of 2019 does not explicitly outline the criteria or reasons for the court to accept or reject a request for dispensation. As a result, requests for dispensation submitted to the court tend to be granted, provided that compliance with the established process and conditions outlined in the regulatory guidelines is demonstrated.⁴⁹

In Indonesia, Law Number 1 of 1974 concerning Marriage defines marriage as a physical and spiritual bond between a man and a woman, constituting a husband and wife, to form a happy, eternal family based on the One Almighty God. A marriage is considered valid if it is carried out in accordance with the relevant religious law and recorded in accordance with the applicable regulations.⁵⁰ The law sets the minimum age for marriage at 19 years to protect the couple's physical and mental readiness and requires the consent of both parties, without coercion. The rights and obligations of husband and wife are regulated to maintain household harmony.⁵¹ Divorce can only be granted in court based on a valid law. Additionally, this law governs the division of property in marriage, as well as the custody and protection of children. Thus, Law Number 1 of 1974 provides legal certainty and a sense of security for married couples and families in Indonesia. The minimum age for marriage is determined based on the principle of *maqāṣid al-sharī'ah*

⁴⁷ Fuqoha et al., "Constitutional Rights of Citizen Journalism in Indonesia: From Maqashid Sharia Perspective," *De Jure: Jurnal Hukum dan Syar'iah* 16, no. 1 (2024): 161-178.

⁴⁸ Aziz, Abdul, Paris Manalu, Wahyu Oktaviandi, and Didi Apriadi. "SDG's and Maqasid Shariah Principles: Synergies for Global Prosperity." *Journal of Lifestyle and SDGs Review* 4, no. 2 (2024): e01873-e01873.

⁴⁹ UU No. 1, "Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan"; UU No. 16, "Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan."

⁵⁰ Abdullah et al., "Doi: 10.32332/Milrev.V3i2.9202."

⁵¹ Rohmadi, "Al-Istinbath."

namely *hifz al-nafs* and *hifz al-nasl*, which emphasises the importance of maintaining physical and reproductive health, as well^{as} ensuring the welfare and continuity of offspring. In the context of marriage, *maqāṣid* aims to ensure that marriage is carried out with sufficient physical, mental, and spiritual readiness to build a family that is *sakinah*, *mawaddah*, and *rahmah*.⁵²

The theory of *tasharuf al-imam*, which establishes rules in the public interest, also serves as the basis for this policy.⁵³ Gender equality in the context of marriage age is essential to demand efforts to end child marriage as a form of discrimination against women. Equality in determining the age of marriage for men and women not only guarantees equal rights but also reduces the health risks and social injustice faced by women in early marriage.⁵⁴ This theory supports the argument that state policies that raise the age of marriage can enhance women's quality of life and promote equality in social roles. Increasing the age of marriage aims to reduce child marriage and its adverse impacts on education and health. By limiting early marriage, the state can help to create healthy, educated, and highly competitive human resources.⁵⁵ In the context of international law, the Convention on the Rights of the Child emphasises the protection of children from practices that are detrimental to them, including child marriage. This aligns with broader efforts to safeguard children's rights as stipulated in Indonesia's Child Protection Law. Early marriage is considered a violation of children's rights to complete education, health, and self-development.

Impact of the Controversy on the Minimum Age for Marriage Regulation in Indonesia

The controversy surrounding the minimum age for marriage regulation in Indonesia has far-reaching implications, most notably seen in the increasing number of

⁵² Aprilianto et al., "The Controversy of Child Marriage Culture in The Perspective of Maqāṣid Al-Ushrah: A Case Study of The Authority of Lebe' in Brebes."

⁵³ Edy Setyawan et al., "Legal Age for Marriage: SDGs and Maslahah Perspectives in Legal Policy Change in Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023): 183-197.

⁵⁴ Yayan Sopyan, "Access To Justice of Citizenship Rights for Stateless Indonesian Migrant Workers' Children In Sarawak, Malaysia," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 16, no. 2 (2021): 476-502.

⁵⁵ Agustin Hanapi and Edi Yuhermansyah, "Urgency of Marriage Registration for Women and Child Protection in Gayo Lues District," *Samarah* 4, no. 2 (2020): 528-544.

marriage dispensations, the growing incidence of child marriage, and the soaring rate of premarital pregnancies.⁵⁶ The increasing number of marriage dispensations is an inevitable consequence of the amendment introduced in Article 7, paragraph (1) of Law Number 16 of 2019. This legal provision requires that individuals wishing to marry must be at least 19 years old, indicating that the parties involved are considered adults. In essence, the substantial increase in the minimum age for marriage, from 16 to 19 years, was designed to curb the prevalence of early marriage.⁵⁷

While the intention behind this regulatory adjustment was to reduce the incidence of early marriage, the impact on marriage dispensations suggests a potential shift in societal behaviour. The broader implications of this controversy extend beyond dispensations to include an unintended increase in child marriage and premarital pregnancies, highlighting the complex and multifaceted nature of the challenges associated with the minimum age for marriage regulation in Indonesia.⁵⁸ The existence of rules governing the minimum age limit for marriage in Indonesia has indirectly led to an increase in early marriages among children because there is a path to apply for a marriage dispensation. As a result, it can be concluded that the controversy over the regulation surrounding the minimum age limit for marriage has inadvertently led to a spike in child marriages, which is an unintended consequence of the legal amendments introduced in 2019.⁵⁹

The first implication of the controversy over the minimum age limit for marriage in Indonesia is a significant increase in the number of marriage dispensation cases. While Article 7, paragraph (1) of Law No. 16 of 2019 sets out the noble ideals regarding the minimum age for marriage, the loophole in paragraph (2) allows parties who do not meet

⁵⁶ Zainuddin and Zaki Ulya, "Recording Siri's Marriages In Obtaining Legal Certainty (Reflections on the Rise of Siri Marriages in Aceh)," *Syariah: Jurnal Hukum dan Pemikiran* 21, no. 1 (2021): 1-16.

⁵⁷ Dhorifah Hafidhotul Hikmah and Triyono Agung Basuki Prasetyo, "Pengaruh Batas Usia Kawin Dalam Undang-Undang Nomor 1 Tahun 1974 Terhadap Jumlah Perkawinan Dibawah Umur Di Kabupaten Rembang Provinsi Jawa Tengah," *Diponegoro Law Journal* 6, no. 2 (2017): 1-18.

⁵⁸ Baihaqi et al., "Legal Non-Compliance and Kiai Hegemony: The Practice of Unregistered Marriages among the Madurese Muslim Community of Kubu Raya," *Journal of Islamic Law* 5, no. 2 (2024): 242-268.

⁵⁹ (Law No. 1 of 1974)

the age requirements to marry. This paragraph allows parents, under certain conditions and with supporting evidence, to request a court dispensation for very urgent reasons.⁶⁰ The judge has the discretion to grant or deny the request. Furthermore, the Chief Justice of the Republic of Indonesia issued Regulation Number 5 of 2019, which provides a legal basis for parties who apply for marriage dispensation if they do not meet the age criteria.

As a result of this provision, data recorded at the Religious Courts (Badilag) shows a significant spike in cases of dispensation for child marriage. In 2020 alone, there were 64,200 dispensation cases, an increase of approximately 3 times, or 177.7%, compared to the 23,100 recorded in 2019. This spike illustrates the actual impact of the controversy surrounding the regulation on the surge in applications for marriage dispensation in Indonesia.⁶¹ The second implication is the increase in the level of child marriage. Provisions in Article 7, Paragraph (2) of Law No. 16 of 2019, which allow parties to apply for marriage dispensation, function as a gap for individuals who aspire to get married but fail to meet the age requirement. This unwanted consequence has caused challenges for law enforcement authorities, including judges and lawyers. The availability of roads to obtain a court marriage dispensation indirectly facilitates the marriage of individuals who are not old enough. Provide a marriage dispensation, which allows young parties to continue their marriage, even if they are at an early age or considered children.⁶² The third implication is the occurrence of pregnancy before marriage. Marriage, which is regarded as an external action between two individuals who wish to form a bond based on love and affection, requires compliance with specific provisions, including the minimum age limit for marriage. The state determines the minimum age requirement of 19 years to prevent child marriage and minimise the negative impacts that may be related to marriage. However, this age restriction has accidentally caused phenomena where underage

⁶⁰ Mahkamah Konstitusi, "Putusan Mahkamah Konstitusi Nomor 22/PUU-XV/2017."

⁶¹ Mahkamah Konstitusi, "Putusan Mahkamah Konstitusi Nomor 30-74/PUU-XII/2014," 2015; UU No. 35, "Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak," 2014; Ahmad Masfuful Fuad, "Menelaah Kembali Ketentuan Usia Minimal Kawin Di Indonesia Melalui Perspektif Hermeneutika," *Al-Maslahah: Jurnal Ilmu Syari'ah* 11, no. 2 (2015).

⁶² Anwar Hafidzi et al., "Sirri Marriage Celebration and Its Impact on Social Change in Banjarese Community, South Kalimantan," *Al-Ahkam* 32, no. 2 (2022): 153-168.

individuals, who want to get married, choose to get pregnant before meeting the minimum age requirements. The minimum age of 19 years implies that the two parties intending to get married and build a *sakinah* household, *Mawaddah*, and *Wa Rohmah* must meet this age criterion. State regulations aim to reduce the prevalence of child marriage by recognising the potential for dire consequences that are greater than the positive aspects.⁶³

To prevent the negative impacts of early marriage in Indonesia, such as child retardation, divorce, and miscarriage, and to ensure that couples who are going to get married are mentally and emotionally ready to build a happy and lasting marriage, the state has set a minimum age limit for marriage. Articles 6 (2), 7(1), and 15 (2) of the Marriage Law and the Compilation of Islamic Law (KHI) detail the minimum and maximum ages at which a man can marry. Men must be at least 19 years old, and women must be at least 16 years old to be legally married, as stated in both laws and regulations.⁶⁴ Men and women can lawfully marry at these ages, but they still need parental consent before they can take legal action (the age of majority is 21 years). The provisions of adulthood in the Civil Code state that a person is considered an adult when they are 21 years old or married, regardless of whether they are under 21 years old or the marriage ends in divorce. This definition follows the provisions of the adult age limit in Article 6, paragraph (2) of the UUP and Article 15, paragraph (2) of the KHI. Couples in Indonesia who are not old enough to marry, namely 19 years for men and 16 years for women, can still marry through a religious court dispensation, under the marriage law in this country. Therefore, the three levels of marriage age are regulated by rules and regulations. As referred to in Article 6, paragraph (2), the first level is 21 years.

To marry at this level, parental permission is not required. Article 7 regulates the second level. At this level, marriage is permitted with men at the age of 19 and with women at the age of 16, on the condition that there must be parental permission. Conversely,

⁶³ Edi Gunawan, "Nikah Siri Dan Akibat Hukumnya Menurut Uu Perkawinan," *Jurnal Ilmiah Al-Syir'ah* 11, no. 1 (2013).

⁶⁴ Fahadil Amin Al Hasan and Deni Kamaluddin Yusup, "Dispensasi Kawin Dalam Sistem Hukum Indonesia: Menjamin Kepentingan Terbaik Anak Melalui Putusan Hakim," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 14, no. 1 (2021): 86.

marriage between men and women who are not yet 16 years old is permitted at the third level. The Religious Court is required to grant permission to marry at this level.⁶⁵ The criteria for the age of marriage mentioned above have remained unchanged for the past 40 years, meaning that since 1974, they have never been revised. With the Constitutional Court's denial of the material test of Article 7, paragraph (1), of the 1945 Constitution in Decision Number 30-74/PUU-XII/2014, dated June 18, 2015, this congestion has worsened. As part of the material test, one of the applications submitted concerned the formulation of Article 7, paragraph (1), which increases the age of marriage for women from 16 to 18 years to align with the adult age limit specified in the Child Protection Law.

The Constitutional Court rejected the regulation's material test, among other things, because it falls within the category of constitutional open legal policy and cannot be tested materially. Only through the legislative process can the provisions of this law be changed. Since Indonesian culture has undergone social and cultural development since the 1970s, this rejection is viewed as a positive step towards modernising the age requirements for marriage. The application for a material review of the same article, which was its object, was granted by the Constitutional Court on April 5, 2018, through Decision Number 22/PUU/XV/2017, despite having been previously rejected. Unlike the previous material review, this material review seeks to equalise the age requirements for marriage between men and women.⁶⁶

Response to the Marriage Age Limit Policy in Indonesia Based on Socio-Legal Perspective

Islamic law has become part of Indonesian law. This is evidenced by the enactment of Law Number 1 of 1974 concerning Marriage. For Muslims, the marriage law cannot be separated from fiqh, which is the primary source of material in its preparation. Compliance

⁶⁵ Mughniatul Ilma, "Regulasi Dispensasi Dalam Penguatan Aturan Batas Usia Kawin Bagi Anak Pasca Lahirnya UU No. 16 Tahun 2019," *AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam* 2, no. 2 (2020): 133-166.

⁶⁶ Jewel Gausman et al., "Prevalence of Girl and Boy Child Marriage across States and Union Territories in India, 1993-2021: A Repeated Cross-Sectional Study," *The Lancet Global Health* 12, no. 2 (2024): e271-e281, [http://dx.doi.org/10.1016/S2214-109X\(23\)00470-9](http://dx.doi.org/10.1016/S2214-109X(23)00470-9).

with this fiqh is evident in the definition of marriage. Article 2, paragraph (1), of the Marriage Law defines marriage as valid if it is carried out in accordance with the rules of each religion.⁶⁷ Thus, Muslims will refer to the legal products compiled by fiqh scholars as the legal basis for marriage in the Islamic world. The debate on child marriage cannot be separated from the discussion of fiqh and legislation in Indonesia. The age of marriage in the context of fiqh varies greatly, and the debate begins with the provisions on the age limit for marriage. Al-Marāghī, for example, explains the meaning of Ibn Rusyd by examining the skill of managing assets.⁶⁸ For readiness to marry, biological signs are sufficient to be a requirement for *bulūgh-al-nikāḥ*. It does not stop there; a person must be an adult because children who are still minors cannot be burdened by the law (*taklīf*). Therefore, people who have had night blood or are menstruating have borne the legal consequences of implementing Islamic law.⁶⁹

Meanwhile, as evidence to control the practice of child marriage, the purpose of marriage is explained in Surah Ar-Rūm verse 21.15. Based on this verse, marriage has a primary objective, namely, to maintain peace, love, and affection. With this affirmation, the purpose of marriage will not be achieved if the bride and groom are still children. This verse contradicts the evidence of the hadith (as the second basis), which states that Aisha married the Prophet at the age of six and only had sex when she was nine years old.⁷⁰ The first hadith regarding the explanation of the age of marriage was narrated by Al-Bukhari, who stated that Aisha married the Prophet when she was six years old, and then lived together when she was nine years old. The second hadith narrated by Imam Muslim indicates that the marriage between Aisha and the Prophet took place when she was seven years old. They lived together when Aisha was nine years old. In another hadith narrated, it is stated that when the Prophet proposed to Aisha, he considered Aisha's readiness, and

⁶⁷ Muhammad Nawawi Al-Jawi, *Nihayat Al-Zayn* (Beirut: Dar al-Fikr, n.d.).

⁶⁸ Iyadh Al-Sulami, "Ushūl Al-Fiqh Al-Ladī Lā Yasa'al-Faqīh Jahlahu," *Riyad: Dār al-Tadmiyyah* (2005).

⁶⁹ Abu Bakr Al-Sarakhsi, *Ushul Al-Syarakhsi* (Beirut: Darul Kutub al-Ilmiyah, 1993).

⁷⁰ Manshur Al-Marwazi, *Qawathi Al-Adillah Fi Al-Ushul* (Beirut: Darul Kutub al-Ilmiyah, 1999).

Aisha was considered capable of continuing Khadijah's struggle to accompany the Prophet in reviving Islamic values.⁷¹

In addition, Aisha has also become a source of reference for opinions on religious issues, so that she is no longer considered a child. The discussion about the age limit for marriage in Islamic law does not stop there. Many contemporary scholars reject the hadith that states Aisha married the Prophet at the age of nine.⁷² The third argument regarding child marriage is based on Islamic jurisprudence and the fatwas of scholars. The Islamic jurisprudence argument is the result of scholars' thoughts, based on their interpretation of the Qur'an and hadith through specific methods, one of which is *ijma'*. In historical records, there has been an agreement on the permissibility of the practice of child marriage.

Meanwhile, Article 45 of the Criminal Code concerning the Criminal Prosecution of Children states that the minimum age limit for a person to be considered an adult is 16 years. Law No. 16 of 2019, as an amendment to Article 7 paragraph (1) of the Marriage Law, states that marriage is only permitted for men and women who are at least 19 years old. Article 330, paragraph (1) of the Civil Code expressly states that the minimum age limit for adulthood is 21 years. In accordance with the Marriage Law and the Compilation of Islamic Law (KHI), the minimum age for marriage is 19 years.⁷³

To determine what is permissible and prohibited according to the Shari'a law, there must be reasonable standards to ensure that the relevant knowledge has been accurately acquired. At the same time, reaching legal adulthood requires physical fitness to perform religious duties. Therefore, a person is considered *mukallaf* (legally responsible) if they have reached intellectual maturity and physical development. According to Wahbah al-Zuhayli, there is a strong correlation between mental and physical development. Unlike the nature of the law of cause (*illat*), which is concrete (form) and certain (worldly), he said that the growth of reason is abstract and relative. Therefore, certain limitations are needed to ensure

⁷¹ Abu Dawud al Sijistani, *Sunan Abu Dawud* (Beirut: Darul Kutub al-Arabi, 1999).

⁷² Wahbah Az-Zuhaili, *Fiqh Islam Wa Adillatuhu*, Abdul Hayyie Al-Kattani, Jilid 5. (Jakarta: Gema Insani, 2012).

⁷³ Syihabuddin Al-Qarafi, *Anwarul Buruq Fi Anwa'il Furuq* (Beirut: Dar al-Fikr, 2006).

the actualisation of this mindset. These limitations are then known as *bulugh*. *Bulugh* can be detected primarily by two factors: age and the presence of specific physical symptoms. This can be indicated by changes in body functions, such as menstruation and sperm production. The Hanafi school is the only school that distinguishes between them. According to this school, men are considered adults at 18, while women are considered adults at 17.

Since women mature and gain power faster than men, Ibn Abbas⁷⁴ argued that this explains why men and women are measured differently in terms of age. Considering the differences of opinion above, the author concludes that determining the minimum age at which someone is legally mature is a matter of *ijtihad*, ultimately the responsibility of state policymakers. The rules of *fiqh* state that government decisions regarding *ijtihadiah* are intended to end disputes.⁷⁵ Therefore, this is in line with these rules. According to the author, equality before the law or *al-musāwāh* (equality) in Islamic law is the most crucial factor in determining the age of marriage.⁷⁶ Islamic marriage law uses the term *asyuddah* to indicate a person's level of maturity, while in Surah al-Nisa, verse 6, the word used is mentioned, which means psychological maturity. *Rumsyd* means being able to manage assets effectively and practice one's religion with discipline. The purpose of marriage is to overcome various problems that arise in the family,⁷⁷ find a way out of difficulties, plan and spend money wisely, and maintain harmonious relationships with partners, descendants, extended family, and society.⁷⁸

Following the issuance of Constitutional Court Decision Number 22/PUU-XV/2017, it is evident that the equality of marriage age between men and women, as

⁷⁴ Muhammad Al-Shan'ani, *Subul AlSalam* (Mesir: Shirkah Maktabah Wa Mathba'ah al-Bani al-Halabi, 1960).

⁷⁵ Abd. Holik, "Usia Dewasa Perkawinan Dalam Hukum Positif Di Indonesia Perspektif Maqashid Al-Shari'ah" (UIN Sunan Ampel Surabaya, 2018).

⁷⁶ Ali Addaruquthni, *Sunan Addaruquthni* (Beirut: Dar al- Ma'rifah, 1966).

⁷⁷ Holilur Rohman, "Batas Usia Ideal Pernikahan," *Journal of Islamic Studies and Humanities* 1, no. 1 (2016).

⁷⁸ Al-Syathibi, *Al-Muwafaqat Fi Ushul Al-Syari'ah*, 2005; Hammadi Al-Ubaydi, *Al-Syathibi Wa Maqashid Al-Syariah* (Beirut: Dar al-Qutaybah, 1992).

mandated in Law Number 1 of 1974 concerning Marriage, is positively correlated with the realisation of welfare.⁷⁹ As the primary requirement for fulfilling the maqāṣid of marriage, it ensures that both sexes are sufficiently mature physically and mentally by setting the age limit for marriage at 19 years, as the roles of husband and wife are equally crucial in household life.⁸⁰ According to the teachings of the Prophet, women are companions to their husbands (*shaqaiq al-rijal*).⁸¹ The purpose of marriage, as stated in Article 1 of Law Number 1 of 1974 concerning Marriage, is so that the bride and groom, as equal partners, support each other and have the same level of maturity in living a happy and lasting married life.⁸²

Meeting Point: What are the Challenges and Solutions to Child Marriage in Indonesia?

Table 1. Meeting Point: Challenges & Solutions to Child Marriage in Indonesia

No.	Challenge (Problem)	Brief explanation (evidence in documents)	Proposed solutions (practical actions)
1	Poverty/family economic pressure	Child marriage is often triggered by the family's economic situation, whereby marriage is perceived as a 'way out' (of financial hardship and burden).	Family economic empowerment programs (conditional cash transfers, vocational training for parents and adolescents), and incentives for children to stay in school. Integrate assistance with programs to prevent early marriage.
2	Low access to and quality of education (including reproductive education)	Limited access to education, dropping out of school after marriage, and a lack of reproductive health education encourage marriage to avoid the "shame" of adultery/pregnancy.	Strengthen access to secondary education, student retention programs, and locally-based sexual and reproductive health education curricula; scholarships for at-risk youth.
3	Cultural norms & pressure to maintain	Social/religious practices: Marriage is seen as a way	Campaign to change norms through the involvement of

⁷⁹ Holik, "Usia Dewasa Perkawinan Dalam Hukum Positif Di Indonesia Perspektif Maqashid Al-Shari'ah."

⁸⁰ Muhammad al-Thahir ibn Asyur, *Al-Tahrir Wa Al-Tanwir* (Tunis: Al-Dar al-Tunisiyah, 1984).

⁸¹ Al-Shabuni, *Rawai Al-Bayan*.

⁸² Jasser Auda, *Maqashid Al-Shari'ah* (London: The International Institute of Islamic Thought, 2008).

	honour (stigma of adultery, fear of being an "old maid")	to avoid disgrace (adultery, premarital pregnancy) and preserve family honour.	religious and traditional leaders; community dialogue; highlighting alternative narratives about women's futures (education, careers).
4	Legal loophole – lax marriage dispensation mechanism	Even though the minimum age has been raised, the existence of a dispensation clause/Perma makes it easier for child marriage applications to be granted, resulting in a surge in dispensations (data from 2019-2020).	Revision/tightening of dispensation rules: stricter application criteria, standards of evidence, involvement of child protection services, audit of judicial decisions; harmonisation of national and regional regulations.
5	Weak law enforcement and institutional structures	Weak legal structures and low enforcement capacity reduce the effectiveness of the minimum age of marriage.	Strengthen the capacity of religious/district courts (judge education), monitor Badilag, an integrated reporting system, and impose sanctions for those who organise child marriages if coercion/exploitation is proven.
6	Lack of outreach programs and budget for public education	Existing outreach programs are not comprehensive or evidence-based, and budgets are low.	Allocate an integrated (multi-sector) budget for national/regional campaigns; design evidence-based programs; conduct periodic evaluations; foster collaboration between the National Population and Family Planning Agency (BKKBN), the Education Office, and the Ministry of Religious Affairs.
7	The practice of unregistered marriages/secret marriages that are difficult to monitor	Unregistered marriages circumvent the registration system, leaving children "married" without state protection.	Strengthen civil registration by providing easy and free registration services; advocate to religious leaders to encourage registration; and impose administrative sanctions on parties who

			facilitate unregistered marriages.
8	Health impacts (teenage pregnancy, LBW, stunting)	Child marriage contributes to early pregnancy risk of LBW, stunting, maternal and child health problems.	Adolescent and maternal health services, youth-friendly access to contraception, nutrition programs for young pregnant women, and referrals to psychosocial services.
9	Gender inequality & limited roles for women	Gender norms place women as objects of honour, limiting their choices (education, work).	Integrate gender equality programs: education on children's and women's rights, empowerment programs for young women (leadership, financial literacy).
10	The disharmony between classical religious/fiqh values and modern positive law	Differences in fiqh interpretation and customary practices lead communities to consider child marriage religiously valid even though it contradicts the goal of child protection.	Dialogue between scholars and policymakers to formulate contextual fiqh that prioritises <i>maqāṣid al-sharī'ah</i> (the protection of life and offspring), including pro-child protection fatwas, and to involve Islamic organisations in advocacy efforts.

Data source: Author-created, 2025

Child marriage remains a major challenge in Indonesia, despite efforts to reduce it. The main factors driving the high rate of child marriage include weak economic conditions, low access to and quality of education, and cultural norms that are still permissive of this practice.⁸³ The negative impacts of early marriage are enormous, especially for young women who often experience pregnancy at a very young age, increasing the risk of health complications for both mother and child. Women who marry before the age of 18 are more susceptible to risks such as Low Birth Weight (LBW) in babies and stunting, which can hurt the child's overall development. In addition, child marriage also contributes to the low

⁸³ Heribertus Rinto Wibowo et al., "One Household, Two Worlds: Differences of Perception towards Child Marriage among Adolescent Children and Adults in Indonesia," *The Lancet Regional Health - Western Pacific* 8 (2021): 100103, <https://doi.org/10.1016/j.lanwpc.2021.100103>.

level of education for women, as many drop out of school after marriage, limiting their opportunities to participate more in education and the world of work.⁸⁴

The problems of the Islamic legal system related to child marriage result in the ineffectiveness of the applicable legal system, both at the level of legal substance, legal structure, and legal culture. In terms of legal substance, this ineffectiveness is evident in Law Number 16 of 2019 concerning marriage, where paragraph 1, concerning the minimum age limit for marriage for men and women, contradicts paragraph 2, which concerns marriage dispensation for minors based on emergency reasons. In addition, Article 7, paragraph 3, of the Compilation of Islamic Law, which allows *ithbat* (marriage vows) on the condition that the marriage is carried out by those who do not meet the requirements for marriage under the Marriage Law, provides an opportunity for unregistered marriages or marriages between minors. The conditions of the legal substance seem to provide legal leniency that allows child marriage to occur in Indonesia. Not to mention the religious laws that apply in society, which consider unregistered marriages of minors to be valid as long as they have reached adulthood. Likewise, the Draft Law on Sexual Violence (TPKS), which regulates the punishment for perpetrators of underage marriage, has not yet been ratified.⁸⁵

Supreme Court Regulation (Perma) number 5 of 2019, the minimal budget prepared by the legislative institution to support the socialisation program related to child marriage and its problems and the incompleteness of the program implemented by the BKKBN, DP3AK/DP3AKB, Ministry of Law and Human Rights, and KUA, namely programs that are not entirely based on findings that lead to the creation of public awareness and understanding of the law regarding the ideal age of marriage. Therefore, the government needs to promote and foster the development of an alternative legal culture within society. The creation of an alternative legal culture must be carried out by all parties,

⁸⁴ Muhammad Iqbal and Rabiah, "Penafsiran Dispensasi Perkawinan Bagi Anak Di Bawah Umur (Analisis Beberapa Putusan Mahkamah Syar'iyah Aceh)," *El-Ushah* 3, no. 1 (2020): 101-114.

⁸⁵ Widiyanto, Zumrotun, and Saputra, "The Prevention Of Underage Marriage In Indonesia : State , Religious Authority , and Human Rights."

both the executive, legislative, and the entire community, because each party plays an important role (occupant role) in implementing the supremacy of law. Law, sanctions, social power, ideology, and politics are key factors in shaping the legal culture of marriage among adults. All of these efforts must be oriented toward legal objectives. Thus, the three aspects (substance, structure, and culture) of the legal system play an essential role in minimising the problem of child marriage in Indonesia. The increasing cases of child marriage are an indication that efforts to overcome the problem of child marriage still face significant obstacles. The inherent limitations of Islamic law constrain the effectiveness of the legal system in addressing this problem, the problematic legal system in force that has not been widely recognised by society, suboptimal law enforcement, and the prevailing legal culture within society.⁸⁶

The ineffectiveness of this system suggests a lack of government involvement in enforcing the law, highlighting the government's failure to meet the Millennium Development Goals and Sustainable Development Goal 5.⁸⁷ This is very unfortunate because the government should be the initiator to enforce sanctions and regulations and hold a central position in ensuring the protection of children's rights and protecting them from child marriage practices. The dysfunctional problems in the legal system require immediate attention from the government to effect improvements by reconstructing elements that are not functioning well or effectively.⁸⁸ In terms of legal substance, the reconstruction should be aimed at creating more straightforward and more assertive legal provisions to achieve the main objectives of marriage, such as creating clearer legal sanctions for those who practice child marriage. No less important is to reconstruct the legal structure by optimising the role of government in supporting efforts to minimise child marriage. Likewise, the reconstruction of legal culture must be carried out carefully by

⁸⁶ Stephanie R Psaki et al., "What Are the Drivers of Child Marriage? A Conceptual Framework to Guide Policies and Programs," *Journal of Adolescent Health* 69, no. 6 (2021): S13-S22.

⁸⁷ Shikur Faris Intan Zahira, M. Zidny Nafi' Hasbi, "Strengthening Economic and Development Relations Transformation Efforts Towards Golden Indonesia 2045," *Journal of Islamic Economics and Bussines Ethics* 1, no. 3 (2024): 125-135.

⁸⁸ Mohd Hafiz Safiai Nur Aqila Mohd Zahari, "Maqasid Sharia and the Biomedical Ethics of E-Cigarettes: A Contemporary Islamic Legal Assessment Affiliation," *MILRev : Metro Islamic Law Review* 4, no. 1 (2025): 295-318.

restoring the legal culture system from upstream to downstream. In other words, it involves all components of society in forming and normalising the culture of adult marriage. In other words, it can be said that the Islamic legal system regarding child marriage must be improved by addressing all the fundamental problems reflected in the three aspects: legal substance, legal structure, and legal culture.⁸⁹

Marriage is a religious mandate in Islam that encompasses profound goals and wisdom. Among these goals is to form a family that embodies Sakinah, Mawaddah, and Rahman, which can be interpreted as a family that achieves prosperity, justice, peace, and obedience to Allah and the state. All of this can only be realised if both parties bear physical and spiritual responsibility. This responsibility can only be fulfilled if they have reached legal maturity, which is typically marked by the attainment of the age of nineteen.⁹⁰ From the perspective of *maqashid syariah*⁹¹, determining the minimum age limit for marriage is in line with protecting the soul (*hifz al-nafs*) and offspring (*hifz al-nasl*). Marrying at too young an age not only threatens the physical and mental health of the couple but also has an impact on the quality of the next generation. Increasing the minimum age for marriage also supports achieving several Sustainable Development Goals, specifically those related to health, well-being, and quality education.⁹² By delaying marriage, young couples have a greater opportunity to complete their education, which allows them to make a more effective contribution to national development and family welfare. Therefore, setting a minimum age for marriage aligns with the objectives of Maqashid Syariah, which aim to

⁸⁹ Badan Pusat Statistik, "Pencegahan Perkawinan Anak Percepatan Yang Tidak Bisa Ditunda," *Badan Pusat Statistik* (2020): 6–10.

⁹⁰ Ibid.

⁹¹ Hanif Nuryana Nurul Rahmah Kusuma, "Application of Principles and Rules for Non-Cash Transactions Using QRIS Services Maqāṣid Al-Sharī'ah Perspective," *Journal of Islamic Economics and Business Ethics* 1, no. 3 (2024): 176–188.

⁹² K M T Lasmiatun and Nikzad Manteghi, "The Impact of Artificial Intelligence (AI) Implementation on Islamic Financial Literacy and Global Economic Changes in the Banking World," *JIESBI: Journal of Islamic Economics and Business Ethics* 2, no. 1 (2025): 23–43.

protect individuals and families, and support Indonesia's commitment to promoting sustainable national development.⁹³

CONCLUSION

This research concludes that the fundamental problem in the socio-legal context of child marriage in post-reform Indonesia lies not only in weak regulations but also in the disconnect between legal substance, legal structure, and legal culture. The rise in child marriages is closely linked to regulatory gaps, weak oversight mechanisms, and a legal culture that does not fully support the maturity of marriageable ages. The interconnection of these aspects highlights the disparity between legal norms and social reality, emphasising the need for comprehensive policy reform. The primary scholarly contribution of this study is its analysis of *maqāṣid al-sharī'ah* as a normative framework for formulating policies that uphold gender justice, child protection, and family sustainability. This perspective confirms that equalising the minimum age for marriage—as affirmed in Constitutional Court Decision No. 22/PUU-XV/2017—has substantial theological and legal grounds, grounded in the principles of *al-musāwāh* and public interest. Legal reform that raises and equalises the marriageable age for men and women thus represents a strategic step aligned with *maqāṣid al-sharī'ah* and contemporary social needs. Analytically, weaknesses in legal substance are reflected in the absence of firm sanctions for underage marriage and the lack of derivative regulations to curb marriage dispensations. Structural weaknesses include suboptimal coordination and oversight among state institutions, creating opportunities for a high number of dispensation requests. Cultural issues relate to low public awareness of the medical, social, and economic risks of child marriage. Addressing the causal relationship between these three components and the prevalence of dispensations should be central in policy formulation. Policy recommendations include harmonising national and regional regulations, strengthening monitoring and evaluation of dispensation practices, and developing gender-sensitive legal education to raise awareness. Enhancing

⁹³ Triani Yulianti et al., "History of Chronic Energy Deficiency (CED) of Pregnant Women and Stunting in Toddlers," *International Journal of Nursing Information* 2, no. 2 (December 2023): 7-12; Zadam Marita et al., "Analysis of Stunting Incidents Based on Mother's Knowledge," *International Journal of Nursing Information* 2, no. 2 (December 2023): 1-6.

the capacity of government institutions and community leaders is crucial for the consistent and effective implementation of policies. Further interdisciplinary research on family life quality, reproductive health, education, and women's societal participation can strengthen academic contributions to Islamic family law and inform public policies that better protect women and children.

AUTHOR CONTRIBUTIONS STATEMENT

All authors made significant contributions to the conception, design, data analysis, and preparation of the research manuscript. Asep Saepullah, Abdul Aziz, Ipuk Widayanti, M. Zidny Nafi' Hasbi, and Adamu Abubakar Muhammad conducted data collection and performed the analysis. All authors critically reviewed, revised, and approved the final manuscript, ensuring its rigour and academic integrity.

CONFLICT OF INTEREST

The authors declare no conflict of interest regarding this study, ensuring objectivity, transparency, and adherence to ethical research standards.

BIBLIOGRAPHY

- Abdullah, Fadli Daud, Muhamad Sadi Is, Syahid Mujahid Wiwaha, Universitas Islam Negeri, and Raden Fatah Palembang. " Vol 3, no. 2 (2024): 141-173.DOI:[10.32332/Milrev.V3i2.9202](https://doi.org/10.32332/Milrev.V3i2.9202)
- Addaruquthni, Ali. *Sunan Addaruquthni*. Beirut: Dar al-Ma'rifah, 1966.
- Agustina, Arifah Millati. "Between Culture and The Sacredness of Fiqh: The Role of Lebe in Child Marriage Practices in Brebes, Indonesia." *Journal of Islamic Law* 3, no. 2 (2022): 212-231. DOI: <https://doi.org/10.24260/jil.v3i2.858>

Al-Bukhari, Abu Abdullah Muhammad bin Ismail. *Shahih Bukhari*. Beirut, Lebanon: Dar Ibn Hazm, 2009.

Al-Ghazali, Abu Hamid. *Ihya" Ulumiddin*. Lebanon: Dar Ibn Hazm, 2014.

Al-Jawi, Muhammad Nawawi. *Nihayat Al-Zayn*. Beirut: Dar al-Fikr, n.d.

Al-Marwazi, Manshur. *Qawathi Al-Adillah Fi Al-Ushul*. Beirut: Darul Kutub al-Ilmiyah, 1999.

Al-Qarafi, Syihabuddin. *Anwarul Buruq Fi Anwa'il Furuq*. Beirut: Dar al-Fikr, 2006.

Al-Sarakhsi, Abu Bakr. *Ushul Al-Syarakhsi*. Beirut: Darul Kutub al-Ilmiyah, 1993.

Al-Shabuni, Muhammad Ali. *Rawai Al-Bayan*. Jakarta, 1999.

Al-Shan'ani, Muhammad. *Subul Al-Salam*. Mesir: Shirkah Maktabah Wa Mathba'ah al-Bani al-Halabi, 1960.

Al-Sulami, Iyadh. "Ushûl Al-Fiqh Al-Ladzi Lâ Yasa'al-Faqîh Jahlahu." *Riyad: Dâr al-Tadmiyyah* (2005).

Al-Syathibi. *Al-Muwafaqat Fi Ushul Al-Syari'ah*, 2005.

Al-Syathibi, Abu Ishaq. *Al-Muwafaqat*. Kairo: Dar al-Hadis, 2006.

Al-Tabariyy, Muhammad bin Jarir. "Jami 'Al-Bayan Fi Ta'Wil Al-Qur'an." *Tahqiq: Ahmad Muhammad Shakir*. Beirut: Mu'assasat al-Risalah (2000).

Al-Ubaydi, Hammadi. *Al-Syathibi Wa Maqashid Al-Syariah*. Beirut: Dar al-Qutaybah, 1992.

Aprilianto, Dwi, Farida Ulvi Na'imah, Ahmad Fauzi, and Lu'Lu' Il Maknuun. "The Controversy of Child Marriage Culture in The Perspective of Maqāṣid Al-Usrah: A Case Study of The Authority of Lebe' in Brebes." *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (2024): 199–218. DOI: <https://doi.org/10.24090/mnh.v18i2.11554>

Asyur, Muhammad al-Thahir ibn. *Al-Tahrir Wa Al-Tanwir*. Tunis: Al-Dar al-Tunisiyah, 1984.

Auda, Jasser. *Maqashid Al-Shari'ah*. London: The International Institute of Islamic Thought, 2008.

Az-Zuhaili, Wahbah. *Fiqh Islam Wa Adillatuhu*, Abdul Hayyie Al-Kattani. Jilid 5. Jakarta: Gema Insani, 2012.

———. *Fiqh Islam Wa Adillatuhu*. Jakarta: Gema Insani Press, 2011.

Badan Pusat Statistik. "Pencegahan Perkawinan Anak Percepatan Yang Tidak Bisa Ditunda." *Badan Pusat Statistik* (2020): 6–10.

Baihaqi, Titik Triwulan Tutik, Ahmad Musadad, A. Mufti Khazin, and Mahtumridho Ghufon Bin Simun. "Legal Non-Compliance and Kiai Hegemony: The Practice of Unregistered Marriages among the Madurese Muslim Community of Kubu Raya." *Journal of Islamic Law* 5, no. 2 (2024): 242–268. DOI: <https://doi.org/10.24260/jil.v5i2.2819>

Datta, B K, A Tiwari, and L Glenn. "Association between Child Marriage and High Blood Glucose Level in Women: A Birth Cohort Analysis." *Public Health in Practice* 8 (2024). DOI: [Doi.org/10.1016/j.puhip.2024.100556](https://doi.org/10.1016/j.puhip.2024.100556)

Esposito, John L. *Islam The Straight Path*. Oxford: Oxford University, 1998.

Fakhria, Sheila, Kholifatun Nur Mustofa, Mohamad Ma'mun, Ahmad Wahidi, and Mochammad Agus Rachmatulloh. "Securing Muslim Children's Civil Rights: Debate on State Legal Policy towards The Issuance of Family Cards for Unregistered Marriage Couples." *El-Mashlahah* 14, no. 2 (2024): 303–322. DOI: <https://doi.org/10.23971/el-mashlahah.v14i2.8008>

Febrianty, Yenny, Hidayati Fitri, Masna Yunita, Esti Royani, Kevin M. Rivera, and Viorizza Suciani Putri. "Answering the Challenges of Polygamy: Justice and Legal Protection in Islamic and Indonesian Law." *Jurnal Ilmiah Mizani* 12, no. 1 (2025): 15–32. DOI: <http://dx.doi.org/10.29300/mzn.v12i1.6930>

Fuad, Ahmad Masfuful. "Ketentuan Batas Minimal Usia Kawin: Sejarah, Implikasi Penetapan Undang-Undang Perkawinan." *Jurnal Petita* 1, no. 1 (2016). DOI: <https://doi.org/10.22373/petita.v1i1.77>

- . “Menelaah Kembali Ketentuan Usia Minimal Kawin Di Indonesia Melalui Perspektif Hermeneutika.” *Al-Maslahah: Jurnal Ilmu Syari* 11, no. 2 (2015). DOI: <https://doi.org/10.24260/almaslahah.v11i2.145>
- Fuqoha, Rahmi Mulyasih, Hasuri, Indrianti Azhar Firdausi, and Silfi Barten. "Constitutional Rights of Citizen Journalism in Indonesia: From Maqashid Sharia Perspective." *De Jure: Jurnal Hukum dan Syar'iah* 16, no. 1 (2024): 161–178. DOI: [10.18860/j-fsh.v16i1.26154](https://doi.org/10.18860/j-fsh.v16i1.26154)
- Gausman, Jewel, Rockli Kim, Akhil Kumar, Shamika Ravi, and S. V. Subramanian. "Prevalence of Girl and Boy Child Marriage across States and Union Territories in India, 1993–2021: A Repeated Cross-Sectional Study." *The Lancet Global Health* 12, no. 2 (2024): e271–e281. [https://doi.org/10.1016/S2214-109X\(23\)00470-9](https://doi.org/10.1016/S2214-109X(23)00470-9).
- Gunawan, Edi. “Nikah Siri Dan Akibat Hukumnya Menurut Uu Perkawinan.” *Jurnal Ilmiah Al-Syir'ah* 11, no. 1 (2013). DOI: <http://dx.doi.org/10.30984/as.v11i1.163>
- Hafidzi, Anwar, Bahran Bahran, Fuad Luthfi, Rusdiah Rusdiah, Mohd Hatta Mohamed Ali, and Ali Banaeian Esfahani. "Sirri Marriage Celebration and Its Impact on Social Change in Banjarese Community, South Kalimantan." *Al-Ahkam* 32, no. 2 (2022): 153–168. DOI: <https://doi.org/10.21580/ahkam.2022.32.2.12789>
- Hanapi, Agustin, and Edi Yuhermansyah. "Urgency of Marriage Registration for Women and Child Protection in Gayo Lues District." *Samarah* 4, no. 2 (2020): 528–544. DOI: [10.22373/sjhg.v4i2.7942](https://doi.org/10.22373/sjhg.v4i2.7942)
- Al Hasan, Fahadil Amin, and Deni Kamaluddin Yusup. “Dispensasi Kawin Dalam Sistem Hukum Indonesia: Menjamin Kepentingan Terbaik Anak Melalui Putusan Hakim.” *Al-Ahwal: Jurnal Hukum Keluarga Islam* 14, no. 1 (2021): 86. <https://doi.org/10.14421/ahwal.2021.14107>
- Hikmah, Dhorifah Hafidhotul, and Triyono Agung Basuki Prasetyo. “Pengaruh Batas Usia Kawin Dalam Undang-Undang Nomor 1 Tahun 1974 Terhadap Jumlah Perkawinan Dibawah Umur Di Kabupaten Rembang Provinsi Jawa Tengah.” *Diponegoro Law*

Journal 6, no. 2 (2017): 1–18. DOI: [10.14710/dlj.2017.16973](https://doi.org/10.14710/dlj.2017.16973)

Holilur Rohman. "Batas Usia Ideal Pernikahan." *Journal of Islamic Studies and Humanities* 1, no. 1 (2016). DOI: <https://doi.org/10.21580/jish.11.1374>

Houmine, Mohammed, and Khadija Loudghiri. "Exploring Child Rights and the Concept of Childhood in Islam: A Contemporary Descriptive Analysis." *Khazanah Hukum* 5, no. 2 (2023): 130–147. DOI: <https://doi.org/10.15575/kh.v5i2.28734>

Ilma, Mughniatul. "Regulasi Dispensasi Dalam Penguatan Aturan Batas Usia Kawin Bagi Anak Pasca Lahirnya UU No. 16 Tahun 2019." *AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam* 2, no. 2 (2020): 133–166. DOI: <https://doi.org/10.37680/almanhaj.v2i2.478>

Intan Zahira, M. Zidny Nafi' Hasbi, Shikur Faris. "Strengthening Economic and Development Relations Transformation Efforts Towards Golden Indonesia 2045." *Journal of Islamic Economics and Business Ethics* 1, no. 3 (2024): 125–135. DOI: <https://doi.org/10.24235/jiesbi.v1i3.163>

Iqbal, Muhammad, and Rabiah. "Penafsiran Dispensasi Perkawinan Bagi Anak Di Bawah Umur (Analisis Beberapa Putusan Mahkamah Syar'iyah Aceh)." *El-Ussrah* 3, no. 1 (2020): 101–114. DOI: [10.22373/ujhk.v3i1.7708](https://doi.org/10.22373/ujhk.v3i1.7708)

Kidman, Rachel, Amy Raub, Alfredo Martin, Pragya Bhuwania, Bijetri Bose, and Jody Heymann. "Reducing Child Marriage in Sub-Saharan Africa: Evaluating the Joint Potential of Protective Marriage and Education Policies." *Children and Youth Services Review* 164 (2024): 107877.

Lasmiatun, K M T, and Nikzad Manteghi. "The Impact of Artificial Intelligence (AI) Implementation on Islamic Financial Literacy and Global Economic Changes in the Banking World." *JIESBI: Journal of Islamic Economics and Business Ethics* 2, no. 1 (2025): 23–43. <https://doi.org/10.1016/j.childyouth.2024.107877>

Lathifah, Anthin, Briliyan Ernawati, and Anwar Masduki. "Problems with the Islamic Legal System Regarding Child Marriages in Indonesia during the Covid-19 Pandemic

Period." *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (2022): 155-176. DOI: <https://doi.org/10.18326/ijtihad.v22i2.155-176>

Mahkamah Konstitusi. "Putusan Mahkamah Konstitusi Nomor 22/PUU-XV/2017," 2019.

———. "Putusan Mahkamah Konstitusi Nomor 30-74/PUU-XII/2014," 2015.

Marita, Zadam, Giyawati Yulilania Okinarum, Mega Hasanul Huda, and Luluk Khusnul Dwihestie. "Analysis of Stunting Incidents Based on Mother's Knowledge." *International Journal of Nursing Information* 2, no. 2 (December 2023): 1-6. DOI: <https://doi.org/10.58418/ijni.v2i2.54>

Mu'in, Fathul, Miswanto, Relit Nur Edy, Rudi Santoso, and Arif Fikri. "Childfree in Modern Muslim Communities of Lampung and West Java Provinces: A Maqāṣid Al-Sharī'ah Perspective." *El-Usrah* 7, no. 2 (2024): 860-877. DOI: [10.22373/ujhk.v7i2.22400](https://doi.org/10.22373/ujhk.v7i2.22400)

Nur Aqila Mohd Zahari, Mohd Hafiz Safiai. "Maqasid Sharia and the Biomedical Ethics of E-Cigarettes: A Contemporary Islamic Legal Assessment Affiliation:" *MILRev : Metro Islamic Law Review* 4, no. 1 (2025): 295-318. DOI: <https://doi.org/10.32332/milrev.v4i1.10398>

Nurul Rahmah Kusuma, Hanif Nuryana. "Application of Principles and Rules for Non-Cash Transactions Using QRIS Services *Maqāṣid al-sharī'ah* Perspective." *Journal of Islamic Economics and Business Ethics* 1, no. 3 (2024): 176-188. DOI: <https://doi.org/10.24235/jiesbi.v1i3.157>

Psaki, Stephanie R, Andrea J Melnikas, Eashita Haque, Grace Saul, Christina Misunas, Sangram K Patel, Thoai Ngo, and Sajeda Amin. "What Are the Drivers of Child Marriage? A Conceptual Framework to Guide Policies and Programs." *Journal of Adolescent Health* 69, no. 6 (2021): S13-S22. <https://doi.org/10.1016/j.jadohealth.2021.09.001>

Qodir, Zuly, Haedar Nashir, and Robert W. Hefner. "Muhammadiyah Making Indonesia's

Islamic Moderation Based on Maqāsid Sharī'ah." *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 23, no. 1 (2023): 77–92. DOI : [10.18326/ijtihad.v23i1.77-92](https://doi.org/10.18326/ijtihad.v23i1.77-92)

Rohmadi. "Al-Istinbath." *Optimising Prenuptial Agreements for Asset Protection: A Maqashid Sharia Based Approach* 9, no. 2 (2024): 411–434. DOI: <https://doi.org/10.29240/jhi.v9i2.11064>

Rohman, Taufiqur, Muhammad Mahsus, Muhammad Abduh, and Gioia Arnone. "Preventing Violations of Religious and Social Norms: Judicial Interpretation of 'Urgent Reasons' in Marriage Dispensation at the Wonosari Religious Court, Indonesia." *Journal of Islamic Law* 4, no. 2 (2023): 218–236. DOI: <https://doi.org/10.24260/jil.v4i2.1535>

Rumble, Lauren, Amber Peterman, Nadira Irdiana, Margaret Triyana, and Emilie Minnick. "An Empirical Exploration of Female Child Marriage Determinants in Indonesia." *BMC Public Health* 18, no. 1 (2018): 407. DOI: <https://doi.org/10.1186/s12889-018-5313-0>

Setyawan, Edy, Muhammad Chairul Huda, Afif Muamar, Didi Sukardi, and Muhammad Feby Ridho Pangestu. "Legal Age for Marriage: SDGs and Maslahah Perspectives in Legal Policy Change in Indonesia." *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023): 183–197. DOI: <https://doi.org/10.24090/mnh.v17i2.9506>

Sijistani, Abu Dawud al. *Sunan Abu Dawud*. Beirut: Darul Kutub al-Arabi, 1999.

Sopyan, Yayan. "Access To Justice of Citizenship Rights for Stateless Indonesian Migrant Workers' Children In Sarawak, Malaysia." *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 16, no. 2 (2021): 476–502. Doi: <https://doi.org/10.19105/al-lhkam.v16i2.5285>

Suri, Fraulein Intan, and Henry Iwansyah. "Analysis of Relationship between Religious Knowledge, Attitude, and Behaviour of Islamic Universities Female Students towards the Halalness of Cosmetic and Wear Products." *Al'Adalah* 21, no. 2 (2024): 271–298. DOI: <https://doi.org/10.24042/adalah.v21i2.15866>

UNICEF, E. "Child Marriage: Latest Trends and Future Prospects." New York: UNICEF 75 (2018): 80.

UU No. 1. "Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," 1974.

UU No. 16. "Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," 2019.

UU No. 35. "Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak," 2014.

Wibowo, Heribertus Rinto, Muliani Ratnaningsih, Nicholas J. Goodwin, Derry Fahrizal Ulum, and Emilie Minnick. "One Household, Two Worlds: Differences of Perception towards Child Marriage among Adolescent Children and Adults in Indonesia." *The Lancet Regional Health - Western Pacific* 8 (2021): 100103.
<https://doi.org/10.1016/j.lanwpc.2021.100103>.

Widiyanto, Asfa, Siti Zumrotun, and Heru Saputra. "The Prevention Of Underage Marriage In Indonesia : State, Religious Authority, and Human Rights." *Justicia Islamica* 21, no. 2 (2024): 401-422.
DOI: <https://doi.org/10.21154/justicia.v21i2.9771>

Yuliastanti, Triani, Winarsih Nur Ambarwati, Sulastris Sulastris, and Alfiah Rahmawati. "History of Chronic Energy Deficiency (CED) of Pregnant Women and Stunting in Toddlers." *International Journal of Nursing Information* 2, no. 2 (December 2023): 7-12. DOI: <https://doi.org/10.58418/ijni.v2i2.45>

Zainuddin, and Zaki Ulya. "Recording Siri's Marriages In Obtaining Legal Certainty (Reflections on the Rise of Siri Marriages in Aceh)." *Syariah: Jurnal Hukum dan Pemikiran* 21, no. 1 (2021): 1-16. DOI: <https://doi.org/10.18592/sjhp.v1i1.3276>

Zuhriah, Erfaniah, Suud Fuadi, Imam Sukadi, and Zahrah Salsabillah Ashari. "Dimensions of The Islamic Law and Human Rights in The Protection of Children from Convicted Parents." *De Jure: Jurnal Hukum dan Syar'iah* 16, no. 2 (2024): 432-455.
DOI: <https://doi.org/10.18860/j-fsh.v16i2.25150>

