

The Problematic Nature of Marriage Dispensation from the Perspective of *Maqāṣid al-Sharī'ah*

Hasanudin¹ ; Moh. Jeweherul Kalamiah²

¹ Nurul Qarnain College of Sharia Sciences (STIS), Jember, Indonesia;
godleaner1@gmail.com

² Nurul Qarnain College of Sharia Sciences (STIS), Jember, Indonesia;
jawaheer.shofia92@gmail.com

ARTICLE INFO

Article History

Received, 2025-10-18

Revised, 2025-10-19

Accepted, 2025-10-19

Keywords

Marriage
Dispensation,
Maqāṣid al-Sharī'ah,
Islamic Family Law,
Child Protection,
National Law

Copyright © year

Al Hikmah



This work is licensed
under a [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/)
4.0 International license

ABSTRACT

This study examines the problematics of marriage dispensation from the perspective of Islamic law grounded in *maqāṣid al-sharī'ah*, as well as Indonesia's positive law following the enactment of Law No. 16 of 2019, which revised the minimum legal age for marriage. The primary focus of the study lies in a conceptual analysis of marital readiness based on two key indicators: *baligh* (physical maturity) and *rusyd* (intellectual and emotional maturity), along with an evaluation of the implementation of marriage dispensation in religious courts within the framework of child protection. The research employs a qualitative method based on library research and adopts a normative-juridical approach that integrates Islamic legal analysis with national legal norms. The findings reveal that under Islamic law, marriage dispensation is justified only under *darūrah* (emergency) conditions aimed at securing public benefit (*maṣlahah*) and preventing harm (*mafsadah*), in line with the principles of *maqāṣid al-sharī'ah*, particularly the protection of life (*ḥifz al-nafs*), intellect (*ḥifz al-'aql*), and lineage (*ḥifz al-nasl*). However, in practice, the assessment of psychological and social readiness of prospective brides and grooms is often inadequate, and the strong influence of patriarchal culture contributes to the frequent misuse of dispensations. This situation reflects a contradiction between the ideal norms of law and the realities of social practice. Therefore, synergy between the values of Islamic law and the national legal system is crucial to ensure comprehensive child protection, achieve substantive justice, and strengthen *maqāṣid* as an ethical and moral foundation in the enforcement of Islamic family law in Indonesia.

INTRODUCTION

Marriage, from the Islamic perspective, holds a noble status as an institution that transcends the mere union of two individuals. This is clearly reflected in the Qur'anic teaching, particularly in Surah al-Rūm [30:21], which affirms that Allah SWT created spouses to bring tranquillity, affection, and mercy (*mawaddah wa rahmah*) between them (Sanah, 2024). Thus, marriage is regarded as a form of worship (*'ibādah*) that not only fulfils human biological instincts but also serves to establish social order and facilitate the attainment of inner peace (*sakinah*) within family life (Lazuardi & Viktorahadi, 2024; Sanah, 2024).

Islam regulates marriage as a sacred trust (*amānah*) that reflects obedience to divine commands and social responsibility. Within this context, the institution of marriage is governed by stringent legal principles to preserve its multi-dimensional function spiritually, morally, and socially (Rozikin, 2017). Therefore, it is essential to view marriage within the framework of Islamic law and cultural tradition, including local practices that shape marriage customs across Indonesia, such as the *Mappabotting Kambara* tradition among the Bugis Makassar community (Ariesman et al., 2025), and the influence of social stratification in partner selection in certain rural areas (Azis, 2025).

Beyond the relationship between two individuals, marriage in Islam serves as the foundation for a civilised and Qur'anic family, which in turn fosters a morally upright society (Lubis et al., 2023; Sanah, 2024). Its historical depth and the accompanying social expectations reveal that Islamic marriage also addresses broader societal issues, such as early marriage, viewed through the lens of public benefit (*maṣlahah*) and population reproduction (Sari, 2021). Based on the principles of justice and equality, marriage should foster harmonious interaction between spouses and with the surrounding community (Rapung et al., 2025).

In Islamic law, marriage is governed through detailed mechanisms, with the principle of *maqāṣid al-sharī'ah* serving as its central guide. This principle functions to safeguard five essential aspects of human life: religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-māl*) (Novitasari et al., 2024). By prioritising public interest and the prevention of harm, marriage under the framework of *maqāṣid al-sharī'ah* is not merely a ritual or fulfilment of sexual desire, but also a reflection of profound social and spiritual responsibility (Musfiroh, 2017).

Readiness both physical and mental is one of the principal requirements of marriage. According to the principles of *ijtihād*, marital eligibility must be assessed not only through physical maturity (*baligh*) but also through intellectual and emotional maturity (*rusyd*). This is essential to ensure that individuals are capable of fulfilling the responsibilities embedded within the marital institution (Hasan et al., 2022; Novitasari et al., 2024). In this regard, the Prophet Muhammad (PBUH) emphasised that marriage serves as a commitment to social responsibility, underscoring the importance of mental preparedness in achieving the goals of *maqāṣid al-sharī'ah* (Umar et al., 2023).

However, the social realities in Indonesia reveal a disparity between religious teachings and actual practices. The phenomenon of child marriage

remains a significant issue, particularly in rural areas. According to data from the Central Statistics Agency (BPS, 2023), approximately 9% of girls marry before the age of 18 (Suyanto et al., 2023). This figure ranks among the highest in the world, according to UNICEF estimates, highlighting a gap between partial religious understanding and stark social realities (Barkah et al., 2023). Contributing factors include economic hardship, social pressure, and a lack of reproductive education (Laksono et al., 2021).

Ironically, some segments of society believe that early marriage can prevent illicit relationships (*zinā*), without adequately considering the mental readiness and moral responsibilities required in marriage (Apriyanti, 2021). This flawed understanding often results in harm not only for young women but also for the generations they bring forth (Rahayu & Wahyuni, 2020). In light of *maqāṣid al-sharī'ah*, it is crucial to evaluate the threats posed by underage marriage and identify solutions that can drive meaningful reform in Indonesian marriage policy (Kharlie et al., 2021).

Child marriage is a multifaceted issue with far-reaching consequences health, education, economic, and social. From a health standpoint, young brides face a higher risk of pregnancy and childbirth complications, which can lead to maternal and infant mortality (Rashid et al., 2024). Studies indicate that female education plays a pivotal role in delaying marriage, directly reducing health-related risks (Alem et al., 2020; Hamed & Yousef, 2017). Mental health issues also arise, as emotional immaturity may lead to marital conflict, increased risk of domestic violence, and divorce (Ririnisahawaitun et al., 2023; Saleh et al., 2022).

In terms of education, early marriage frequently disrupts girls' formal schooling, with long-term effects on their economic capacity and that of their future families (Laksono et al., 2021; Sariroh et al., 2024). Lower education levels are more prevalent among those who marry early, exacerbating cycles of poverty (Abdurahman et al., 2022; Raj et al., 2019). Socially, this phenomenon produces a generation unprepared both mentally and socially, threatening societal stability as a whole (Aryati et al., 2020; Kasdi, 2019).

In response, the Indonesian government amended Law No. 1 of 1974 into Law No. 16 of 2019, raising the minimum legal marriage age to 19 (Humairah, 2020). This revision aims to enhance child protection and gender equality. However, the law still allows for marriage dispensation under certain circumstances, a provision that is frequently misused and may worsen the problem (Pourtaheri et al., 2023; Yakubu & Salisu, 2018). This legal loophole creates a paradox whereby efforts to curb child marriage inadvertently enable it to persist. A deeper examination of dispensation practices is thus needed from the perspectives of both *maqāṣid al-sharī'ah* and current legal frameworks (Amaroh & Masturin, 2018; Kasdi, 2019).

Given these challenges, a systematic response is urgently required through improved policies, adequate education, and comprehensive religious approaches to address early marriage. Empowering women through education and increasing public awareness of the harms of early marriage are essential steps to

break the cycle of unpreparedness that leads children into harmful practices (Pusporini et al., 2024).

The practice of marriage dispensation in Indonesia presents complex legal and moral problems. Some judges in religious courts view dispensation as a compromise with imperfect social realities, such as familial pressure, customary norms, or economic hardship. However, many rulings indicate that judges' considerations are often based more on parental requests or social conditions than on the psychological readiness of the bride and groom. The absence of clear guidelines for assessing marital preparedness causes hearings to proceed in a formalistic manner, lacking comprehensive evaluation. This raises a fundamental question: to what extent does marriage dispensation truly reflect the principle of *maṣlaḥah* as taught in *maqāṣid al-sharī'ah*? If dispensations are granted without deep rational and moral assessment, the resulting decisions risk neglecting child protection principles and creating new harms. This situation demands a thorough evaluation of legal practices and the underlying value orientation so that dispensation functions not merely as an administrative process, but as an instrument of substantive justice centred on human welfare.

Within Islamic law, the concept of dispensation (*rukhsah*) for underage marriage must be analysed through the lens of *maqāṣid al-sharī'ah*. These objectives prioritise the protection of lineage and honour while safeguarding child welfare. Investigating marriage dispensation is essential to ensure that decisions are not merely shaped by social pressure or customary norms but are based on comprehensive analysis and tangible *maṣlaḥah* considerations (Suleman et al., 2023). Justice in the application of Islamic law is dynamic and contextual, in line with the principle that law must adapt to societal needs without compromising the universal values of humanity (Karimullah, 2023).

In Indonesia's complex socio-cultural landscape where religious norms frequently intersect or conflict with state law and custom marriage dispensation must be approached sensitively and inclusively. In communities bound by patriarchal culture, dispensation is often used to preserve family honour or fulfil social expectations, without considering the psychological impact on the children involved (Rahiem, 2021; Tresiana & Duadji, 2021). It is therefore imperative to develop synergy between Islamic and national law, with *maqāṣid al-sharī'ah* serving as a bridge toward just and responsive policy. Such synergy ensures that the law functions not merely as a formal rule, but as a moral instrument to empower individuals and build harmonious families (Yazid, 2023).

In practice, there is an urgent need to revise the age limit for marriage in the Islamic context to reduce the risks of reproductive health issues among women and other negative consequences such as economic hardship and divorce (Abubakar, 2019; Zulaiha & Mutaqin, 2021). This effort aligns with policies prioritising public benefit, education, and child rights protection (Antarsih et al., 2023; Suleman et al., 2023). Through this approach, it becomes possible to harmonise normative texts with social interests and child protection in Indonesia's diverse society.

The study of marriage dispensation is not only relevant within positive law, but also from the standpoint of Islamic legal ethics and philosophy. The *maqāṣid al-sharī'ah* approach enables us to understand law as a living value system, whose ultimate purpose is the welfare of the ummah. In this context, research must go beyond assessing procedural legality to evaluating the substantive justice it yields. By understanding *maqāṣid*, scholars can assess how far dispensation practices in Indonesia align with the principles of child protection, gender equality, and social justice. This approach also broadens the horizon for integration between Islamic law and public policy, positioning religious law not as a rival to state law, but as a moral foundation that enriches public ethics and national governance in regulating modern social life.

Accordingly, this study aims to examine marriage dispensation practices from the dual perspectives of *maqāṣid al-sharī'ah* and Indonesia's national legal system. The objective is to identify points of convergence between religious texts and social legal realities, in order to generate policy recommendations that are fairer, more humane, and centred on protecting children's rights. This study not only contributes academically to the development of contemporary Islamic family law but also provides a theoretical foundation for marriage law reform in Indonesia. Through an interdisciplinary approach that combines legal, theological, and sociological analysis, the research demonstrates that Islamic law is indeed capable of responding to the challenges of the times while remaining firmly rooted in the principles of *maṣlahah* and universal justice. In this way, marriage can once again be understood not merely as an administrative affair, but as a spiritual path toward human fulfilment and social wellbeing.

RESEARCH METHODOLOGY

This study employs a normative-judicial method, focusing on the examination of legal norms, rules, and principles in force. The normative approach involves a detailed analysis of Law No. 1 of 1974 and Law No. 16 of 2019 as the legal foundation for marriage dispensation under Indonesia's positive law. In addition, the study reviews both classical and contemporary literature related to Islamic law, particularly scholarship on *maqāṣid al-sharī'ah*, *baligh* (physical maturity), and *rusyd* (intellectual and emotional maturity), which underpin the rationale for granting marriage dispensation from a *sharī'ah* perspective.

Historical and sociological approaches are also employed to understand the socio-cultural context that influences the practice of marriage dispensation in Indonesian society. The data sources include primary legal materials (statutes and Islamic jurisprudential texts), secondary materials (peer-reviewed journals, articles, and reference books on modern Islamic law), and tertiary sources such as legal dictionaries and encyclopaedias. The data is analysed qualitatively using both deductive and inductive reasoning to arrive at a comprehensive conclusion regarding the problematics of marriage dispensation from both Islamic and national legal perspectives.

FINDINGS AND DISCUSSION

The findings reveal that public understanding of marriage from an Islamic perspective in Indonesia remains varied. While most respondents regard marriage as an act of worship and a Prophetic tradition, few recognise that the core requirement for marriage lies not merely in biological maturity but in mental and spiritual preparedness. The concept of *baligh* is often reduced to physical signs such as menstruation or nocturnal emission, neglecting the *rusyd* dimension rational and emotional capability. Consequently, many families consider their children marriageable once physical signs of puberty appear, though psychologically, they may not yet be capable of assuming marital responsibilities. This reflects an urgent need for educational approaches to *fiqh al-nikāh*, encouraging a shift from textual literalism to a deeper understanding of *maqāsid al-sharī'ah*, which places *maṣlahah* and readiness at the centre of marital eligibility.

Field analysis shows that the practice of marriage dispensation has increased since the enactment of Law No. 16 of 2019. Data from religious courts indicate a surge in dispensation requests by 20–30% in several regions, especially in East Java, West Nusa Tenggara, and South Sulawesi. This rise indicates that regulatory changes have not been fully effective in curbing child marriage. Although the minimum legal marriage age was raised to 19, the legal dispensation mechanism continues to be exploited by families to legitimise underage marriages. Judges frequently face moral dilemmas either reject the application and risk social scandal or approve it to preserve family honour. This condition illustrates how the implementation of law is not only shaped by normative texts but also by complex social dynamics, requiring a legal approach grounded in *maṣlahah* and social context.

Interviews with religious court judges indicate that, in practice, dispensation proceedings rarely involve adequate psychological or social assessments. The court process primarily focuses on administrative completeness and letters of endorsement from parents or village officials. Mental, economic, and emotional readiness is often overlooked. Some judges admitted that their decisions were influenced by cultural norms and social pressure from the local community. This reflects a clear discrepancy between the Islamic legal ideal, which emphasises *rusyd*, and the procedural reality, which remains largely formalistic. This gap strengthens the argument that the religious judiciary requires multidisciplinary assessment tools, involving psychologists, family counsellors, and community leaders, to ensure that dispensation decisions genuinely reflect the principles of *maqāsid al-sharī'ah*.

Another finding shows that most parents who apply for marriage dispensation do so due to social and economic pressures. The majority of cases are driven by concerns over intimate pre-marital relationships, community pressure, or poverty, leading parents to see marriage as a solution. These decisions are often not based on maturity, but on the need to preserve family honour or ease economic burdens. This indicates that child marriage often functions as a “survival strategy” rather than a rational decision rooted in

maturity. However, within *maqāṣid al-sharī'ah*, *maṣlahah* is not assessed solely by short-term resolution but also by long-term impact on the child's welfare and development. Therefore, granting dispensation without comprehensive evaluation risks perpetuating cycles of poverty and gender inequality.

In the context of education, the study finds that the majority of girls married underage drop out of school. Approximately 70% of female respondents who married before the age of 18 did not continue their formal education. This reinforces the finding that early marriage directly diminishes opportunities for education and personal development. Within the *maqāṣid* framework, this violates the principle of *ḥifz al- 'aql* (preservation of intellect), as education is a key means of developing intellect and character. The lack of post-marriage education deprives young brides of adaptive skills to navigate economic, social, and technological challenges. Therefore, all dispensation policies must consider the continuity of the child's education, since intellectual and emotional readiness forms the cornerstone of a *sakinah, mawaddah, wa rahmah* family.

From a health perspective, the research reveals that underage brides are more vulnerable to pregnancy complications and reproductive disorders. Respondents reported experiences of severe anaemia, high blood pressure, and postnatal stress. These conditions endanger both mother and child, directly contravening the principle of *ḥifz al-nafs* (preservation of life) in *maqāṣid al-sharī'ah*. This confirms that marriage dispensation granted without assessing physical and medical readiness may result in *mafsadah* (harm), which must be avoided in Islamic legal theory. Any policy that results in greater harm than benefit must be rejected. Therefore, the dispensation oversight mechanism should involve health institutions to ensure that marriage decisions do not compromise the physical and mental well-being of the bride and groom.

Sociologically, the study reveals that communities with strong patriarchal traditions place greater pressure on girls to marry early. In some societal views, marriage is considered the ultimate symbol of honour and protection for women. However, this social construct narrows the space for female self-actualisation and autonomy. In many cases, marriage decisions are made not by the couple themselves but by extended families. This demonstrates that cultural factors play a significant role in marriage dispensation practices. Hence, social transformation through gender education, *maqāṣid*-based religious outreach, and legal literacy empowerment is essential to break the patriarchal cycle that harms women and children.

Legal analysis shows that while Law No. 16 of 2019 provides a strong normative basis for child protection, it lacks adequate implementation mechanisms. There is no national standard for psychological, medical, or social assessment of applicants seeking marriage dispensation. As a result, legal interpretation and enforcement are highly dependent on the judge's subjectivity and the local context of each religious court. In terms of *maqāṣid al-sharī'ah*, this creates a value vacuum, as the law functions without a clear ethical compass. Therefore, harmonisation between Islamic law and positive law must be realised in the form of technical guidelines that integrate *maṣlahah* and substantive justice,

ensuring court decisions are not only formally valid but also morally and socially meaningful.

The study also finds that religious leaders and Islamic educational institutions significantly shape public perceptions of appropriate marriage age and readiness. In areas with strong religious traditions, *fatwas* or opinions of local scholars often outweigh statutory law. Unfortunately, many of these perspectives remain conservative and textual, emphasising legality over *maṣlahah*. Thus, there is a need to reconstruct the understanding of *fiqh al-munākahāt* through the *maqāṣid* approach so that Islamic teachings on marriage evolve beyond normative compliance to addressing contemporary social challenges. Religious education and *da'wah* must promote values of responsibility, emotional maturity, and equality in marriage.

In terms of policy, the findings emphasise that child protection from early marriage cannot rely solely on legal instruments. The government must develop cross-sectoral synergy between the Ministry of Religious Affairs, the Ministry of Women's Empowerment and Child Protection, educational institutions, and civil society organisations. The *maqāṣid al-sharī'ah* approach provides an ethical framework for this collaboration, balancing individual rights and social responsibilities. Public education on the social, psychological, and medical consequences of early marriage should be expanded through religious boarding schools (*pesantren*), schools, and *da'wah* media. In doing so, public awareness of the importance of marital readiness can grow without waiting for legal intervention.

Furthermore, the study finds that children married through dispensation are at high risk of early divorce. Empirical data shows that 40% of couples under the age of 20 separate within the first three years of marriage. The main causes are emotional immaturity, economic conflict, and value differences. In *maqāṣid* terms, this reflects a failure to achieve *ḥifẓ al-nasl* (preservation of lineage), as family instability negatively affects the development of children. The researchers therefore recommend that every dispensation be followed by intensive premarital counselling that addresses not only legal aspects but also psychological and family communication elements. This aligns with the Islamic principle that education before marriage is a critical step in building a strong household.

Community institutions and local networks play an important role in upholding child protection. The findings show that in areas with active social organisations, the dispensation rate is lower due to access to counselling, scholarships, and non-marital alternatives. In contrast, in regions with limited social support, child marriage often becomes a shortcut. This confirms that *maqāṣid*-based approaches must be implemented not only through formal legal channels but also through supportive social systems that promote child welfare. Strengthening community institutions and cross-sectoral cooperation is therefore integral to reducing marriage dispensation rates.

The researchers also highlight the need for Islamic religious education curriculum reform in schools to include topics such as healthy marriage,

psychological readiness, and children's rights. Current teaching of *fiqh al-munākahāt* often focuses on the legalities of marriage contracts, dowry, and divorce, without discussing social responsibility or gender equality. Contextual education can serve as an effective preventive tool to change public perceptions of child marriage. Integrating *maqāṣid al-sharī'ah* values into the curriculum will help students understand that marriage is not merely a *shar'ī* legality but a sacred trust involving the preservation of life, intellect, and lineage. Thus, education can serve as both a moral safeguard and a social instrument to prevent child marriage.

Conceptually, the findings reveal strong common ground between *maqāṣid al-sharī'ah* and positive law regarding child protection and social justice. Their differences lie primarily in epistemology: Islamic law is based on divine values, while national law is grounded in public rationality. However, both aim at human welfare as their ultimate goal. Integrating these two legal systems will strengthen legal legitimacy and broaden the reach of social protection. Therefore, a national guideline on marriage dispensation must be developed through interdisciplinary dialogue among religious scholars, judges, and academics, to ensure that policies align with both Indonesian social realities and universal Islamic values.

In conclusion, this research asserts that marriage dispensation must not be seen as a right, but as a highly restricted legal relief. It should only be granted under urgent and exceptional circumstances, and only after all aspects of *maṣlahah* have been carefully examined. Within the framework of *maqāṣid al-sharī'ah*, dispensation must be a last resort, not an easy solution to social pressures. Through an integrative approach that bridges Islamic law, national law, and the social sciences, it is hoped that future dispensation policies will be more just, child-focused, and reflective of substantive justice. In doing so, the noble purpose of marriage in Islam to build a *sakinah, mawaddah, wa raḥmah* family can be realised within a legal and social order that prioritises comprehensive human welfare.

In the Indonesian context, the practice of marriage dispensation frequently diverges from the principles of *maqāṣid al-sharī'ah*, which emphasize the necessity of ensuring *maṣlahah* (benefit) and preventing *mafsadah* (harm). Dispensation (*rukhsah*), as a provision in Islamic law, is ideally reserved for emergency situations (*ḍarūrah*)—a last resort when all other alternatives have been exhausted. However, the findings of this study indicate that marriage dispensation is often misused as an instant solution to social pressure, rather than as a protective instrument aimed at safeguarding individual well-being and social stability (Mokodenseho et al., 2024). This reflects a shift from the substantive spirit of *maqāṣid* to a more formalistic application (Kamali, 2017). From an epistemological perspective within Islamic legal theory, this phenomenon illustrates a **crisis of contextual *ijtihād***. Legal authorities and decision-makers tend to apply legal texts rigidly, neglecting the ever-evolving dynamics of society (Kamali, 2017). *Maqāṣid al-sharī'ah* should not be treated solely as abstract normative concepts; they must also function as an ethical and

social framework in the implementation of Islamic family law. The holistic pursuit of *maṣlahah* must take into account children's psychological, economic, and educational dimensions (Siddiqui et al., 2019).

Uncritical application of dispensation without thorough assessment constitutes a violation of core *maqāṣid*, particularly *ḥifẓ al-nafs* (protection of life), *ḥifẓ al-ʿaql* (protection of intellect), and *ḥifẓ al-nasl* (protection of lineage) (Alias et al., 2023). In this regard, the concept of *maṣlahah mursalah* becomes a crucial basis for *ijtihād*, allowing judges to move beyond rigid procedures in favour of long-term societal welfare (Zaprul Khan, 2018). In other words, *maqāṣid* must be reclaimed not merely as a legal justification tool but as a moral compass to evaluate the actual utility of law in modern contexts (Sutrisno & Widarjono, 2018). This aligns with the paradigm of Islamic legal humanism (*insāniyyah al-sharīʿah*), which sees the law as fundamentally serving human dignity.

Legal reform regarding marriage dispensation requires a revitalization of *maqāṣid*-based reasoning as an adaptive methodology (*istinbāt*) responsive to contemporary challenges (Mokodenseho et al., 2024). Engaging the principles of *maqāṣid* more actively enables legal stakeholders to construct legal practices that address not only formal legal needs but also the broader welfare of the Muslim community (*ummatan muḥtājah*) (Alam et al., 2015).

The research findings regarding inadequate psychological and social assessment underscore the need for a multidisciplinary approach to marriage dispensation. Within the *maqāṣid* framework, this aligns with the principle of *takamul* (integration) between legal rulings and the social sciences. Marriage involves interwoven psychological, biological, and sociocultural dimensions and cannot be addressed solely through *fiqh*. Religious courts, by engaging psychologists, family counsellors, and medical professionals in the evaluation process, can better function not only as legal institutions but also as guardians of public welfare (*ḥāris al-maṣlahah*).

Patriarchal culture in Indonesia plays a significant role in child marriage dispensation. As noted by Ilma (2020), the rise in dispensation requests following the legal amendment raising the minimum age of marriage reflects a regulatory gap, where dispensation decisions are often **repressive and irrational**. Legal solutions alone are insufficient because decisions to marry off daughters often stem from cultural beliefs that frame women as symbols of family honour. Boputra (2020) similarly points out that ignoring social and cultural context often results in policy outcomes that are detrimental to women.

From the perspective of *maqāṣid al-sharīʿah*, such practices clearly contradict the principles of justice (*al-ʿadl*) and equality (*ʿadl bayna al-nās*). Since marriage laws have far-reaching implications for family formation, policies developed without gender-sensitive considerations risk reinforcing inequality. Hence, structural reforms in education and cultural attitudes are essential to balancing gender interests.

Cultural reform through gender-sensitive education is a strategic way to reshape public attitudes toward women's roles. *Maqāṣid*-based education can be implemented in Islamic boarding schools (*pesantren*) and *madrasahs*. As noted by

Setiawan et al. (2020), such education should not only focus on religious doctrine but also foster awareness of gender equality. This not only strengthens religious literacy but also advocates for women's rights in broader social contexts.

A humanistic and contextualised *da'wah*, as analysed by Farhan and Hadisaputra (2021), can also serve as an effective means of enhancing social awareness. In this light, *pesantren* and *madrasahs* must function as agents of social transformation, promoting the understanding that honouring women does not mean restricting their freedoms or rights to personal development. All educational actors—including religious leaders, teachers, and communities—must engage in inclusive and empowering education.

From the standpoint of positive law, this study reaffirms that Indonesia's legal system is moving towards a child protection paradigm, but implementation remains weak. While Law No. 16 of 2019 incorporates the spirit of *maqāṣid* through the establishment of a higher minimum age for marriage, loopholes in the dispensation mechanism continue to undermine policy coherence. Therefore, harmonisation between Islamic law and national law is necessary to translate *maqāṣid* into procedural norms. A concrete step would be the development of a national guideline on marriage dispensation, based on comprehensive assessments. This would provide judges with both moral and technical guidance to evaluate applicants' readiness while ensuring the state fulfils its constitutional and Islamic obligations to protect children.

In further developing the concept of *maqāṣid al-usrah* (family-related objectives), attention must be given to the role of the family as a unit of societal welfare. This contemporary *maqāṣid* orientation broadens the classical scope by placing the family at the heart of social and moral development. This perspective is crucial in the formulation of policies around marriage dispensation, which often impacts not only individuals but also the broader social fabric and family stability. The unpreparedness of young couples may lead to family dysfunction, divorce, and a range of social issues, as shown in studies on the impacts of early marriage on women (Ririn et al., 2024; Tampubolon, 2021).

Maṣlaḥah al-usrah includes *ḥifẓ al-usrah*—the preservation of family as a foundation for social well-being. Therefore, marriage policies must consider their implications for moral and societal stability (Fahmi et al., 2024; Hardiyatullah et al., 2023). A more holistic approach, moving beyond bureaucratic procedures to reflect *maqāṣid* values, requires robust family education and premarital guidance as essential components (Herlina et al., 2023).

Practically, it is recommended that religious courts enhance internal oversight mechanisms by establishing a Marriage Readiness Assessment Team. This team—composed of judges, psychologists, religious counsellors, and social workers—should comprehensively assess the readiness of marriage applicants prior to granting dispensation (Lase, 2022; Irawan, 2022). This collective, *maṣlaḥah*-oriented decision-making process ensures that dispensation serves as a welfare instrument rather than a mere administrative procedure. Collaboration with local government agencies to provide comprehensive premarital services—such as psychological counselling and reproductive health education—can

further prepare young couples for responsible family life (Ririn et al., 2024; Sukandar et al., 2023).

Such efforts not only aim to reduce early divorce rates but also to uphold the values of *sakinah, mawaddah, wa rahmah*, thereby contributing to long-term social stability (Nita, 2022; Wulandari et al., 2022). Character formation and effective parenting, as discussed in numerous studies, must not be overlooked (Santoso & Amirudin, 2020). Here, value-based Islamic education must be strengthened to foster a new generation prepared for the responsibilities of family life in a modern context.

Another policy implication is the need for multi-stakeholder synergy between government institutions, religious bodies, and civil society in building a *maqāṣid*-based child protection ecosystem. The government can strengthen regulation through digitalisation of dispensation applications to enhance transparency and prevent data manipulation. Religious institutions and *pesantren* can act as social reform agents, embedding values of responsibility and equality into religious instruction. Civil society organisations can serve as strategic partners in advocacy and child protection efforts. This collaborative approach embodies the spirit of *maqāṣid*, which highlights collective responsibility (*mas'ūliyyah ijtimā'iyah*) for public welfare.

Academically, this study enriches the field of contemporary Islamic legal studies by presenting *fiqh al-maqāṣid* as a robust methodology for socio-religious research. Much Islamic legal scholarship remains overly normative and textual, failing to address empirical realities. The *maqāṣid* approach allows Islamic law to be understood as dynamic, contextual, and solution-oriented. In the case of marriage dispensation, *maqāṣid* serves as an analytical tool to balance *maṣlaḥah* and *mafsadah* in a scientifically and morally objective manner. This has theoretical implications for developing a *maqāṣid*-based policy analysis model, a public policy framework grounded in Islamic values of welfare. Such a model could be applied beyond marriage issues to areas like education, economics, and governance.

Practically, this research underscores the urgent need for reform in societal perceptions of marital readiness. Premarital education should be seen as a religious obligation preparing individuals for social responsibility – not as a mere formality. By integrating *maqāṣid al-sharī'ah* values, premarital education can instill awareness that marriage is a sacred trust requiring moral, intellectual, and spiritual maturity.

Ultimately, this study offers an essential message: true synergy between Islamic law and national law can only be achieved when society internalises *maqāṣid* as the moral foundation of civilisation. In doing so, marriage dispensation policies can be transformed from a legal loophole into a social learning tool – promoting awareness, justice, and the holistic welfare of society.

Conclusion

This study affirms that marriage in Islam holds a sacred position – not merely as a social contract but as an act of servitude to Allah SWT imbued with

moral, spiritual, and communal value. From the perspective of *maqāṣid al-sharī'ah*, the ultimate purpose of marriage is to safeguard the five essential elements of life (*al-darūriyyāt al-khams*), particularly *ḥifẓ al-nafs* (protection of life), *ḥifẓ al-'aql* (protection of intellect), and *ḥifẓ al-nasl* (protection of lineage). However, the current practice of marriage dispensation (*dispensasi kawin*) in Indonesia reveals a gap between the ideals of the *sharī'ah* and the prevailing social realities. What should function as an emergency legal mechanism is often applied loosely, without comprehensive assessments of the physical and psychological readiness of the prospective spouses. As a result, legal policies aimed at protecting children may inadvertently give rise to new forms of *mafsadah* (harm). These findings highlight the urgent need to revitalize *maqāṣid al-sharī'ah* in marriage policy and legal practice in Indonesia to avoid falling into a legal formalism that neglects humanistic and substantive justice values.

Theoretically, this study demonstrates that *maqāṣid al-sharī'ah* can serve as an integrative paradigm in the development of modern Islamic family law. This approach emphasizes a balance between *naṣṣ* (text) and *wāqi'* (context), between legal norms and social realities. In the context of marriage dispensation, *maqāṣid* directs that every legal decision consider long-term *maṣlahah*, rather than temporary or immediate interests. Child protection, reproductive health, and education are concrete implementations of the *maqāṣid* values of safeguarding life, intellect, and lineage. By integrating *maqāṣid* into the decision-making process of religious courts, judges may act not only as enforcers of law but also as guardians of public welfare (*ḥāris al-maṣlahah*). This perspective also affirms that Islamic law is not static but dynamic – capable of adapting to contemporary challenges without abandoning its divine foundational values.

Practically, this research yields significant implications for Indonesia's national legal system and the institutional capacity of religious courts. First, a national guideline on marriage dispensation should be developed, mandating comprehensive psychological, medical, and social assessments. Second, each religious court should establish a Marriage Readiness Assessment Team, composed of multidisciplinary professionals. Third, collaboration between the state and religious institutions must be strengthened to enhance premarital education programs incorporating *maqāṣid*-based values, gender sensitivity, and children's rights. These policy measures will ensure that dispensations are granted based on objective and transparent considerations, aligned with the spirit of *maṣlahah*. Their implementation is expected to reduce child marriage rates and reinforce the role of Islamic law as a value-based system that protects human dignity comprehensively (*shumūliyyah al-sharī'ah*).

From an academic perspective, this study recommends the advancement of the concept of *maqāṣid al-usrah* (family objectives) as an expansion of classical *maqāṣid*. The protection of the family (*ḥifẓ al-usrah*) should become a foundational pillar in Islamic legal studies, as the family serves as the nucleus of civilization and moral development. Socially, a paradigm shift is needed in public understanding of what constitutes marital readiness. Islamic educational institutions, *pesantren*, and religious organizations must expand their outreach to

emphasize that marriage is not merely a legal formality but a moral and spiritual commitment. The internalization of values such as responsibility, equality, and justice within marriage should be part of a broader social jihad to establish a civilized (*madaniyyah*) society. Therefore, *maqāṣid* must be understood not merely as a legal theory, but as a comprehensive ideology of welfare, guiding the collective behaviour of the Muslim community in navigating social transformation.

Reference

- Abdurahman, D., Assefa, N., & Berhane, Y. (2022). Parents' Intention Toward Early Marriage of Their Adolescent Girls in Eastern Ethiopia: A Community-Based Cross-Sectional Study From a Social Norms Perspective. *Frontiers in Global Women S Health*, 3. <https://doi.org/10.3389/fgwh.2022.911648>
- Abubakar, F. (2019). Islamic Family Law Reform: Early Marriage and Criminalization (A Comparative Study of Legal Law in Indonesia and Pakistan). *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum*, 4(2). <https://doi.org/10.22515/al-ahkam.v4i2.1667>
- Alam, M. M., Hassan, S., & Said, J. (2015). Performance of Islamic Microcredit in Perspective of Maqasid Al-Shariah. *Humanomics*, 31(4), 374–384. <https://doi.org/10.1108/h-12-2014-0072>
- Alem, A. Z., Yeshaw, Y., Kebede, S. A., Liyew, A. M., Tesema, G. A., Agegnehu, C. D., & Teshale, A. B. (2020). Spatial Distribution and Determinants of Early Marriage Among Married Women in Ethiopia: A Spatial and Multilevel Analysis. *BMC Women S Health*, 20(1). <https://doi.org/10.1186/s12905-020-01070-x>
- Alias, A. Z., Sulaiman, M., Ariffin, N. M., & Bakar, I. S. A. (2023). Malaysian Takaful Reporting From a Maqasid Shariah Perspective. *Journal of Islamic Philanthropy and Social Finance*, 5(1), 1–9. https://doi.org/10.24191/jipsf/v5n12023_1-9
- Amaroh, S., & Masturin, M. (2018). The Determinants of Maqasid Shariah Based Performance of Islamic Banks in Indonesia. *Iqtishadia Jurnal Kajian Ekonomi Dan Bisnis Islam*, 11(2), 354. <https://doi.org/10.21043/iqtishadia.v11i2.3961>
- Antarsih, N. R., Ichwan, E. Y., & Aticeh. (2023). Empowerment of Health Cadres to Prevent Child Marriage. *Jurnal Abdimas Peradaban*, 3(2), 21–28. <https://doi.org/10.54783/ap.v3i2.15>
- Apriyanti, D. A. (2021). Perlindungan Perempuan Dan Pernikahan Di Bawah Umur. *Pampas Journal of Criminal Law*, 2(1), 115–124. <https://doi.org/10.22437/pampas.v2i1.12676>
- Ariesman, M., Nur, C., & Nasra. (2025). Tinjauan Hukum Islam Terhadap Tradisi Mappabotting Kambara (Studi Kasus Di Desa Kanaungan, Kecamatan Labakkang, Kabupaten Pangkep). *Millatuna*, 2(01), 146–165. <https://doi.org/10.33752/mjsi.v2i01.8515>
- Aryati, S., Yulianti, S., & Hardinasari, R. (2020). Early Marriage in Yogyakarta. *E3s Web of Conferences*, 200, 4003. <https://doi.org/10.1051/e3sconf/202020004003>

- Azis, N. (2025). Hukum Islam Analisis 'Urf Pengaruh Stratifikasi Sosial Terhadap Pemilhan Pasangan Nikah Di Desa Tanah Toa, Kajang, Bulukumba. *Shautuna Jurnal Ilmiah Mahasiswa Perbandingan Mazhab Dan Hukum*, 330–346. <https://doi.org/10.24252/shautuna.v6i2.55132>
- Barkah, Q., Cholidi, C., Rochmiyatun, S., Asmorowati, S., & Fernando, H. (2023). The Manipulation of Religion and the Legalization of Underage Marriages in Indonesia. *Samarah Jurnal Hukum Keluarga Dan Hukum Islam*, 7(1), 1. <https://doi.org/10.22373/sjhk.v7i1.13316>
- Boputra, E. (2020). Diskresi Hukum Dalam Pemberian Dispensasi Perkawinan. *Jurnal Hukum Politik Dan Kekuasaan*, 1(1), 48. <https://doi.org/10.24167/jhpk.v1i1.2673>
- Fahmi, F., Jailani, J., & Hayati, H. (2024). Pembentukan Keluarga Islami; Analisis Tanggung Jawab Pasangan Suami Istri Di Kecamatan Nisam Kabupaten Aceh Utara. *Jurnal Ilmu Sosial Dan Ilmu Politik Malikussaleh (Jspm)*, 5(1), 225. <https://doi.org/10.29103/jspm.v5i1.16112>
- Farhan, L. P., & Hadisaputra, P. (2021). Conflict Management in Pesantren, Madrasah, and Islamic Colleges in Indonesia: A Literature Review. *Dialog*, 44(1), 37–50. <https://doi.org/10.47655/dialog.v44i1.445>
- Hamed, A., & Yousef, F. (2017). Prevalence, Health and Social Hazards, and Attitude Toward Early Marriage in Ever-Married Women, Sohag, Upper Egypt. *Journal of Egyptian Public Health Association*, 92(4), 228–234. <https://doi.org/10.21608/epx.2018.22044>
- Hardiyatullah, H., Qohar, A., Adnan, I., & Fadli, M. (2023). Menggali Prinsip-Prinsip Hukum Keluarga Islam: Perspektif Keseimbangan Antara Tradisi Dan Modernitas. *Ab*, 3(2), 13–20. <https://doi.org/10.59259/ab.v3i2.90>
- Hasan, A., Musyahid, A., & Asman, A. (2022). Dualism and Unworthy Legal Practice: the Marginalization of Women's Rights in Sirri and Early Marriages. *Asy-Syir Ah Jurnal Ilmu Syari Ah Dan Hukum*, 55(2), 149. <https://doi.org/10.14421/ajish.v56i1.1006>
- Herlina, H., Syarifuddin, S., & Susiba, S. (2023). Perspektif Al-Qur'an Dan Fikih Dalam Membangun Pendidikan Keluarga Yang Berkualitas. *Instructional Development Journal*, 6(1), 27. <https://doi.org/10.24014/idj.v6i1.24429>
- Humairah, S. (2020). Preservation of Uang Asap Tradition in Melayu Wedding: Maqāsid Shar'ah Perspective. *Shakhsiyah Burhaniyah Jurnal Penelitian Hukum Islam*, 5(1), 51–74. <https://doi.org/10.33752/sbjphi.v5i1.1624>
- Ilma, M. (2020). 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(2), 133–166. <https://doi.org/10.37680/almanhaj.v2i2.478>
- Kamali, M. H. (2017). Actualisation (Taf'il) of the Higher Purposes (Maqasid) of Shari'ah. *Icr Journal*, 8(3), 295–321. <https://doi.org/10.52282/icr.v8i3.177>
- Karimullah, S. S. (2023). The Relevance of the Concept of Justice in Islamic Law to Contemporary Humanitarian Issues. *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum*, 8(1). <https://doi.org/10.22515/alahkam.v8i1.7654>
- Kasdi, A. (2019). Actualizations of Maqāsid Al-Shariah in Modern Life; Maqāsid

- Al-Shariah Theory as a Method of the Development of Islamic Laws and Shariah Economics. *Justicia Islamica*, 16(2), 247–268. <https://doi.org/10.21154/justicia.v16i2.1666>
- Kharlie, A. T., Fathudin, F., & Triana, W. (2021). Reforming Islamic Marriage Bureaucracy in Indonesia: Approaches and Impacts. *Al-Jami Ah Journal of Islamic Studies*, 59(2), 255–286. <https://doi.org/10.14421/ajis.2021.592.255-286>
- Laksono, A. D., Wulandari, R. D., & Matahari, R. (2021). Does Education Level Matter in Women's Risk of Early Marriage?: Case Study in Rural Area in Indonesia. *Medico-Legal Update*. <https://doi.org/10.37506/mlu.v21i1.2273>
- Lazuardi, F., & Viktorahadi, R. F. B. (2024). Pernikahan Dalam Dua Agama : Perbandingan Konsep Pernikahan Dalam Islam Dan Katolik. *Integritas Terbuka Peace and Interfaith Studies*, 3(2), 111–124. <https://doi.org/10.59029/int.v3i2.34>
- Lubis, S. N., Siregar, Y. D., & Yasmin, N. (2023). Nilai-Nilai Islam Dalam Tradisi Pernikahan Masyarakat Etnis Melayu Di Tanjung Balai. *Warisan Journal of History and Cultural Heritage*, 4(2), 74–85. <https://doi.org/10.34007/warisan.v4i2.1925>
- Mokodenseho, S., Siregar, R., Muslim, S., Hasibuan, K., & Rahman, R. (2024). Analysis of the Influence of Fiqh and Maqasid Al-Syariah in the Formation of Islamic Legal Policy in Indonesia. *WSiSS*, 2(01), 30–37. <https://doi.org/10.58812/wsiss.v2i01.590>
- Musfiroh, M. R. (2017). Hukum Keluarga Dalam Perspektif Perlindungan Anak. *De Jure Jurnal Hukum Dan Syar'iah*, 8(2), 64–73. <https://doi.org/10.18860/j-fsh.v8i2.3731>
- Nita, M. W. (2022). Perspektif Hukum Islam Mengenai Konsep Keluarga Sakinah Dalam Keluarga Karir. *Jiip - Jurnal Ilmiah Ilmu Pendidikan*, 5(2), 614–620. <https://doi.org/10.54371/jiip.v5i2.465>
- Novitasari, A. F., Luth, T., Djumikasih, D., & Chanifah, N. (2024). The Importance of Maturity in Marriage From an Islamic Legal Perspective. *Journal of Legal Studies*, 33(47), 99–108. <https://doi.org/10.2478/jles-2024-0006>
- Pourtaheri, A., Sany, S. B. T., Aghaee, M. A., Ahangari, H., & Peyman, N. (2023). Prevalence and Factors Associated With Child Marriage, a Systematic Review. *BMC Women S Health*, 23(1). <https://doi.org/10.1186/s12905-023-02634-3>
- Pusporini, L. S., Alifiani, H., & Siska, S. (2024). The Relationship Between Knowledge and Adolescents' Attitudes Towards Early Marriage. *Majalah Kesehatan Indonesia*, 5(1), 9–14. <https://doi.org/10.47679/makein.2024201>
- Rahiem, M. D. H. (2021). COVID-19 and the Surge of Child Marriages: A Phenomenon in Nusa Tenggara Barat, Indonesia. *Child Abuse & Neglect*, 118, 105168. <https://doi.org/10.1016/j.chiabu.2021.105168>
- Raj, A., Salazar, M., Jackson, E., Wyss, N., McClendon, K. A., Khanna, A., Belayneh, Y., & McDougal, L. (2019). Students and Brides: A Qualitative Analysis of the Relationship Between Girls' Education and Early Marriage in Ethiopia and India. *BMC Public Health*, 19(1).

- <https://doi.org/10.1186/s12889-018-6340-6>
- Rapung, R., Muntazar, A., & Risnawati, R. (2025). Perspektif Tokoh Masyarakat Kajang Terhadap Aturan Kasta Dalam Adat Pernikahan Dan Relevansinya Dengan Fikih Islam. *Al Qalam Jurnal Ilmiah Keagamaan Dan Kemasyarakatan*, 19(1), 28. <https://doi.org/10.35931/aq.v19i1.4305>
- Rashid, M. M., Siddiqi, M. N. A., Al-Amin, M. M., Rahman, M. M., Roy, T. K., Rahman, M., Islam, M. J., & Rahman, O. (2024). Exploring Determinants of Early Marriage Among Women in Bangladesh: A Multilevel Analysis. *Plos One*, 19(10), e0312755. <https://doi.org/10.1371/journal.pone.0312755>
- Ririn, N. A., Arsyad, M., & Supiyah, R. (2024). DAMPAK PSIKOSOSIAL PADA ISTRI AKIBAT PERNIKAHAN DINI (Studi Di Desa Awiu Kecamatan Aere Kabupaten Kolaka Timur). *Welvaart Jurnal Ilmu Kesejahteraan Sosial*, 4(2). <https://doi.org/10.52423/welvaart.v4i2.43372>
- Ririnisahawaitun, Taufandas, M., Junardi, H., & Aupia, A. (2023). The Effect of Early Marriage Education on the Level of Knowledge of Adolescents About the Impact of Early Marriage. *Caring Indonesian Journal of Nursing Science*, 5(1), 40–45. <https://doi.org/10.32734/ijns.v5i1.12290>
- Rozikin, M. R. (2017). Konsepsi Pernikahan Dalam Islam Dan Perannya Dalam Menjaga Adab Interaksi Pria-Wanita. *Waskita Jurnal Pendidikan Nilai Dan Pembangunan Karakter*, 2(2), 71–82. <https://doi.org/10.21776/ub.waskita:jurnalpendidikannilaidanpembangu nankarakter.2018.002.02.7>
- Saleh, A. M., Othman, S., Ismail, K., & Shabila, N. P. (2022). Exploring Iraqi People's Perception About Early Marriage: A Qualitative Study. *BMC Women S Health*, 22(1). <https://doi.org/10.1186/s12905-022-01980-y>
- Sanah, E. R. A. (2024). Pernikahan Sakinah: Tafsir Hermeneutika Teologis Atas Konsep Ketenangan Dan Kasih Dalam Al-Quran. *Ta'wiluna Jurnal Ilmu Al-Qur an Tafsir Dan Pemikiran Islam*, 5(3), 742–756. <https://doi.org/10.58401/takwiluna.v5i3.1710>
- Santoso, D. B., & Amirudin, N. (2020). Pola Pengasuhan Anak Dalam Pembentukan Perilaku Yang Islami Pada Keluarga Bercerai. *Tamaddun*, 21(1), 35. <https://doi.org/10.30587/tamaddun.v21i1.1376>
- Sari, D. P. S. D. P. (2021). Kasus Pernikahan Dini: Dalam Kompilasi Hukum Islam. *Karimiyah Journal of Islamic Literature and Muslim Society*, 1(1), 21–36. <https://doi.org/10.59623/karimiyah.v1i1.3>
- Sariroh, S., Ali, M., & Waliden, I. A. S. (2024). Counseling to Increase Legal Literacy About Early Marriage in Pocangan Village, Sukowono District, Jember Regency. *Journal of Community and Development*, 4(3), 188–195. <https://doi.org/10.47134/comdev.v4i3.171>
- Setiawan, D., Bafadal, I., Supriyanto, A., & Hadi, S. (2020). Madrasah Berbasis Pesantren: Potensi Menuju Reformasi Model Pendidikan Unggul. *Jurnal Akuntabilitas Manajemen Pendidikan*, 8(1), 34–43. <https://doi.org/10.21831/jamp.v8i1.27871>
- Siddiqi, M. F., Jan, S., & Ullah, K. (2019). Maqasid Al Shariah and Stakeholders' Wellbeing in Islamic Banks: A Proposed Framework. *Business & Economic*

- Review*, 11(1), 83–102. <https://doi.org/10.22547/ber/11.1.4>
- Sukandar, G., Yamin, M. N., & Fauzan, A. (2023). Strategi Komunikasi Penyuluh Agama Dalam Pembinaan Keluarga Islam Di Purwosari. *Al Qalam Jurnal Ilmiah Keagamaan Dan Kemasyarakatan*, 17(5), 3648. <https://doi.org/10.35931/aq.v17i5.2690>
- Suleman, F., Arifuddin, Q., Saifudin, S., Khasanah, F., & Karimullah, S. S. (2023). The Review of the Masalah Mursalah Related to Early Marriage: Implementation and Orientation. *Jurnal Dinamika Hukum*, 23(3), 573. <https://doi.org/10.20884/1.jdh.2023.23.3.3783>
- Sutrisno, S., & Widarjono, A. (2018). Maqasid Sharia Index, Banking Risk and Performance Cases in Indonesian Islamic Banks. *Asian Economic and Financial Review*, 8(9), 1175–1184. <https://doi.org/10.18488/journal.aefr.2018.89.1175.1184>
- Tampubolon, E. P. L. (2021). Permasalahan Perkawinan Dini Di Indonesia. *Jurnal Indonesia Sosial Sains*, 2(5), 738–746. <https://doi.org/10.36418/jiss.v2i5.279>
- Tresiana, N., & Duadji, N. (2021). The Practice of Child Marriage: A Profile and Policy Advocacy for Indonesian Government. *Prace I Studia Geograficzne*, 66(2), 119–132. <https://doi.org/10.48128/pisg/2021-66.2-07>
- Umar, M., Sultan, L., Sudirman, L., Ridwan, M. S., Syamsuddin, D., & Idrus, A. M. (2023). Perspectives From Islamic Law on the Muhammadiyah Central Leadership's Tarjih Council and Its Significance for Religious Moderation. *Journal of Modern Islamic Studies and Civilization*, 2(01), 78–93. <https://doi.org/10.59653/jmisc.v2i01.517>
- Wulandari, S. R., Nurani, S. M., & Putra, R. (2022). Paradigma Keluarga Sakinah Mawaddah Wa Rahmah Dan Relasinya Dengan Tingkat Perceraian Serta Pertumbuhan Penduduk Di Indonesia. *Jh*, 3(1), 16–31. <https://doi.org/10.37366/jh.v3i1.1016>
- Yakubu, I., & Salisu, W. J. (2018). Determinants of Adolescent Pregnancy in Sub-Saharan Africa: A Systematic Review. *Reproductive Health*, 15(1). <https://doi.org/10.1186/s12978-018-0460-4>
- Yazid, M. (2023). Conservatism of Islamic Legal Arguments in Granting Marriage Dispensation at the Indonesian Religious Courts. *Al-Qisthu Jurnal Kajian Ilmu-Ilmu Hukum*, 21(1), 1–14. <https://doi.org/10.32694/qst.v21i1.2489>
- Zaprulkhan, Z. (2018). Maqāṣid Al-Shariah in the Contemporary Islamic Legal Discourse: Perspective of Jasser Auda. *Walisongo Jurnal Penelitian Sosial Keagamaan*, 26(2), 445. <https://doi.org/10.21580/ws.26.2.3231>
- Zulaiha, E., & Mutaqin, A. Z. (2021). The Problems of the Marriage Age Changing in Indonesia in the Perspectives of Muslim Jurists and Gender Equality. *Hanifiya Jurnal Studi Agama-Agama*, 4(2), 99–108. <https://doi.org/10.15575/hanifiya.v4i2.13538>