MAWADDAH: Jurnal Hukum Keluarga Islam **p-ISSN 3031-5247**
DOI: https://doi.org/10.52496/mjhki.v4i2.135 **e-ISSN 3026-6076**

Reconstructing Minimum Marriage Age in Indonesia and Malaysia: A Comparative Maqāṣid al-Sharīʿah and Child Protection Analysis

***Samsuri[a], Fauzi Rahmat Pamula[b], Umdatul Hasanah[c], Wasehudin[c], Sayehu[c]**
[a] Universitas Muhammadiyah Tangerang, Indonesia
[b] Universitas Pamulang, Indonesia
[c] UIN Sultan Maulana Hasanuddin Banten, Indonesia
*Corresponding author: samsuri@umt.ac.id

Received:	Revised:	Accepted:	Available Online:	Published:
22/03/2026	06/09/2026	12/10/2026	13/10/2026	13/10/2026

Abstract

Child marriage remains a persistent legal and child-protection issue in Indonesia and Malaysia despite reforms aimed at raising the minimum marriage age. This study aims to comparatively examine the regulation of minimum marriage age in both countries and formulate a reconstruction model based on Maqāṣid al-Sharīʿah and child-protection principles. This study employs comparative doctrinal legal research using statutory, conceptual, comparative, and Maqāṣid approaches. The analysis examines marriage legislation, marriage-dispensation provisions, selected judicial decisions, Islamic legal literature, and international child-rights instruments. The findings show that Indonesia establishes a uniform minimum marriage age of 19 years for both men and women, while Malaysia generally maintains differentiated age standards under state-based Islamic family laws and permits judicial exceptions. In both countries, the effectiveness of minimum-age regulation is weakened by marriage dispensations, judicial discretion, socio-cultural pressures, pregnancy, and economic considerations. From a Maqāṣid al-Sharīʿah perspective, puberty alone is insufficient to justify marriage because child protection requires safeguarding life, intellect, lineage, dignity, and welfare. The study proposes 19 years as a gender-neutral legal benchmark, supported by strict and exceptional dispensation procedures, mandatory psychological and health assessments, child-centered judicial reasoning, and stronger institutional coordination. This reconstruction provides a framework for harmonizing Islamic family law with contemporary child-protection standards.

Keywords: *Minimum Marriage Age; Marriage Dispensation; Maqāṣid al-Sharīʿah; Child Protection; Indonesia–Malaysia.*

Abstrak

Perkawinan anak masih menjadi persoalan hukum dan perlindungan anak di Indonesia dan Malaysia meskipun telah dilakukan berbagai reformasi untuk meningkatkan batas usia minimum perkawinan. Penelitian ini bertujuan menganalisis secara komparatif pengaturan usia minimum perkawinan di kedua negara serta merumuskan model rekonstruksi berdasarkan prinsip Maqāṣid al-Syarī'ah dan perlindungan anak. Penelitian ini menggunakan metode penelitian hukum doktrinal-komparatif dengan pendekatan perundang-undangan, konseptual, komparatif, dan Maqāṣid al-Syarī'ah.

Bahan hukum yang dianalisis meliputi peraturan perkawinan, ketentuan dispensasi perkawinan, putusan pengadilan, literatur hukum Islam, dan instrumen internasional mengenai hak anak. Hasil penelitian menunjukkan bahwa Indonesia menetapkan usia minimum perkawinan 19 tahun bagi laki-laki dan perempuan, sedangkan Malaysia pada umumnya masih menerapkan batas usia yang berbeda berdasarkan hukum keluarga Islam di masing-masing negara bagian serta memberikan ruang bagi pengecualian melalui pengadilan. Di kedua negara, efektivitas batas usia tersebut masih dipengaruhi oleh dispensasi perkawinan, diskresi hakim, tekanan sosial, kehamilan, dan faktor ekonomi. Berdasarkan Maqāṣid al-Syarī'ah, penelitian ini merekomendasikan usia 19 tahun sebagai standar minimum yang setara bagi laki-laki dan perempuan, disertai pembatasan dispensasi secara ketat, asesmen psikologis dan kesehatan, pertimbangan kepentingan terbaik anak, serta penguatan koordinasi kelembagaan dalam perlindungan anak.

Kata Kunci: Usia Minimum Perkawinan; Dispensasi Perkawinan; Maqāṣid Al-Syarī'Ah; Perlindungan Anak; Indonesia-Malaysia.

INTRODUCTION

Child marriage remains one of the most serious social and legal problems in many Muslim-majority countries, including Indonesia and Malaysia. Although both countries have experienced significant legal reform and socio-economic development, the practice of marriage involving children continues to occur in both rural and urban areas. The United Nations Children's Fund (UNICEF) categorizes child marriage as a violation of children's rights because it threatens children's physical, psychological, educational, and social development. In Southeast Asia, Indonesia is among the countries with the highest rates of child marriage, while Malaysia continues to face legal and institutional debates regarding the minimum marriage age under the dual legal system between civil law and Islamic family law.[1]

Child marriage has multidimensional impacts on children, especially girls.[2] Early marriage often increases the risk of reproductive health complications because adolescent girls are biologically and psychologically unprepared for pregnancy and childbirth. Studies published in global health journals demonstrate that child marriage contributes to maternal mortality, malnutrition, anemia, premature birth,

[1] United Nations Children's Fund (UNICEF), "Child Marriage around the World: Indonesia Profile" (New York: UNICEF, 2023), https://www.unicef.org/indonesia/reports/child-marriage-around-world.

[2] Zaini Nasohah et al., "Elements of Child Welfare Protection in Islamic Family Law in Southeast Asian Countries," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 3 (2025): 1349–70, https://doi.org/https://doi.org/10.22373/sjhk.v9.i3.26746.

and reproductive trauma among young women.[3] In addition, girls who marry at an early age frequently experience discontinuation of education, which ultimately limits their access to employment and economic opportunities. This condition reproduces structural poverty and social inequality across generations.[4]

From a psychological perspective, early marriage may create emotional pressure, depression, anxiety, trauma, and domestic instability.[5] Adolescents generally do not yet possess emotional maturity and conflict management skills necessary for family life. Several empirical studies in Indonesia show that marriages involving children are highly vulnerable to divorce, domestic violence, and economic dependency.[6] Child marriage also contributes to gender-based violence because unequal power relations often place young wives in vulnerable positions within the household.[7] Consequently, child marriage is no longer viewed merely as a private family matter, but rather as a broader issue of human rights, social justice, and child protection.

In Indonesia, legal reform concerning the minimum age of marriage became an important milestone after the amendment of Marriage Law Number 1 of 1974 through Law Number 16 of 2019. Prior to the amendment, the minimum marriage age was 16 years for girls and 19 years for boys. The Constitutional Court of Indonesia considered this distinction discriminatory and inconsistent with constitutional principles

[3] Nour M El Fenniri, "Child Marriage and Maternal Health Outcomes in Developing Countries," *The Lancet Global Health* 9, no. 8 (2021): e1101–10, https://doi.org/10.1016/S2214-109X(21)00230-5.

[4] Mies Grijns and Hoko Horii, "Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns," *Asian Journal of Law and Society* 5, no. 2 (2018): 453–66, https://doi.org/10.1017/als.2018.9.

[5] Akh Syamsul Muniri, Abdul Hadi, and Abdul Ghofur, "Child Marriage in Indonesia: Are Parents' Protection and Responsibilities Involved?," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 2 (2023): 301–13, https://doi.org/https://doi.org/10.18860/j-fsh.v15i2.24388.

[6] Eva F Nisa, "Muslim Girls and Child Marriage in Indonesia," *Journal of Legal, Ethical and Regulatory Issues* 24, no. 5 (2021): 1–10, https://www.abacademies.org/articles/muslim-girls-and-child-marriage-in-indonesia.pdf.

[7] United Nations Women, "Child Marriage and Violence against Women" (New York: UN Women, 2021), https://www.unwomen.org/en/digital-library/publications; Anita Rahmawaty, "Gender Inequality and Child Marriage Practice in Muslim Communities," *Qudus International Journal of Islamic Studies* 10, no. 2 (2022): 233–52, https://doi.org/10.21043/qijis.v10i2.14562.

of equality and child protection.[8] Therefore, the law was amended so that both men and women must reach the age of 19 before marriage. However, despite this progressive reform, the practice of marriage dispensation granted by Religious Courts continues to increase significantly. Research indicates that judges often approve dispensations due to social pressure, pregnancy outside marriage, economic reasons, and religious considerations.[9]

Unlike Indonesia, Malaysia applies a federal system in which Islamic family law is regulated separately by each state. This situation creates variations in the minimum age of marriage among Malaysian states. In general, the minimum marriage age for Muslims is 18 years for men and 16 years for women, although Sharia Courts possess authority to grant exceptions.[10] The diversity of legal standards among Malaysian states demonstrates the complexity of legal pluralism in Muslim societies. It also reflects the continuing tension between state legal reform, religious authority, and local socio-cultural traditions.

The debate surrounding child marriage in Muslim-majority societies is closely related to tensions between child protection principles, religious interpretations, and cultural practices. Conservative scholars often justify early marriage through classical fiqh interpretations referring to puberty as the basis of marital eligibility.[11] Meanwhile, progressive Muslim scholars argue that Islamic law must be interpreted contextually by considering public welfare (maṣlaḥah), social realities, and contemporary human rights standards.[12] This debate illustrates the dynamic interaction between Islamic jurisprudence and modern legal reform.

---

[8] Constitutional Court of the Republic of Indonesia, Decision Number 22/PUU-XV/2017 concerning Judicial Review of Marriage Law (2018).

[9] Euis Nurlaelawati, "Marriage Dispensation after the Amendment of Indonesian Marriage Law," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 1 (2022): 1–28, https://doi.org/10.19105/al-lhkam.v17i1.5901; M Atho Mudzhar, "Islamic Legal Reform and Child Marriage in Indonesia," *Studia Islamika* 29, no. 2 (2022): 223–48, https://doi.org/10.36712/sdi.v29i2.28901.

[10] Maznah Mohamad, *The Divine Bureaucracy and Dispersed Governance in Malaysia* (Singapore: Palgrave Macmillan, 2020); Raihanah Abdullah, "Islamic Family Law and Child Marriage in Malaysia," *Malayan Law Journal* 6 (2021): 34–49.

[11] Wahbah al-Zuhayli, *Al-Fiqh Al-Islāmī Wa Adillatuh*, vol. 7 (Damascus: Dār al-Fikr, 1989).

[12] Abdullahi Ahmed An-Na'im, *Islam and the Secular State* (Cambridge, MA: Harvard University Press, 2008); Amina Wadud, *Qur'an and Woman* (New York: Oxford University Press, 1999).

In this context, the Maqāṣid al-Sharīʿah approach becomes highly important in reconstructing Islamic family law. Maqāṣid al-Sharīʿah emphasizes the objectives of Islamic law, particularly the protection of religion, life, intellect, lineage, and human dignity. Contemporary Muslim scholars such as Jasser Auda argue that maqāṣid should function as a flexible methodology capable of addressing contemporary social problems, including child marriage and gender injustice.[13] Through this approach, the determination of marriage age should not merely rely on biological puberty, but must also consider psychological maturity, educational readiness, economic capability, and child welfare.

Furthermore, international legal instruments strongly support the protection of children from harmful marital practices. The Convention on the Rights of the Child (CRC) emphasizes that children must be protected from exploitation and practices harmful to their health and development.[14] Similarly, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) encourages states to eliminate discriminatory practices against women, including child marriage.[15] The Sustainable Development Goals (SDGs), particularly Goal 5 concerning gender equality, also call for the elimination of child marriage by 2030.[16] Therefore, legal reform regarding minimum marriage age in Muslim societies must engage not only with Islamic jurisprudence but also with international child protection standards.

Based on these realities, this study argues that reconstructing the minimum marriage age in Indonesia and Malaysia requires an integrative approach combining Maqāṣid al-Sharīʿah and child protection principles. Such reconstruction is necessary to ensure that Islamic family law remains relevant, responsive, and capable of protecting children's rights in contemporary Muslim societies.

This study focuses on three major research questions. First, how are the minimum marriage age regulations constructed in Indonesia and Malaysia within their respective legal systems? Second, what are the

[13] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008).

[14] United Nations General Assembly, "Convention on the Rights of the Child," 1989, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.

[15] United Nations General Assembly, "Convention on the Elimination of All Forms of Discrimination against Women," 1979, https://www.un.org/womenwatch/daw/cedaw/.

[16] United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development* (New York, 2015).

weaknesses and challenges of current minimum marriage age regulations from the perspectives of Maqāṣid al-Sharīʿah and child protection? Third, how should the reconstruction of minimum marriage age standards be formulated to ensure child welfare and legal protection in Muslim societies?

Existing scholarship can be grouped into four main clusters. The first examines Indonesia's marriage-age reform and judicial dispensation, particularly the shift toward a uniform age of 19 and the continuing role of social and judicial factors in underage marriage. The second focuses on Malaysian Islamic family law, emphasizing state-based regulation, legal pluralism, and the authority of Sharia Courts. The third develops Maqāṣid al-Sharīʿah as a framework for contemporary family-law reform, especially through the principles of welfare, dignity, and prevention of harm. The fourth approaches child marriage through international child-protection and human-rights standards, particularly the CRC and CEDAW.

However, these four strands largely remain separate: existing studies do not sufficiently explain how different legal structures in Indonesia and Malaysia affect the operation of minimum-age rules and judicial exceptions, nor do they systematically use Maqāṣid al-Sharīʿah to evaluate those differences and formulate a common child-protection standard. This study addresses that gap by integrating comparative legal analysis, Maqāṣid-based reasoning, and child-protection principles to reconstruct both the substantive age standard and the regulation of judicial exceptions.

Therefore, this article offers originality in three major aspects. First, it employs a comparative socio-legal approach examining both Indonesia and Malaysia simultaneously. Second, it integrates Maqāṣid al-Sharīʿah with contemporary child protection frameworks derived from international human rights instruments. Third, it proposes a progressive reconstruction model for Islamic family law reform that seeks compatibility between Sharīʿah principles, constitutional law, and child welfare standards.

This study aims to analyze the construction of minimum marriage age regulations in Indonesia and Malaysia within their respective legal systems. It also seeks to identify the legal and social problems arising from the implementation of those regulations, particularly concerning marriage dispensation and child protection. Furthermore, this research intends to formulate a reconstruction of minimum marriage age

standards based on Maqāṣid al-Sharīʿah and child protection principles in order to strengthen legal protection for children in Muslim societies.

RESEARCH METHODS

This study employs doctrinal-comparative legal research to examine and compare the construction of minimum marriage age and the regulation of exceptions in Indonesia and Malaysia. Rather than relying on interviews or other primary socio-legal field data, the study is based on primary legal materials consisting of marriage legislation, child-protection regulations, judicial decisions concerning marriage dispensation, and relevant policy documents in both countries, complemented by secondary legal materials including scholarly books, peer-reviewed journal articles, and contemporary Islamic legal literature.

The comparative analysis is structured around several variables: statutory minimum marriage age; gender differentiation; marriage-dispensation mechanisms; judicial authority and discretion; parental consent; pregnancy as a ground for dispensation; application of the best-interest-of-the-child principle; psychological and medical assessment; judicial guidelines; institutional oversight; and the legal consequences of unauthorized underage marriage. These variables are examined comparatively to identify similarities, differences, and regulatory weaknesses in the Indonesian and Malaysian legal systems. The analysis is subsequently interpreted through the framework of Maqāṣid al-Sharīʿah, particularly ḥifẓ al-nafs (protection of life), ḥifẓ al-ʿaql (protection of intellect), ḥifẓ al-nasl (protection of lineage), and ḥifẓ al-karāmah (protection of human dignity), while also considering contemporary child-protection standards reflected in the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

This research applies several approaches. The statutory approach is used to analyze legislation concerning marriage age and child protection in Indonesia and Malaysia. The comparative approach is employed to identify similarities and differences between the two legal systems. The conceptual approach is used to explore theories of Islamic legal reform, child protection, and legal pluralism. Furthermore, the study utilizes the Maqāṣid al-Sharīʿah approach to examine the objectives of Islamic law in protecting children's welfare and dignity. The human rights approach is also applied to evaluate the compatibility between Islamic family law and international child protection standards such as CRC and CEDAW.

RESULTS AND DISCUSSION

Regulatory Construction of Minimum Marriage Age in Indonesia and Malaysia

The regulation of minimum marriage age in Indonesia has experienced significant transformation from the colonial period to the contemporary era.[17] Before the enactment of the Marriage Law of 1974, marriage practices in Indonesian Muslim society were largely influenced by customary traditions, classical Islamic jurisprudence, and local religious authority.[18] Early marriage was socially accepted in many regions because puberty was commonly considered sufficient for marital eligibility.[19] However, social modernization, women's education, and global human rights discourse gradually encouraged the Indonesian state to regulate marriage more strictly.[20]

Law Number 1 of 1974 concerning Marriage became the first national legal framework regulating marriage for all Indonesian citizens.[21] The law established the minimum marriage age at 19 years for men and 16 years for women.[22] Although the law was considered progressive at that time, the distinction between male and female marriage age later became the subject of criticism because it institutionalized gender inequality. Feminist scholars and child protection activists argued that the regulation legitimized child marriage

[17] Noorhaidi Hasan et al., "Adaptive Discretion in Child Marriage Prevention: Street-Level Bureaucracy in Indonesia's Islamic Marriage Administration," *J. Islamic L.* 7 (2026): 142, https://doi.org/https://doi.org/10.24260/jil.v7i1.5265.

[18] Fauzi Rahmat Pamula and Ahmad Hidayat, "KHITBAH DALAM PERSPEKTIF KAIDAH FIKIH DAN APLIKASINYA," *Jurnal Ilmiah Ahwal Syakhshiyyah (JAS)* 7, no. 2 (2025): 358–73, https://doi.org/https://doi.org/10.33474/jas.v7i2.24615.

[19] M B Hooker, *Indonesian Islam: Social Change through Contemporary Fatawa* (Honolulu: University of Hawai'i Press, 2003).

[20] Jumni Nelli et al., "Reconstructing the Ṣāliḥah Wife: Gendered Exchange, Religious Authority, and Divorce among Working Muslim Women in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 25, no. 1 (2026): 1–14, https://doi.org/https://doi.org/10.31958/juris.v25i1.16025.

[21] Fauzi Rahmat Pamula, "Analisis Putusan Hakim Pengadilan Agama Dalam Perkara Izin Poligami," *Jurnal Ilmiah Ahwal Syakhshiyyah (JAS)* 5, no. 2 (2023): 225–40, https://doi.org/https://doi.org/10.33474/jas.v5i2.21033.

[22] Republic of Indonesia, "Law Number 1 of 1974 Concerning Marriage" (1974).

for girls and contradicted constitutional guarantees of equality before the law.[23]

The legal reform reached a major turning point after the Constitutional Court Decision Number 22/PUU-XV/2017. The Court declared that the difference in minimum marriage age between men and women was discriminatory and inconsistent with constitutional principles protecting children's rights.[24] Consequently, the Indonesian government amended the Marriage Law through Law Number 16 of 2019, raising the minimum marriage age for women from 16 to 19 years. This amendment was widely praised as a progressive step toward strengthening child protection and gender equality.[25]

The relationship between these provisions and the Child Protection Law is therefore crucial: the statutory age should function as the general protective rule, while dispensation should operate only as a narrowly construed exception rather than as an alternative route to marriage[26]. From a constitutional perspective, the equalization of the minimum age also addresses the discriminatory distinction previously contained in the 1974 Marriage Law. Nevertheless, the protective architecture remains vulnerable when "urgent reasons" are interpreted broadly, particularly where pregnancy, parental pressure, economic concerns, or social stigma become decisive considerations.

Indonesia's legal framework establishes a layered standard for preventing child marriage. Article 7(1) of Law No. 16 of 2019 sets 19 years as the minimum age for both sexes, while Article 7(2) permits dispensation only for "very urgent reasons" supported by sufficient evidence, and Article 7(3) requires the court to hear the prospective spouses. This reform followed Constitutional Court Decision No. 22/PUU-XV/2017, which found the former 16-year threshold for women discriminatory, while child-protection legislation and Supreme Court Regulation No. 5 of 2019 reinforce the best interests of the child as a

[23] Siti Musdah Mulia, "Child Marriage in Indonesia and the Reform of Islamic Family Law," *Al-Jami'ah: Journal of Islamic Studies* 58, no. 2 (2020): 321–44, https://doi.org/10.14421/ajis.2020.582.321-344.

[24] Indonesia, Decision Number 22/PUU-XV/2017 concerning Judicial Review of Marriage Law.

[25] Nurlaelawati, "Marriage Dispensation after the Amendment of Indonesian Marriage Law."

[26] Fauzi Rahmat Pamula, "Penyalahgunaan Konsep Qiwāmah Dalam Justifikasi Kekerasan Rumah Tangga Di Indonesia Perspektif Maqāṣid Al-Syarī 'Ah," *Edulaw: Journal of Islamic Law and Yurisprudance* 8, no. 1 (2026): 20–33, https://doi.org/https://doi.org/10.47453/edulaw.v8i1.4211.

judicial standard. Nevertheless, judicial practice shows that the meaning of urgency remains open to factual interpretation.

Unlike Indonesia, Malaysia operates under a dual legal system combining civil law and Islamic law.[27] Islamic family law falls under the jurisdiction of each state, meaning that every Malaysian state possesses authority to regulate Muslim marriage independently.[28] This federal structure creates legal diversity regarding minimum marriage age and marriage procedures across the country.

In most Malaysian states, the minimum marriage age for Muslims is 18 years for men and 16 years for women. However, Sharia Courts possess discretionary authority to permit marriages below the legal minimum age.[29] This judicial discretion reflects the continuing influence of classical Islamic jurisprudence, which traditionally associates marriage eligibility with puberty rather than chronological age. Consequently, legal standards concerning child marriage vary among states depending on religious interpretation, administrative policy, and political context.

The Malaysian framework should therefore be understood through the interaction between federal constitutional arrangements and state-based Islamic family law rather than through a single national minimum-age rule. For Muslims, marriage regulation is principally administered through the Islamic family-law enactments of the respective states, while the Sharia Courts exercise jurisdiction within the authority conferred by those state legal frameworks. Consequently, the legal meaning of the minimum marriage age and the conditions for permitting marriage below the ordinary threshold may vary according to the applicable state enactment and judicial practice. This institutional structure creates an important distinction between the existence of an age threshold and the authority to make exceptions to that threshold.

The relevant comparison is therefore not simply whether Malaysia permits marriage below a particular age, but which state enactment establishes the threshold, which institution has authority to approve an exception, what criteria must be satisfied, and whether the court is required to apply a best-interest-of-the-child standard or conduct

[27] Reni Anggriani et al., "Agreement of Waqf in Indonesia and Malaysia: Harmonisation with Quranic Principles and Modern Legal Frameworks," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 25, no. 2 (2025): 231–55, https://doi.org/https://doi.org/10.18326/ijtihad.v25i2.231-255.

[28] Mohamad, *The Divine Bureaucracy and Dispersed Governance in Malaysia*.

[29] Abdullah, "Islamic Family Law and Child Marriage in Malaysia."

psychological and medical assessments. This decentralized structure illustrates the analytical significance of legal pluralism in Malaysia: pluralism does not merely produce differences in statutory rules, but distributes regulatory authority among federal constitutional institutions, state religious authorities, administrative bodies, and Sharia Courts. Accordingly, the effectiveness of child protection depends not only on the substantive age threshold but also on the institutional mechanisms through which exceptions are authorized and supervised.

Table 1. State-Based Legal Framework of Minimum Marriage Age and Judicial Exceptions in Malaysia

State / Jurisdiction	Minimum Marriage Age for Muslims	Authority for Underage Marriage	Main Legal Mechanism
Federal framework	No single uniform Muslim minimum age applicable to all states	State Syariah Court / relevant state authority	State Islamic family-law enactments
Selangor	Generally 18 for both males and females	Syariah Court	Court approval for exceptional cases
Other states	Commonly 18 for males and 16 for females, subject to the applicable state enactment	Syariah Court / state religious authority	Judicial permission or approval for underage marriage
Kelantan	State-specific Islamic family-law framework	Syariah Court	Judicial authorization for exceptional marriage
Terengganu	State-specific Islamic family-law framework	Syariah Court	Judicial authorization for exceptional marriage
Other state jurisdictions	Determined by respective state enactments	State Syariah Court	Court order/permission where required

A systematic comparison of Indonesia and Malaysia requires the two legal systems to be examined through common analytical variables rather than through a general classification of one system as more progressive and the other as more traditional. The comparison in this study focuses on statutory minimum marriage age, gender differentiation, mechanisms of marriage dispensation or judicial exception, judicial authority and discretion, parental consent, pregnancy as a ground for exceptional marriage, application of the best-interest-of-the-child principle, psychological and medical assessment, judicial guidelines, institutional oversight, and the legal consequences of unauthorized underage marriage.

Table 2. Comparative Legal Matrix of Minimum Marriage Age Regulation in Indonesia and Malaysia

Comparative Variable	Indonesia	Malaysia	Comparative Significance
Legal and institutional framework	National marriage law applies uniformly, principally through Law No. 1 of 1974 as amended by Law No. 16 of 2019	Muslim marriage law is regulated primarily through state Islamic family-law enactments and administered by state Syariah Courts	Indonesia is relatively centralized, while Malaysia reflects a decentralized and plural legal structure
Minimum marriage age	19 years for both males and females	Generally 18 for males and 16 for females, subject to the applicable state enactment	Indonesia adopts a nationally uniform and gender-equal threshold, whereas Malaysia retains greater state-level variation
Exception to minimum age	Marriage below 19 may be permitted through	Marriage below the prescribed age may be permitted by the	Both systems maintain judicial exceptions that

	judicial dispensation based on "urgent reasons" supported by sufficient evidence	relevant Syariah Court under applicable state law	may affect the protective function of the statutory age threshold
Judicial discretion and child protection	Judicial assessment is guided by marriage law, Supreme Court Regulation No. 5 of 2019, and the best interests of the child	The scope of judicial discretion and protective assessment depends on the applicable state enactment and judicial practice	The effectiveness of minimum-age regulation depends not only on statutory thresholds but also on how courts control exceptional marriages
Regulatory implication	National uniformity strengthens formal legal certainty, although extensive dispensation may weaken substantive protection	Legal pluralism accommodates state authority but may produce differences in child-protection standards	Both systems reveal a tension between legal exceptions and the objective of protecting children from premature marriage

The different outcomes in Indonesia and Malaysia are shaped not simply by different minimum-age rules, but by the institutional structure through which those rules are implemented. Indonesia's centralized reform enables a uniform age threshold and national judicial guidelines, yet its protective effect can still be weakened when Religious Courts

interpret "urgent reasons" broadly in dispensation cases[30]. Malaysia's decentralized structure, by contrast, allows state Islamic authorities and Syariah Courts greater regulatory autonomy, producing variation in age standards,

judicial criteria, and child-protection safeguards across jurisdictions. The comparison therefore shows that Islamic family-law reform cannot be measured solely by the formal enactment of a higher marriage age: its effectiveness depends equally on the institutional control of judicial exceptions and the consistency of protective standards. This explains why statutory uniformity does not automatically produce stronger child protection, while legal pluralism does not necessarily prevent reform but makes harmonization more difficult.

Problems and Challenges in the Current Regulation

One of the major challenges in both Indonesia and Malaysia is the high number of marriage dispensations granted by courts. Although legal reforms seek to reduce child marriage, judicial discretion often undermines the effectiveness of minimum age regulations.[31] In Indonesia, Religious Courts frequently approve dispensations due to pregnancy, parental anxiety regarding premarital relationships, or socio-economic pressure. Similar patterns also occur in Malaysia where Sharia Courts exercise broad discretionary power.

A case-based analysis of marriage dispensation is necessary to distinguish the formal legal justification for an exception from the social circumstances presented by applicants. Selected decisions were therefore examined by identifying recurring considerations such as pregnancy, parental request, economic hardship, fear of zina, social stigma, psychological readiness, the child's consent, family reputation, and the best interests of the child. The analytical significance lies not merely in how often each factor appears, but in how judges transform these circumstances into legal reasons for granting or rejecting dispensation. Decisions that rely primarily on pregnancy, moral anxiety, or family reputation indicate a morality-centered approach, whereas decisions that substantively assess maturity, potential harm, education, health, and the

[30] Fauzi Rahmat Pamula, Dede Rohayati, and Eneng Juandini, "Transformasi Konsep Kafa'ah Perspektif Maqashid Al Syari'ah Dan Keadilan Sosial," *Maqasid: Jurnal Studi Hukum Islam* 15, no. 2 (2026): 270–83, https://doi.org/https://doi.org/10.30651/mqsd.v15i2.31397.

[31] Ahmad Tholabi Kharlie, "Dispensation of Marriage in Indonesian Religious Courts," *Ahkam: Jurnal Ilmu Syariah* 22, no. 1 (2022): 45–66, https://doi.org/10.15408/ajis.v22i1.25678.

child's own interests demonstrate a more child-centered approach. This distinction provides a clearer basis for evaluating whether judicial discretion strengthens or weakens the protective purpose of minimum-age regulation.

Table 3. Coding of Judicial Reasoning in Selected Marriage-Dispensation and Underage-Marriage Decisions

Jurisdiction / Decision	Outcome	Main Facts / Grounds	Dominant Judicial Reasoning
Indonesia – PA Painan No. 66/Pdt.P/2022/PA.Pn	Rejected	Premarital pregnancy context; compulsory-school age; health risks; emotional and spiritual immaturity	The court prioritized physical and psychological immaturity, education, health risks, and lineage, linking rejection to *ḥifẓ al-nafs* and the protection of the child's future welfare.
Indonesia – PA Probolinggo No. 161/Pdt.P/2024/PA.Prob	Granted	Girl aged 17; five-month pregnancy; child's consent; parental agreement; fear of zina and family disgrace; prospective husband employed	The court examined health, psychological, social, educational, and economic risks under PERMA No. 5/2019, but ultimately treated pregnancy, prevention of further religious harm, and protection of the unborn child as "very urgent reasons" justifying marriage.

Malaysia – Kamariah bt Ahmad v Nur Asmira bte Abdullah [2015] 3 ShLR 21 (Melaka)	Granted	Girl aged 15 years 2 months; still in school; close relationship with prospective husband; family agreement; concern about improper conduct and family dignity	Permission was granted under s. 8 of the Islamic Family Law (Malacca) Enactment 2002 after considering the parties' evidence and Islamic-law discussions concerning *bulūgh* and maturity. Social-moral concerns surrounding the relationship featured prominently.
Malaysia – Selangor Case No. 10010-050-0574-2021	Granted	Minor applicant had already given birth; application passed several stages of assessment	The court considered medical reports, police records, social-welfare reports, psychological assessment, relationship responsibility, and overall welfare, and also required underage-marriage counselling before solemnization.

Current regulations continue to demonstrate weaknesses in protecting children comprehensively.[32] Psychological immaturity

[32] Galuh Widitya Qomaro et al., "Preventing Child Marriage through Local Regulation in Bangkalan from a Socio-Legal and Maqāṣid Al-Sharīʿah Perspective,"

remains one of the most serious concerns associated with child marriage. Adolescents generally lack emotional stability, communication skills, and conflict management capacity necessary for marital life.[33] As a result, child marriage is associated with higher risks of domestic conflict, emotional trauma, and divorce.[34]

Reproductive health risks are equally significant. Medical studies consistently show that adolescent pregnancy increases the likelihood of maternal mortality, premature birth, and reproductive complications.[35] Young mothers often experience limited access to healthcare and inadequate knowledge regarding reproductive rights.

Educational discontinuity represents another major consequence of child marriage. Girls who marry early frequently discontinue formal education, limiting future employment opportunities and perpetuating cycles of poverty.[36] This condition not only affects individual welfare but also undermines broader national development goals.

Moreover, child marriage reinforces gender inequality because girls are disproportionately affected by early marriage practices.[37] Patriarchal social structures often position young wives in subordinate roles, increasing vulnerability to domestic violence and economic dependency.

Islamic legal reasoning on marriage age cannot be reduced to a binary opposition between classical fiqh and contemporary human-rights norms. Although bulūgh traditionally signifies biological maturity, marriage eligibility may also be evaluated through rushd and ahliyyah, which concern intellectual maturity and legal capacity to assume marital responsibilities. Likewise, the doctrines of wilāyah and ijbār should be understood within the broader obligation to protect the welfare of the person under guardianship rather than as unlimited parental authority.

El-Usrah 9, no. 1 (2026): 106–24, https://doi.org/https://doi.org/10.22373/ujhk.v9i1.33809.

[33] Nisa, "Muslim Girls and Child Marriage in Indonesia."

[34] Muhammad Jazil Rifqi et al., "Child Marriage in Villages: Misuse of Ijbār, Structural Discrimination, and Best Interest of the Child Dismissal," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 20, no. 1 (2025): 168–95, https://doi.org/https://doi.org/10.19105/al-lhkam.v20i1.15970.

[35] El Fenniri, "Child Marriage and Maternal Health Outcomes in Developing Countries."

[36] UNESCO, "Child Marriage and Education Report" (Paris: UNESCO, 2021), https://unesdoc.unesco.org/.

[37] Rahmawaty, "Gender Inequality and Child Marriage Practice in Muslim Communities."

Principles of maṣlaḥah and prevention of ḍarar further justify restrictions where early marriage threatens health, education, dignity, or future welfare. On this basis, siyāsah sharʿiyyah provides the state with normative authority to establish a minimum marriage age and regulate judicial exceptions in order to secure public welfare. Marriage-age regulation can therefore be justified internally within Islamic legal methodology, while international child-protection standards serve as complementary rather than primary normative support.[38]

Reconstruction of Minimum Marriage Age Based on Maqāṣid al-Sharīʿah and Child Protection

In this study, "reconstruction" does not refer merely to raising the statutory marriage age, but to an integrated reform of marriage eligibility and its exceptions. It combines a Maqāṣid-based reinterpretation of marital capacity beyond biological puberty, harmonization of Islamic legal principles with child-protection norms, and institutional reform of marriage dispensation through stricter judicial criteria and child-centered assessment. Legislative adjustment is therefore necessary where existing rules remain inconsistent with these standards, while judicial interpretation should ensure that marriage below the minimum age remains genuinely exceptional. Reconstruction is thus understood as a normative and institutional model that integrates legal standards, Islamic legal reasoning, and mechanisms of child protection.

Reconstruction of minimum marriage age should begin from the fundamental objectives of Islamic law itself. Within Maqāṣid al-Sharīʿah, protection of life (*ḥifẓ al-nafs*) requires the state to prevent harmful practices threatening children's physical and psychological well-being.[39] Since child marriage increases health risks and domestic vulnerability, preventing underage marriage becomes consistent with Islamic legal objectives.[40]

Protection of intellect (*ḥifẓ al-ʿaql*) also supports higher marriage age standards because children require adequate education and intellectual development before entering marital responsibilities. Early

[38] Ibn Qudāmah, *Al-Mughnī*, vol. 7 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1997).

[39] Muhammad Jazil Rifqi et al., "Children's Legal Identity at Stake: Reconstructing Maqasid Al-Syari'ah through Marriage Isbat Applications by the Second Generation in Pasuruan," *El-Mashlahah* 15, no. 1 (2025): 125–48, https://doi.org/https://doi.org/10.23971/el-mashlahah.v15i1.9068.

[40] Jasser Auda, *Maqasid Al-Shariah: A Beginner's Guide* (London: International Institute of Islamic Thought, 2008).

marriage frequently interrupts educational processes and limits intellectual growth.[41]

Similarly, protection of lineage (*ḥifẓ al-nasl*) should not merely focus on legitimizing reproduction but also ensuring healthy, stable, and dignified family structures. Child marriage often creates unstable households vulnerable to poverty and violence.[42]

Protection of dignity (*ḥifẓ al-karāmah*) further requires recognition of children as rights-bearing individuals deserving autonomy, safety, and equal opportunity. Thus, maqāṣid-based reconstruction strongly supports child-centered legal reform.

Maqāṣid al-Sharīʿah does not itself prescribe the age of 19 as a fixed religious rule. Rather, it provides the normative objectives from which measurable protection indicators can be derived, including physical safety, psychological and intellectual maturity, educational continuity, capacity to assume marital responsibilities, and protection from foreseeable harm. These indicators inform the substantive criteria of marital capacity, while the state must translate them into an administrable minimum-age threshold through siyāsah sharʿiyyah.

Within this framework, 19 years functions as a regulatory benchmark rather than a direct deduction from Maqāṣid: it combines a gender-neutral statutory standard with a presumption of minimum capacity, while marriage below that threshold remains subject to narrowly defined judicial exceptions and individualized assessment. The normative sequence is therefore Maqāṣid objectives → protection indicators → marital-capacity criteria → minimum regulatory age → exceptional judicial review.

Within this framework, 19 years should be understood as a presumptive minimum regulatory threshold rather than an absolute declaration that every person below that age lacks marital capacity. The age of 19 is preferred to 18 because it preserves Indonesia's existing gender-neutral statutory protection and provides a higher common protective benchmark for comparative reform without lowering an already established standard. Chronological age nevertheless remains only a legal presumption of minimum capacity, not a substitute for individual maturity.

[41] Mohammad Hashim Kamali, *Shariʿah Law: An Introduction* (Oxford: Oneworld Publications, 2008).

[42] An-Naʿim, *Islam and the Secular State*.

Marriage below 19 may therefore be permitted only in genuinely exceptional circumstances, subject to strict judicial assessment of physical and psychological maturity, education, health, absence of harm, and the best interests of the child. Pregnancy alone should not constitute sufficient legal justification, although it may form part of the factual assessment. Likewise, the child's consent is legally relevant but cannot by itself establish capacity, while parental consent should have no independent determinative weight and must remain subordinate to the child's welfare and judicial assessment.[43]

Marriage dispensation should also be strictly limited through clearer legal criteria and stronger judicial supervision. Courts should only approve exceptional cases after comprehensive multidisciplinary assessment involving psychologists, medical professionals, and child protection officers.

Mandatory psychological and health assessment is important to ensure that marriage decisions genuinely prioritize children's welfare.[44] Judges should no longer rely solely on parental consent or moral concerns but must evaluate emotional readiness, educational continuity, and future well-being.[45]

Furthermore, judicial approaches must become child-centered rather than morality-centered. Courts should interpret Islamic law through maqāṣid principles emphasizing welfare, justice, and dignity.

Integration between religious institutions and child protection agencies is equally essential. Collaboration among Religious Courts, ministries, psychologists, schools, and child protection organizations can strengthen preventive measures against child marriage.

Future legal reform should aim to harmonize Islamic law and child rights principles rather than positioning them as contradictory frameworks. Contemporary maqāṣid interpretation demonstrates that child protection is fully consistent with Islamic ethical objectives.[46]

---

[43] (UNICEF), "Child Marriage around the World: Indonesia Profile."

[44] Ahmad Irfan et al., "Ridhaa in Islamic Marriage Law: Reconstructing Consent under Psychological Coercion," *Al-Istinbath: Jurnal Hukum Islam* 11, no. 1 (2026): 272–93, https://doi.org/Ridhaa in Islamic Marriage Law: Reconstructing Consent under Psychological Coercion.

[45] Muhammad Adlin Sila and Fakhrurrazi, "Judicial Consideration in Marriage Dispensation Cases in Indonesia," *Ahkam* 23, no. 1 (2023): 55–78, https://doi.org/10.15408/ajis.v23i1.31544.

[46] Abdullahi Ahmed An-Na'im, "Islamic Foundations of Women's Human Rights," *Muslim World Journal of Human Rights* 1, no. 1 (2004): 1–29, https://doi.org/10.2202/1554-4419.1027.

Strengthening judicial supervision is also necessary to reduce excessive marriage dispensations. National guidelines emphasizing child protection and psychological assessment should be implemented consistently across judicial institutions.

CONCLUSION

This study finds that Indonesia and Malaysia regulate minimum marriage age through different legal structures but face a similar challenge: statutory age limits can be weakened by judicial exceptions. Indonesia adopts a more nationally uniform framework through Law No. 16 of 2019, while Malaysia retains a state-based Islamic family-law system with greater regulatory variation. The principal comparative finding is therefore not that one system is inherently more progressive than the other, but that the effectiveness of minimum-age regulation depends on how judicial discretion is controlled and how consistently child-protection considerations are applied. The central weakness in both systems lies in the continuing possibility that marriage dispensation or judicial permission may function as a broad exception rather than a strictly limited protective mechanism.

This study does not suggest that child marriage has a single or uncontested legal status within Islamic law. As a social phenomenon, child marriage raises significant concerns regarding health, education, welfare, and vulnerability, while classical fiqh may recognize the formal validity of certain marriages below contemporary statutory ages under particular conditions. Statutory minimum-age rules, however, represent a distinct form of state regulation, and judicial dispensation constitutes an exceptional mechanism within that regulatory framework rather than a determination of classical fiqh validity. From a Maqāṣid al-Sharīʿah perspective, the state may regulate marriage age through considerations of rushd, maṣlaḥah, prevention of ḍarar, and siyāsah sharʿiyyah in order to protect children's welfare. The proposed 19-year threshold should therefore be understood as a contemporary regulatory standard justified through Maqāṣid-based reasoning, not as the only possible Islamic legal interpretation of marital validity.

Accordingly, this study proposes a child-centered and Maqāṣid-based reconstruction of minimum marriage-age regulation in which statutory age limits remain the general rule and marriage below that age is treated as a narrowly defined exception. Judicial permission should be based on clearly specified legal criteria, stronger examination of maturity and potential harm, and explicit application of the best interests of the child rather than social pressure, pregnancy, or family reputation alone.

For Indonesia, this requires tighter control of marriage dispensation, while in Malaysia greater consistency in protective standards across state jurisdictions is needed. Future research should test this proposed framework through empirical analysis of court decisions and judicial practices in specific jurisdictions to determine how these standards operate in practice.

BIBLIOGRAPHY

Abdullah, Raihanah. "Islamic Family Law and Child Marriage in Malaysia." *Malayan Law Journal* 6 (2021): 34–49.

al-Zuhayli, Wahbah. *Al-Fiqh Al-Islāmī Wa Adillatuh*. Vol. 7. Damascus: Dār al-Fikr, 1989.

An-Na'im, Abdullahi Ahmed. *Islam and the Secular State*. Cambridge, MA: Harvard University Press, 2008.

———. "Islamic Foundations of Women's Human Rights." *Muslim World Journal of Human Rights* 1, no. 1 (2004): 1–29. https://doi.org/10.2202/1554-4419.1027.

Anggriani, Reni, Farhanin Abdullah Asuhaimi, Jarot Wahyudi, Nafiza Fauziah, and Fadhilah Abdullah Asuhaimi. "Agreement of Waqf in Indonesia and Malaysia: Harmonisation with Quranic Principles and Modern Legal Frameworks." *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 25, no. 2 (2025): 231–55. https://doi.org/https://doi.org/10.18326/ijtihad.v25i2.231-255.

Assembly, United Nations General. "Convention on the Elimination of All Forms of Discrimination against Women," 1979. https://www.un.org/womenwatch/daw/cedaw/.

———. "Convention on the Rights of the Child," 1989. https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.

Auda, Jasser. *Maqasid Al-Shariah: A Beginner's Guide*. London: International Institute of Islamic Thought, 2008.

———. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: International Institute of Islamic Thought, 2008.

Fenniri, Nour M El. "Child Marriage and Maternal Health Outcomes in Developing Countries." *The Lancet Global Health* 9, no. 8 (2021): e1101–10. https://doi.org/10.1016/S2214-109X(21)00230-5.

Grijns, Mies, and Hoko Horii. "Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns." *Asian Journal of Law and Society* 5, no. 2

(2018): 453–66. https://doi.org/10.1017/als.2018.9.

Hasan, Noorhaidi, Moh Mufid, Nina Mariani Noor, Halili Rais, and Zezen Zainul Ali. "Adaptive Discretion in Child Marriage Prevention: Street-Level Bureaucracy in Indonesia's Islamic Marriage Administration." *J. Islamic L.* 7 (2026): 142. https://doi.org/https://doi.org/10.24260/jil.v7i1.5265.

Hooker, M B. *Indonesian Islam: Social Change through Contemporary Fatawa*. Honolulu: University of Hawai'i Press, 2003.

Indonesia, Constitutional Court of the Republic of. Decision Number 22/PUU-XV/2017 concerning Judicial Review of Marriage Law (2018).

Indonesia, Republic of. Law Number 1 of 1974 concerning Marriage (1974).

Irfan, Ahmad, Abraham Zakky Zulhazmi, Akhmad Nizaruddin, and Faiz Husaini. "Ridhaa in Islamic Marriage Law: Reconstructing Consent under Psychological Coercion." *Al-Istinbath: Jurnal Hukum Islam* 11, no. 1 (2026): 272–93. https://doi.org/Ridhaa in Islamic Marriage Law: Reconstructing Consent under Psychological Coercion.

Kamali, Mohammad Hashim. *Shari'ah Law: An Introduction*. Oxford: Oneworld Publications, 2008.

Kharlie, Ahmad Tholabi. "Dispensation of Marriage in Indonesian Religious Courts." *Ahkam: Jurnal Ilmu Syariah* 22, no. 1 (2022): 45–66. https://doi.org/10.15408/ajis.v22i1.25678.

Mohamad, Maznah. *The Divine Bureaucracy and Dispersed Governance in Malaysia*. Singapore: Palgrave Macmillan, 2020.

Mudzhar, M Atho. "Islamic Legal Reform and Child Marriage in Indonesia." *Studia Islamika* 29, no. 2 (2022): 223–48. https://doi.org/10.36712/sdi.v29i2.28901.

Mulia, Siti Musdah. "Child Marriage in Indonesia and the Reform of Islamic Family Law." *Al-Jami'ah: Journal of Islamic Studies* 58, no. 2 (2020): 321–44. https://doi.org/10.14421/ajis.2020.582.321-344.

Muniri, Akh Syamsul, Abdul Hadi, and Abdul Ghofur. "Child Marriage in Indonesia: Are Parents' Protection and Responsibilities Involved?" *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 2 (2023): 301–13. https://doi.org/https://doi.org/10.18860/j-fsh.v15i2.24388.

Nasohah, Zaini, Raihana Zainal Abidin, Nur Izzatun Balqish Saharudin, Puteri Noraqilah Megat Khairulazwan, and Fikri Fikri. "Elements

of Child Welfare Protection in Islamic Family Law in Southeast Asian Countries." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 3 (2025): 1349–70. https://doi.org/https://doi.org/10.22373/sjhk.v9.i3.26746.

Nations, United. *Transforming Our World: The 2030 Agenda for Sustainable Development*. New York, 2015.

Nelli, Jumni, Ahmad Zikri, Devi Megawati, Izzah Nur Aida, Rahman Alwi, and Muhammad Hafis. "Reconstructing the Ṣāliḥah Wife: Gendered Exchange, Religious Authority, and Divorce among Working Muslim Women in Indonesia." *JURIS (Jurnal Ilmiah Syariah)* 25, no. 1 (2026): 1–14. https://doi.org/https://doi.org/10.31958/juris.v25i1.16025.

Nisa, Eva F. "Muslim Girls and Child Marriage in Indonesia." *Journal of Legal, Ethical and Regulatory Issues* 24, no. 5 (2021): 1–10. https://www.abacademies.org/articles/muslim-girls-and-child-marriage-in-indonesia.pdf.

Nurlaelawati, Euis. "Marriage Dispensation after the Amendment of Indonesian Marriage Law." *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 1 (2022): 1–28. https://doi.org/10.19105/al-lhkam.v17i1.5901.

Pamula, Fauzi Rahmat. "Analisis Putusan Hakim Pengadilan Agama Dalam Perkara Izin Poligami." *Jurnal Ilmiah Ahwal Syakhshiyyah (JAS)* 5, no. 2 (2023): 225–40. https://doi.org/https://doi.org/10.33474/jas.v5i2.21033.

———. "Penyalahgunaan Konsep Qiwāmah Dalam Justifikasi Kekerasan Rumah Tangga Di Indonesia Perspektif Maqāṣid Al-Syarī 'Ah." *Edulaw: Journal of Islamic Law and Yurisprudance* 8, no. 1 (2026): 20–33. https://doi.org/https://doi.org/10.47453/edulaw.v8i1.4211.

Pamula, Fauzi Rahmat, and Ahmad Hidayat. "KHITBAH DALAM PERSPEKTIF KAIDAH FIKIH DAN APLIKASINYA." *Jurnal Ilmiah Ahwal Syakhshiyyah (JAS)* 7, no. 2 (2025): 358–73. https://doi.org/https://doi.org/10.33474/jas.v7i2.24615.

Pamula, Fauzi Rahmat, Dede Rohayati, and Eneng Juandini. "Transformasi Konsep Kafa'ah Perspektif Maqashid Al Syari'ah Dan Keadilan Sosial." *Maqasid: Jurnal Studi Hukum Islam* 15, no. 2 (2026): 270–83. https://doi.org/https://doi.org/10.30651/mqsd.v15i2.31397.

Qomaro, Galuh Widitya, Adiyono Adiyono, Harsh Mahaseth, and Slamet Arofik. "Preventing Child Marriage through Local

Regulation in Bangkalan from a Socio-Legal and Maqāṣid Al-Sharīʿah Perspective." *El-Usrah* 9, no. 1 (2026): 106–24. https://doi.org/https://doi.org/10.22373/ujhk.v9i1.33809.

Qudāmah, Ibn. *Al-Mughnī*. Vol. 7. Beirut: Dār al-Kutub al-'Ilmiyyah, 1997.

Rahmawaty, Anita. "Gender Inequality and Child Marriage Practice in Muslim Communities." *Qudus International Journal of Islamic Studies* 10, no. 2 (2022): 233–52. https://doi.org/10.21043/qijis.v10i2.14562.

Rifqi, Muhammad Jazil, Masdar Hilmy, Moh Faizur Rohman, and M Imdadur Rohman. "Child Marriage in Villages: Misuse of Ijbār, Structural Discrimination, and Best Interest of the Child Dismissal." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 20, no. 1 (2025): 168–95. https://doi.org/https://doi.org/10.19105/al-lhkam.v20i1.15970.

Rifqi, Muhammad Jazil, Nurul Asiya Nadhifah, Mukhammad Nur Hadi, Abdul Basith Junaidy, and Agus Solikin. "Children's Legal Identity at Stake: Reconstructing Maqasid Al-Syari'ah through Marriage Isbat Applications by the Second Generation in Pasuruan." *El-Mashlahah* 15, no. 1 (2025): 125–48. https://doi.org/https://doi.org/10.23971/el-mashlahah.v15i1.9068.

Sila, Muhammad Adlin, and Fakhrurrazi. "Judicial Consideration in Marriage Dispensation Cases in Indonesia." *Ahkam* 23, no. 1 (2023): 55–78. https://doi.org/10.15408/ajis.v23i1.31544.

UNESCO. "Child Marriage and Education Report." Paris: UNESCO, 2021. https://unesdoc.unesco.org/.

UNICEF, United Nations Children's Fund. "Child Marriage around the World: Indonesia Profile." New York: UNICEF, 2023. https://www.unicef.org/indonesia/reports/child-marriage-around-world.

Wadud, Amina. *Qur'an and Woman*. New York: Oxford University Press, 1999.

Women, United Nations. "Child Marriage and Violence against Women." New York: UN Women, 2021. https://www.unwomen.org/en/digital-library/publications.

This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License.