

From Legal Age to Legal Capacity: A Maqasid-Based Reformulation of Marriage Policy in Indonesia

***Mufrod Teguh Mulyo^a, Munifah^a, Ahmad Rezy Meidina^b,
Nik Salida Suhaila Nik Saleh^c**

^a Universitas Nahdlatul Ulama Surakarta, Indonesia

^b Sekolah Tinggi Agama Islam Al-Hikmah 2 Brebes, Indonesia

^c Universiti Sains Islam Malaysia, Malaysia

*Corresponding author: mufrod.teguh@unu.ac.id

Received:	Revised:	Accepted:	Available Online:	Published:
11/03/2026	29/09/2026	12/10/2026	13/10/2026	13/10/2026

Abstract

Early marriage remains a persistent challenge in Islamic family law and Indonesia's legal policy, revealing a critical gap between formal minimum-age regulations and the absence of substantive instruments to assess marital readiness. Existing legal frameworks emphasize age compliance but inadequately address psychological, relational, economic, and health preparedness, particularly within administrative practices at the Office of Religious Affairs (ORA). This study fills the gap by integrating classical fiqh concepts 'aql (intellect), rushd (maturity), and ahliyyah (legal capacity) with a contemporary, multidimensional assessment model of marriage readiness. This research employs a qualitative method with normative-juridical and socio-legal approaches, analyzing classical fiqh literature, Indonesian marriage regulations, and contemporary Islamic family policy. The findings demonstrate that Islamic jurisprudence substantively supports a multidimensional framework of readiness beyond formal age limits. The study establishes a premarital competency model comprising four domains: psychological-emotional maturity, religious understanding and family relations, basic economic readiness, and physical-reproductive health. Positioned as an administrative-substantive instrument rather than a determinant of marital validity, this model represents an institutional form of ijtihad within public services. Theoretically, it advances Maqasid al-Shari'ah-based discourse on family protection; practically, it offers a policy-oriented framework to strengthen ORA's role in promoting sustainable and resilient family formation.

Keywords: Marriage Readiness, Ahliyyah (Legal Capacity), Islamic Family Law, Office of Religious Affairs (ORA).

Abstrak

Perkawinan usia dini masih menjadi tantangan serius dalam hukum keluarga Islam dan kebijakan hukum di Indonesia, yang menunjukkan adanya kesenjangan antara regulasi batas usia minimum dengan ketiadaan instrumen substantif untuk menilai kesiapan perkawinan. Kerangka hukum yang ada lebih menekankan kepatuhan usia, namun belum secara memadai mengakomodasi kesiapan psikologis, relasional, ekonomi, dan kesehatan, khususnya dalam praktik administratif di Kantor Urusan Agama (KUA). Penelitian ini mengisi kesenjangan tersebut dengan mengintegrasikan konsep fikih klasik 'aql (akal), rushd (kedewasaan), dan ahliyyah (kecakapan hukum) ke dalam

model penilaian kesiapan perkawinan yang multidimensional dan kontekstual. Penelitian ini menggunakan metode kualitatif dengan pendekatan normatif-yuridis dan sosio-legal melalui analisis literatur fikih klasik, regulasi perkawinan di Indonesia, serta kebijakan kontemporer hukum keluarga Islam. Hasil penelitian menunjukkan secara tegas bahwa fikih Islam secara substantif mendukung kerangka kesiapan yang bersifat multidimensional, melampaui batas usia formal. Studi ini menegaskan model kompetensi pranikah yang mencakup empat domain: kematangan psikologis-emosional, pemahaman keagamaan dan relasi keluarga, kesiapan ekonomi dasar, serta kesehatan fisik-reproduktif. Model ini diposisikan sebagai instrumen administratif-substantif, bukan sebagai syarat sah perkawinan, serta merupakan bentuk ijtihad institusional dalam pelayanan publik. Secara teoretis, penelitian ini memperkaya diskursus berbasis Maqāṣid al-Syarī'ah tentang perlindungan keluarga; secara praktis, memberikan kerangka kebijakan untuk memperkuat peran KUA dalam membangun keluarga yang berkelanjutan dan berketahanan.

Kata Kunci: Kesiapan Perkawinan, Ahliyyah, Hukum Keluarga Islam, Kantor Urusan Agama (KUA).

INTRODUCTION

Marriage in Islam is not merely a formal-legal contract but a moral and social institution oriented toward long-term family welfare.¹ However, early marriage remains prevalent in Indonesia; data from UNICEF and the Central Bureau of Statistics (BPS) indicate that Indonesia is among the countries with a relatively high rate of child marriage in Southeast Asia, with approximately one in nine women married before the age of 18. This empirical reality reveals a tension between normative Islamic legal concepts and contemporary social practices. In classical fiqh, eligibility for marriage is not determined solely by numerical age but by rational capacity ('aql), maturity (rushd), and legal responsibility (ahliyyah).² These concepts emphasize

¹ Moh Abd Rauf, "ISLAMIC LAW EPISTEMOLOGY THOUGHT OF PERSPECTIVE WAEL B. HALLAQ AND RELEVANCE TO ISLAMIC LAW IN INDONESIA," *Indonesian Journal of Islamic Law* 1, no. 1 (December 30, 2018): 102–26, <https://doi.org/10.35719/ijil.v1i1.71>; Ruslan Haerani, "The Legal Consequences Of Underage Marriage In The Merariq Culture Of The Sasak Tribe In Merembu Village, Labuapi District, West Lombok Regency," *Mawaddah: Jurnal Hukum Keluarga Islam* 2, no. 1 (2024): 101–23; Fitri, Inayatul, Zaiyad Zubaidi, Muhammad Husnul, Bilaly Sangare, and Isa Olawale Solahudeen. 2026. "Marital Maintenance Neglect and Divorce Dynamics: An Empirical Socio-Legal Study in Gampong Neuheun, Aceh Besar". *An-Nisa: Journal of Islamic Family Law* 3 (1): 1-14. <https://doi.org/10.63142/an-nisa.v3i1.491>.

² Hasbi Ash Shidiqiy Tazani and Fikri Afthon Fahmi, "Mental Health, Sleep Paralysis, and Legal Responsibility in Islamic Family Law: Insights from QS Al-Baqarah 286," *Kanuun: Journal of Sharia, Law, and Digital Society*, 2026, 1–16, <https://doi.org/https://doi.org/10.66277/kanuun.v1i1.2>; Rusliansyah, Shabrina, Hasnul

substantive readiness to undertake marital responsibilities rather than mere chronological compliance, indicating that Islamic law intrinsically prioritizes capacity-based eligibility.³

In contemporary contexts, early marriage is empirically associated with measurable risks, including higher divorce rates, increased maternal health complications, and lower educational attainment. Studies show that child marriage significantly correlates with limited psychosocial readiness and inadequate parenting capacity, which adversely affects family stability and intergenerational welfare. These findings highlight the urgency of shifting from age-based legality toward a more comprehensive assessment of marital readiness.⁴

As a policy response, the Indonesian government enacted Law Number 16 of 2019, setting the minimum marriage age at 19 years for both men and women. While this reform reflects a protective legal approach aligned with child rights and welfare, its effectiveness remains limited. The persistence of high rates of marriage dispensation indicates that age-based regulation alone is insufficient. Comparative studies from countries such as Malaysia demonstrate that stricter premarital requirements, including mandatory premarital education, can function as preventive instruments, suggesting the need for a more substantive and operational approach within Indonesia's marriage administration system.⁵

Arifin Melayu, Aulil Amri, Claire Lajaunie, and Fatima Zohra Benali. 2025. "Legal Certainty of Interfaith Marriage After SEMA No. 02 of 2023 Maqasid Sharia Perspective". *An-Nisa: Journal of Islamic Family Law* 2 (4): 258-70. <https://doi.org/10.63142/an-nisa.v2i4.303>.

³ Kamarusdiana Kamarusdiana et al., "Pre-Marital Education: Concepts and Regulations in Indonesia and Malaysia," *Al-Ahkam* 32, no. 1 (April 28, 2022): 41–64, <https://doi.org/10.21580/ahkam.2022.32.1.10709>; Nur Rofiq et al., "Pernikahan Dini Dalam Tinjauan Hukum Islam Dan Dampaknya," *Literasi Hukum* 8, no. 1 (June 1, 2024): 95–104, <https://doi.org/10.31002/lh.v8i1.1546>; Abdulah Pakarti, Muhammad Husni, Ending Solehudin, Maruf Maruf, Iqbal Saujan, and Saeideh Shakibiciu. 2025. "The Role and Application of 'Urf As a Source of Islamic Law: A Historical Review and Fiqhiyah Rules". *An-Nisa: Journal of Islamic Family Law* 2 (3): 175-92. <https://doi.org/10.63142/an-nisa.v2i3.300>.

⁴ Yvette Efevbera et al., "Girl Child Marriage as a Risk Factor for Early Childhood Development and Stunting," *Social Science & Medicine* 185 (July 2017): 91–101, <https://doi.org/10.1016/j.socscimed.2017.05.027>; Mayadina Rohmi Musfiroh, "Hukum Keluarga Dalam Perspektif Perlindungan Anak," *De Jure: Jurnal Hukum Dan Syar'iah* 8, no. 2 (January 13, 2017): 64–73, <https://doi.org/10.18860/j-fsh.v8i2.3731>.

⁵ Zikri Darussamin, Armansyah Armansyah, and Ahmad Zikri, "The Urgency of Maturity to Get Married and Its Relevance to Family Life Goals," *Al-Istinbath*:

Previous studies have extensively examined the minimum age of marriage, marriage dispensation, and the harmonization between Islamic law and state law.⁶ These studies generally conclude that legal reforms aim to prevent harm (mafsadah) and promote welfare (maslahah) through the protection of intellect, life, and lineage.⁷ However, most of this scholarship remains focused on normative and regulatory analysis, emphasizing legal legitimacy rather than practical implementation.⁸ Consequently, insufficient attention has been given to how these normative principles can be translated into concrete administrative mechanisms at the institutional level.⁹

Jurnal Hukum Islam 8, no. 1 May (May 23, 2023): 215, <https://doi.org/10.29240/jhi.v8i1.5324>; Mukhid Mukhid and Sindi Muthiah, “PERNIKAHAN DI BAWAH UMUR PERSPEKTIF UNDANG-UNDANG DAN HUKUM ISLAM,” *Ar Rasyid: Journal of Islamic Studies* 2, no. 1 (February 4, 2024): 39–48, <https://doi.org/10.70367/arrasyiid.v2i1.18>.

⁶ Yayan Sopyan et al., “Child Exploitation by Parents in Early Marriage: Case Study in Cianjur West Java, Indonesia,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (November 30, 2023): 1921, <https://doi.org/10.22373/sjhk.v7i3.14804>; Abdulah Pakarti, Muhammad Husni, Wahyudi Wahyudi, Ah. Fathonih, Fauzan Ali Rasyid, and Husain Husain, trans. 2025. “The Construction of Islamic Law on Marriage: A Normative Study of Rights, Harmony, and Its Limits”. *Al-Battar: Jurnal Pamungkas Hukum* 2 (2): 99-111. <https://doi.org/10.63142/al-battar.v2i2.172>.

⁷ Musawar Musawar et al., “Prevent Child Marriage by Improving Education in West Nusa Tenggara Through Sister Province Relations with Kujawsko-Pomorskie, Poland,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (June 13, 2022): 36, <https://doi.org/10.22373/sjhk.v6i1.9198>; Ikbal, Muchamad, Ah. Fathonih, and Fauzan Ali Rasyid. 2025. “Early Marriage in the Islamic Legal System, the Continental and Anglo Saxon European Legal Systems”. *An-Nisa: Journal of Islamic Family Law* 2 (2): 152-61. <https://doi.org/10.63142/an-nisa.v2i2.292>.

⁸ Hasyim Sofyan Lahilote et al., “Judge’s Dilemma in Marriage Dispensation in the Religious Court,” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 1 (June 30, 2022): 52–60, <https://doi.org/10.30631/alrisalah.v22i1.979>; Moch. Nurcholis et al., “Best Interest of the Child (Ḥifẓ Al-Awlād) Principle in Adjudicating Marriage Dispensation for Under-Age Couples,” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 20, no. 2 (December 31, 2025): 531–58, <https://doi.org/10.19105/al-lhkam.v20i2.15927>.

⁹ Wardatun Nabilah et al., “Between Protection and Permissiveness: A Fiqh Siyasah Reexamination of Marriage Dispensation in Indonesia,” *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (June 29, 2025): 137, <https://doi.org/10.31958/juris.v24i1.11882>; Achmad Fausi and Asmuni Asmuni, “Determination of the Minimum Age Limit for Marriage: Balancing Legal Supremacy and the Objectives of Sharia in Indonesian Marriage Law,” *Mazahib* 23, no. 1 (June 7, 2024): 117–54, <https://doi.org/10.21093/mj.v23i1.7611>.

No study has developed an operational model for assessing premarital readiness within the administrative practice of issuing marriage recommendations at institutions such as the Office of Religious Affairs (Kantor Urusan Agama – KUA). This gap is significant because the absence of a structured assessment mechanism limits the ability of state institutions to ensure that prospective spouses meet not only formal legal requirements but also substantive readiness.

This study, therefore, proposes a premarital competency-based assessment model that integrates classical fiqh concepts ‘aql, rushd, and ahliyyah with contemporary multidimensional indicators, including psychological maturity, economic preparedness, religious understanding, and reproductive health readiness. By bridging normative Islamic legal principles with administrative practice, this research seeks to contribute to the development of a more responsive and protective framework for marriage regulation and family welfare in Indonesia.

RESEARCH METHODS

This research method uses a qualitative design with a normative-contextual and socio-legal approach to examine the minimum age limit for marriage and the practice of marriage dispensation in Indonesia. The normative approach is focused on the analysis of classical Islamic legal sources, such as the Qur'an, Hadith, and fiqh literature related to the concepts of puberty, 'aql, rushd, and ahliyyah, as well as positive legal provisions, especially Law Number 16 of 2019. Meanwhile, contextual and socio-legal approaches are used to understand how these norms are implemented in institutional practice, especially in the Office of Religious Affairs (KUA) and Religious Courts. This approach also considers aspects of the psychological, social, and rational readiness of prospective spouses as part of the social reality that influences the application of marriage law.¹⁰

The data sources in this study consist of primary and secondary data. Primary data includes Islamic normative texts, namely the Qur'an, Hadith, and classical fiqh books that are relevant to the theme of maturity and legal proficiency in marriage. Secondary data include laws and regulations, academic literature, scientific journal articles, as well as previous studies that discuss Islamic family law and developmental

¹⁰ Abu Ishaq Al-Syatibi, "Al-Muwafaqat Fi Ushul Al-Syari'ah," *Vol. II (Beirut: Dar Al Kutub Al Ilmiyah, tt)* 1 (2003): 290; Achmad Siddiq et al., "Restrictions on Hajj Pilgrimage for Indonesian Congregation from the Perspective of Sadd Al-Dzari'ah," *Volksgeist: Journal of Law and Constitution*, June 2, 2024, 35–51, <https://doi.org/10.24090/volksgeist.v7i1.9701>.

psychology. The data collection technique is carried out through library research by searching, inventorying, and examining various relevant written sources. The validity of the data is maintained through the source triangulation technique, which is by comparing various perspectives from classical texts, modern regulations, and empirical findings in previous research to obtain a comprehensive understanding.¹¹

Data analysis was carried out using a thematical-holistic method (*mawdū'ī kullī*), namely through the stages of data classification, identification of main themes, and conceptual reconstruction within the framework of *maqāṣid al-sharī'ah*. This framework emphasizes the protection of the soul (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), and offspring (*ḥifẓ al-nasl*) as basic principles in evaluating legal norms and administrative practices related to the dispensation of marriage. The results of the analysis are then directed to formulate a conceptual model for premarital competency assessment that is normative-operational. This research has limitations because it does not involve empirical field data, so the findings produced are still conceptual and require further testing through empirical research at the institutional level.

RESULT AND DISCUSSION

Maqāṣid-Oriented Marriage Policy Reform

The findings of this study confirm that classical fiqh does not stipulate a specific numerical age as a requirement for the validity of marriage. Authoritative classical works consistently emphasize that the validity of a marriage contract is determined by the fulfillment of its pillars (*arkān*) and conditions (*shurūṭ*), including the presence of a guardian (*walī*), mutual consent through *ijāb-qabūl*, and the absence of legal impediments (*manā' shar'ī*).¹² This doctrinal structure

¹¹ Ismail Ismail et al., "Legal Age Equality in Marriage According to Indonesian Positive Law in the Studies of Gender and Maqāṣid Al-Sharia," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 1 (July 6, 2023): 67–81, <https://doi.org/10.18860/j-fsh.v15i1.17696>; Abdulah Pakarti, Muhammad Husni, Wahyudi Wahyudi, Ah. Fathonih, Fauzan Ali Rasyid, and Husain Husain, trans. 2025. "The Construction of Islamic Law on Marriage: A Normative Study of Rights, Harmony, and Its Limits". Al-Battar: Jurnal Pamungkas Hukum 2 (2): 99-111. <https://doi.org/10.63142/al-battar.v2i2.172>.

¹² Wahbah Al-Zuhaili, *Al-Fiqh Al-Islam Wa Adillatuhu*, (Beirut: Dar al-Fikr, 1989); Ahmad, Chaidir Ali, Muhsan Syarafuddin, Kirama Nasim Manbi Ushama, and Jamaluddin Jamal Muhsen. 2025. "The Concept of the Ideal Couple: Buya Hamka's Perspective in Islamic Marriage Law". An-Nisa: Journal of Islamic Family Law 2 (4): 315-25. <https://doi.org/10.63142/an-nisa.v2i4.366>.

demonstrates that Islamic law fundamentally prioritizes the formal integrity of the contract rather than chronological age.¹³

Within this framework, legal capacity is conceptualized through ahliyyah, which is closely linked to rationality (‘aql) and accountability. Classical jurists position baligh (puberty) and ‘aql as minimum indicators of legal competence, not as comprehensive measures of readiness for marital life. As such, the threshold established in classical fiqh reflects a minimal standard that ensures basic legal recognition but does not necessarily guarantee psychosocial maturity.¹⁴

This minimalistic conception becomes increasingly relevant when examined in the context of modern society.¹⁵ The indicators of baligh and ‘aql are primarily biological and cognitive in nature, and do not explicitly encompass emotional stability, economic independence, or relational capacity. Consequently, equating these classical indicators with contemporary notions of marital readiness would result in a conceptual reduction that overlooks the complexity of modern family life.¹⁶

At this point, classical fiqh demonstrates its adaptive potential. The absence of a rigid numerical age limit opens space for policy-oriented ijtihād, particularly within the framework of maqāṣid al-sharī‘ah. This allows the state and religious institutions to formulate regulatory instruments that are responsive to evolving social realities while remaining grounded in the fundamental objectives of Islamic law,

¹³ Ahmad Zuhdi and Taufiqul Hadi Danial, “DETERMINATION OF MAQAṢID AL-SYARI’AH IN THE REQUIREMENTS FOR PRE-MARRIAGE HEALTH CHECK WITH THE TAḤQIQ AL-MANAṬ APPROACH” 6, no. 2 (2025): 1009–22, <https://doi.org/https://doi.org/10.56806/jh.v6i2.289>.

¹⁴ Holijah Holijah and Jariyah Binti Abd Manaf, “The Importance of Increasing Minimum Age For Marriage In Indonesian Marriage Law,” *AL-’ADALAH* 16, no. 2 (December 30, 2019): 411–32, <https://doi.org/10.24042/adalah.v16i2.4546>.

¹⁵ Hasanudin and Moh. Jeweherul Kalamiah, “The Problematic Nature of Marriage Dispensation from the Perspective of Maqāṣid Al-Sharī‘Ah,” *Al-Hikmah: International Journal of Islamic Studies* 1, no. 2 (October 19, 2025): 55–72, <https://doi.org/10.64540/alhikmah192>.

¹⁶ Insafkan Lestari Hulu, Syaiful Khoiri Harahap, and Ismayani Ismayani, “Legal Protection for Minors Age of Applicant Marriage Dispensation Reviewed from Law Number 16 of 2019 Concerning Changes to the Law Number 1 of 1974 Concerning Marriage,” *Requisitoire Law Enforcement* 17, no. 1 (July 5, 2025): 50–57, <https://doi.org/10.59651/relae.v17i1.273>.

namely the realization of welfare (maṣlaḥah) and the prevention of harm (mafsadah).¹⁷

In the Indonesian legal context, the enactment of Law Number 16 of 2019, which sets the minimum marriage age at 19 for both men and women, reflects such an effort.¹⁸ This policy is normatively aligned with the protection of children's rights and is consistent with the principles of maqāsid al-sharī'ah, particularly ḥifẓ al-nafs (protection of life), ḥifẓ al-'aql (protection of intellect), and ḥifẓ al-nasl (protection of lineage). The law represents a shift from purely formal legality toward a more protective legal framework.¹⁹

However, from a law in action perspective, the implementation of this policy reveals significant challenges.²⁰ Empirical observations indicate that the minimum age requirement often functions merely as an administrative threshold for marriage registration. In practice, the substantive readiness of prospective spouses is not systematically assessed, resulting in a gap between normative legal objectives and their operational realization.

This gap becomes particularly evident in the practice of marriage dispensation in Religious Courts. Judicial decisions frequently grant dispensations based on pragmatic considerations such as unintended pregnancy, parental pressure, or socio-economic conditions. While such considerations are framed within the logic of maṣlaḥah, they often lack a structured assessment of the long-term readiness of the couple, thereby reducing the protective function of the law.²¹

¹⁷ Liky Faizal et al., "Age Limit for Marriage in Indonesia from The Perspective of Maqashid Sharia," *Analisis: Jurnal Studi Keislaman* 22, no. 2 (December 30, 2022): 297–318, <https://doi.org/10.24042/ajsk.v22i2.14068>.

¹⁸ Asman Asman and Mohamed Aamer, "Normative Analysis of the Maqāsid Al-Syarī'ah Theory on Pre-Marital Women's Health Screening," *Al-Mujtahid: Journal of Islamic Family Law* 5, no. 2 (December 31, 2025): 84, <https://doi.org/10.30984/ajifl.v5i2.2900>.

¹⁹ Asyraf Wajdi Dusuki and Nurdianawati Irwani Abdullah, "Maqasid Al-Shariah, Maslahah, and Corporate Social Responsibility," *American Journal of Islamic Social Sciences* 24, no. 1 (2007): 25, <https://doi.org/https://doi.org/10.1108/08288660710726829>.

²⁰ Fahrur Rozi et al., "Inclusive Premarital Education for Persons with Disabilities: Legal Reform and Lifelong Learning Perspectives in Indonesia," *AL-ISHLAH: Jurnal Pendidikan* 17, no. 4 (December 31, 2025), <https://doi.org/10.35445/alishlah.v17i4.9133>.

²¹ Nurul Husna et al., "Children Citizenship Status of Acehnese-Rohingya Mixed Marriage in Aceh: Maqāsid Sharī'ah Perspective," *Al-Ahkam* 34, no. 1 (April 30, 2024): 169–92, <https://doi.org/10.21580/ahkam.2024.34.1.20162>.

A similar pattern can be observed in the administrative practices of the Office of Religious Affairs (Kantor Urusan Agama – KUA). Marriage services remain largely procedural, focusing on document verification and compliance with formal requirements. Although premarital guidance programs exist, they are generally conducted in a normative and informational manner, without measurable instruments to evaluate psychological maturity, relational competence, or economic preparedness. This indicates that KUA has not yet fully functioned as a substantive gatekeeper of marital readiness.

The coexistence of strict age regulation and flexible dispensation mechanisms creates a regulatory paradox. On the one hand, the state seeks to prevent early marriage through legal restriction; on the other hand, the availability of dispensation provides a pathway that may undermine these objectives. Without rigorous and standardized assessment criteria, this dual system risks normalizing exceptions and weakening the overall effectiveness of family protection policies.

From the perspective of maqāṣid al-sharī‘ah, this condition raises critical concerns. The failure to adequately assess rational and psychosocial readiness undermines the protection of intellect (*ḥifẓ al-‘aql*), which in turn affects the protection of life (*ḥifẓ al-nafs*) and lineage (*ḥifẓ al-nasl*). In this sense, reliance solely on administrative age without substantive evaluation is insufficient to achieve the holistic objectives of Islamic law.²²

Therefore, this study identifies a significant normative–practical gap between fiqh doctrine, state legal policy, and institutional implementation. While fiqh provides a flexible conceptual foundation and state law establishes a protective framework, the absence of an operational assessment model at the institutional level limits the realization of these objectives in practice.

In response to this gap, this study proposes a premarital competency-based assessment model as an administrative-substantive instrument within marriage services.²³ The model consists of several

²² Ricy Fatkhurrohman, Muhammad Royhan Assaiq, and Tri Wastuti, “Covering Shame, Sacrificing Rights: A Maqāṣid Al-Sharī‘ah Perspective on Child Protection in Incestuous Marriage Practices,” *International Journal of Social Science and Religion (IJSSR)*, November 22, 2025, 347–448, <https://doi.org/10.53639/ijssr.v6i3.380>.

²³ Hariyanto Hariyanto, Ahmad Rezy Meidina, and Mabarroh Azizah, “Decentralization and the Fulfilments of Children’s Rights: Challenges and

stages, including initial screening, self-assessment, structured interviews, and competency evaluation. It covers multidimensional aspects of readiness, including rational capacity (‘aql/ahliyyah), psychological-emotional maturity, religious understanding and family relations, basic economic preparedness, and reproductive health awareness.

This model does not function as a determinant of the legal validity of marriage but rather as a preventive and educational instrument. By integrating classical fiqh concepts with contemporary assessment frameworks, it represents a form of institutional ijtihād that bridges normative Islamic principles with empirical social needs. In practical terms, it offers a more measurable and accountable mechanism for KUA in issuing marriage recommendations, thereby strengthening the role of the state in ensuring family resilience and long-term welfare.

Premarital Competency Test in Maqāṣid al-Sharī‘ah Perspective

The findings of this study affirm that the absence of a numerical age limit in classical fiqh does not constitute a normative deficiency, but rather reflects its intrinsic legal character grounded in the concept of ahliyyah (legal capacity).²⁴ Classical jurists consistently position eligibility for marriage within the domain of rational capacity (‘aql) and moral responsibility, rather than chronological age. Consequently, an ahistorical and purely textual reading of fiqh risks producing tension when confronted with contemporary social realities, particularly in the context of modern family life that demands broader dimensions of readiness.²⁵

In this regard, the concept of baligh in classical fiqh requires contextual reinterpretation. It primarily signifies biological maturity and serves as a minimal legal threshold, rather than a comprehensive

Opportunities for Local Government in Indonesia,” *Lex Scientia Law Review* 8, no. 2 (November 30, 2024): 677–706, <https://doi.org/10.15294/lsr.v8i2.14373>.

²⁴ Muhammad Syihab Nokman and Mohd Harifadilah Rosidi, “The Validity of Fasakh Due to Non-Cohabitation: An Analysis of Marital Intimacy and Its Implications within the Framework of Maqasid Al-Shariah,” *International Journal of Research and Innovation in Social Science* IX, no. VII (2025): 2213–22, <https://doi.org/10.47772/IJRISS.2025.907000182>.

²⁵ H. Ono, “The Socioeconomic Status of Women and Children in Japan: Comparisons with The USA,” *International Journal of Law, Policy and the Family* 24, no. 2 (August 1, 2010): 151–76, <https://doi.org/10.1093/lawfam/ebq002>.

indicator of psychological, social, and economic readiness.²⁶ Contemporary empirical studies demonstrate that early marriage is strongly associated with psychosocial vulnerability, limited adaptive capacity, and reduced marital stability. This indicates that classical indicators cannot be equated directly with modern standards of marital readiness.²⁷

Within Indonesian positive law, the enactment of Law Number 16 of 2019, which sets the minimum marriage age at 19, represents a form of protective *siyāsah shar‘iyyah*. However, its implementation reveals a structural limitation: the age threshold operates largely as a formal administrative requirement. The high number of marriage dispensation cases indicates that legal compliance with age does not necessarily correspond to substantive readiness.²⁸ In practice, dispensations are often granted based on pragmatic considerations, such as pregnancy or socio-economic pressure, rather than systematic readiness assessment.

This condition highlights a critical gap between normative legal objectives and institutional practice (law in action). The Office of Religious Affairs (Kantor Urusan Agama – KUA), as the frontline institution in marriage services, still operates predominantly within an administrative framework. The issuance of marriage recommendations tends to focus on document verification, while substantive evaluation of readiness remains limited and non-standardized. As a result, the protective function of family law has not been fully optimized.²⁹

From the perspective of *Maqāṣid al-Sharī‘ah*, the emphasis on preventing harm (*dar’ al-mafāṣid*) requires that marriage policies incorporate anticipatory and preventive mechanisms. Empirical evidence consistently shows that insufficient readiness contributes to family instability, domestic conflict, and vulnerability in child-rearing.

²⁶ Khairul Mufti Rambe, “Prenuptial Agreement in Islamic Family Law: A Maqāṣid Al-Sharī‘ah Approach,” *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 24, no. 1 (July 4, 2025): 3826–43, <https://doi.org/10.31941/pj.v24i2.6419>.

²⁷ Jerica M. Berge et al., “Cumulative Encouragement to Diet From Adolescence to Adulthood: Longitudinal Associations With Health, Psychosocial Well-Being, and Romantic Relationships,” *Journal of Adolescent Health* 65, no. 5 (November 2019): 690–97, <https://doi.org/10.1016/j.jadohealth.2019.06.002>.

²⁸ Lenny Guspidawati and Jumni Nelli, “Reconstructing Marriage Agreements in Islamic Family Law: An Integrative Analysis of Fiqh, Maqāṣid Al-Syari‘ah, and Indonesian Positive Law,” *Jurnal Ushuluddin* 33, no. 2 (December 31, 2025): 635, <https://doi.org/10.24014/jush.v33i2.38552>.

²⁹ Shahirah Mahmood, *Contextualizing the Global and Remaking the Local: Islam and Women’s Rights in Indonesia* (The University of Wisconsin-Madison, 2016).

Therefore, strengthening premarital assessment is not merely an administrative reform, but a normative necessity aligned with the objectives of protecting intellect, life, and lineage.³⁰

At the same time, the use of religious texts to justify early marriage must be approached cautiously. The historical context of certain prophetic traditions, including the marriage of ‘A’ishah, cannot be generalized as a universal normative standard. Contemporary Islamic legal scholarship emphasizes a contextual approach that integrates textual understanding with maqāṣid considerations, thereby avoiding normative bias and ensuring the protection of vulnerable groups.³¹

In response to these challenges, this study proposes a premarital competency-based assessment model as an administrative-substantive instrument within KUA services. This model is not intended to determine the validity of marriage from a fiqh perspective, but to function as a preventive and educational mechanism in the process of issuing marriage recommendations. It represents a form of institutional ijtihād that bridges normative Islamic legal principles with empirical social needs.³²

The model consists of four core dimensions of assessment, as presented in the following table:

Table 1. Dimensions and Indicators of Premarital Competency Based on Maqāṣid al-Sharī'ah and Objectives of Implementation

Dimension	Indicators	Objective
Psychological–Emotional Readiness	Emotional stability, conflict management, maturity	Ensuring mental preparedness for marital roles
Religious & Relational Understanding	Knowledge of marital rights and duties, communication, family values	Strengthening ethical and relational foundations

³⁰ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought (IIIT), 2008).

³¹ Wael B Hallaq, *An Introduction to Islamic Law* (Cambridge University Press, 2009).

³² Afrinald Rizhan, Akbarizan Akbarizan, and Zailani Zailani, “The Ideal Age of Marriage in Indonesian Family Law: An Integrative Analysis of Islamic and Positive Law,” *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan* 12, no. 2 (October 11, 2025): 474–92, <https://doi.org/10.32505/qadha.v12i2.12581>.

Economic Readiness	Income stability, financial planning, responsibility	Supporting sustainable household management
Physical & Reproductive Health	Basic health status, reproductive awareness	Preventing health risks and ensuring well-being

Operationally, the assessment process includes four stages: (1) initial registration and orientation; (2) self-assessment using structured instruments; (3) evaluator analysis and structured interviews; and (4) competency-based intervention for those who do not meet the minimum readiness standards. This intervention may include premarital counseling, educational programs, and guided evaluation aimed at improving readiness before marriage is recommended.

Conceptually, this model reflects an expansion of *ahliyyah al-adā'*, understood not merely as formal legal capacity but as functional readiness to assume marital responsibilities.³³ By integrating classical *fiqh* concepts with insights from developmental psychology, the model provides a more comprehensive framework for assessing readiness in modern society.³⁴

Importantly, this competency test is designed as an empowering mechanism rather than a restrictive one.³⁵ Its purpose is not to limit the right to marry, but to enhance the preparedness of prospective spouses. Empirical studies on premarital education support this approach,

³³ M Yakhsyallah Liddinillah, "ASyA Theories (Adaptive Sharī'ah Advantage): An Interdisciplinary Study of Maqāsid Al-Sharī'ah and the MILES Concept in Reformulating the Resilience of Muslim Communities," *Al-Banjari: Jurnal Ilmiah Ilmu-Ilmu Keislaman* 24, no. 2 (2025), <https://doi.org/10.18592/albanjari.v24i2.17960>.

³⁴ John P. Kemph, "Erik H. Erikson. Identity, Youth and Crisis. New York: W. W. Norton Company, 1968," *Behavioral Science* 14, no. 2 (March 1969): 154–59, <https://doi.org/10.1002/bs.3830140209>; Jeffrey Jensen Arnett, "Emerging Adulthood: A Theory of Development from the Late Teens through the Twenties.," *American Psychologist* 55, no. 5 (2000): 469–80, <https://doi.org/10.1037/0003-066X.55.5.469>.

³⁵ Siti Arifah Syam, Mhd. Syahnan, and Fauziah Lubis, "Judicial Contra Legem Reasoning in the Division of Marital Joint Property: A Maqāsid Al-Sharī'ah and Distributive Justice Perspective," *JURNAL ILMIAH GEMA PERENCANA* 4, no. 2 (December 27, 2025): 1895–1914, <https://doi.org/10.61860/jigp.v4i2.333>.

demonstrating that structured preparation contributes significantly to relationship quality, conflict management, and marital stability.³⁶

In conclusion, the proposed model offers a point of convergence between fiqh norms, state legal policy, and the objectives of social protection. By shifting the focus from purely administrative compliance toward substantive readiness, the role of KUA can be strengthened as a family development institution. This approach aligns with the broader orientation of Maqāsid al-Sharī'ah, emphasizing preventive policy, capacity building, and the long-term welfare of Muslim families in Indonesia.³⁷

CONCLUSION

This study demonstrates that the absence of a numerical age limit in classical fiqh is not a normative deficiency, but reflects a substantive legal paradigm grounded in ahliyyah, where marital eligibility is determined by rational capacity (*rushd*) and moral responsibility rather than chronological age. The concepts of 'aqil and baligh function only as minimal indicators of legal competence and cannot be equated with comprehensive marital readiness in contemporary contexts. This study firmly establishes that a purely age-based approach is insufficient to ensure the substantive readiness required for sustainable family formation.

In the context of Indonesian positive law, the minimum marriage age of 19 as stipulated in Law Number 16 of 2019 represents a protective siyāsah shar'iyah policy; however, its implementation remains largely administrative and procedural, particularly at the Office of Religious Affairs (Kantor Urusan Agama – KUA). The persistence of marriage dispensation practices indicates a gap between normative legal objectives and institutional application. Therefore, this study recommends the institutionalization of a premarital competency-based assessment model within KUA services as a policy instrument to complement age-based regulation and to ensure multidimensional readiness of prospective spouses.

This research contributes theoretically by reinforcing a capacity-based paradigm of marital readiness within contemporary Islamic family law and practically by offering an operational model for marriage

³⁶ Alan J. Hawkins et al., "Does Marriage and Relationship Education Work? A Meta-Analytic Study.," *Journal of Consulting and Clinical Psychology* 76, no. 5 (2008): 723–34, <https://doi.org/10.1037/a0012584>.

³⁷ Faizal et al., "Age Limit for Marriage in Indonesia from The Perspective of Maqashid Sharia."

services. At the same time, it is limited to a normative–conceptual framework and has not yet been empirically tested in institutional settings. Future research should focus on empirical implementation and evaluation of the premarital competency model within KUA practices to assess its effectiveness in strengthening family resilience and long-term welfare.

BIBLIOGRAPHY

- Al-Syatibi, Abu Ishaq. “Al-Muwafaqat Fi Ushul Al-Syari’ah.” *Vol. II (Beirut: Dar Al Kutub Al Ilmiyah, Tt) 1* (2003): 290.
- Al-Zuhaili, Wahbah. *Al-Fiqh Al-Islam Wa Adillatuhu*,. Beirut: Dar al-Fikr, 1989.
- Arnett, Jeffrey Jensen. “Emerging Adulthood: A Theory of Development from the Late Teens through the Twenties.” *American Psychologist* 55, no. 5 (2000): 469–80. <https://doi.org/10.1037/0003-066X.55.5.469>.
- Asman, Asman, and Mohamed Aamer. “Normative Analysis of the Maqāsid Al-Syari’ah Theory on Pre-Marital Women’s Health Screening.” *Al-Mujtahid: Journal of Islamic Family Law* 5, no. 2 (December 31, 2025): 84. <https://doi.org/10.30984/ajifl.v5i2.2900>.
- Auda, Jasser. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. International Institute of Islamic Thought (IIIT), 2008.
- Abdulah Pakarti, Muhammad Husni, Wahyudi Wahyudi, Ah. Fathonih, Fauzan Ali Rasyid, and Husain Husain, trans. 2025. “The Construction of Islamic Law on Marriage: A Normative Study of Rights, Harmony, and Its Limits”. *Al-Battar: Jurnal Pamungkas Hukum* 2 (2): 99-111. <https://doi.org/10.63142/al-battar.v2i2.172>.
- Abdulah Pakarti, Muhammad Husni, Ending Solehudin, Maruf Maruf, Iqbal Saujan, and Saeideh Shakibiciu. 2025. “The Role and Application of ’Urf As a Source of Islamic Law: A Historical Review and Fiqhiyah Rules”. *An-Nisa: Journal of Islamic Family Law* 2 (3): 175-92. <https://doi.org/10.63142/an-nisa.v2i3.300>.
- Abdulah Pakarti, Muhammad Husni, Wahyudi Wahyudi, Ah. Fathonih, Fauzan Ali Rasyid, and Husain Husain, trans. 2025. “The Construction of Islamic Law on Marriage: A Normative Study of Rights, Harmony, and Its Limits”. *Al-Battar: Jurnal Pamungkas Hukum* 2 (2): 99-111. <https://doi.org/10.63142/al-battar.v2i2.172>.
- Ahmad, Chaidir Ali, Muhsan Syarafuddin, Kirama Nasim Manbi

- Ushama, and Jamaluddin Jamal Muhsen. 2025. "The Concept of the Ideal Couple: Buya Hamka's Perspective in Islamic Marriage Law". *An-Nisa: Journal of Islamic Family Law* 2 (4): 315-25. <https://doi.org/10.63142/an-nisa.v2i4.366>.
- Berge, Jerica M., Mary J. Christoph, Megan R. Winkler, Liza Miller, Marla E. Eisenberg, and Dianne Neumark-Sztainer. "Cumulative Encouragement to Diet From Adolescence to Adulthood: Longitudinal Associations With Health, Psychosocial Well-Being, and Romantic Relationships." *Journal of Adolescent Health* 65, no. 5 (November 2019): 690–97. <https://doi.org/10.1016/j.jadohealth.2019.06.002>.
- Creswell, John W, and J David Creswell. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. Sage publications, 2017.
- Darussamin, Zikri, Armansyah Armansyah, and Ahmad Zikri. "The Urgency of Maturity to Get Married and Its Relevance to Family Life Goals." *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 May (May 23, 2023): 215. <https://doi.org/10.29240/jhi.v8i1.5324>.
- Dusuki, Asyraf Wajdi, and Nurdianawati Irwani Abdullah. "Maqasid Al-Shariah, Maslahah, and Corporate Social Responsibility." *American Journal of Islamic Social Sciences* 24, no. 1 (2007): 25. <https://doi.org/https://doi.org/10.1108/08288660710726829>.
- Efevbera, Yvette, Jacqueline Bhabha, Paul E. Farmer, and Günther Fink. "Girl Child Marriage as a Risk Factor for Early Childhood Development and Stunting." *Social Science & Medicine* 185 (July 2017): 91–101. <https://doi.org/10.1016/j.socscimed.2017.05.027>.
- Faizal, Liky, Abd. Qohar, Ali Abdul Wakhid, and Is Susanto. "Age Limit for Marriage in Indonesia from The Perspective of Maqashid Sharia." *Analisis: Jurnal Studi Keislaman* 22, no. 2 (December 30, 2022): 297–318. <https://doi.org/10.24042/ajsk.v22i2.14068>.
- Fatkhurrokhman, Ricy, Muhammad Royhan Assaiq, and Tri Wastuti. "Covering Shame, Sacrificing Rights: A Maqāṣid Al-Shari'ah Perspective on Child Protection in Incestuous Marriage Practices." *International Journal of Social Science and Religion (IJSSR)*, November 22, 2025, 347–448. <https://doi.org/10.53639/ijssr.v6i3.380>.
- Fitri, Inayatul, Zaiyad Zubaidi, Muhammad Husnul, Bilaly Sangare, and Isa Olawale Solahudeen. 2026. "Marital Maintenance Neglect and Divorce Dynamics: An Empirical Socio-Legal Study in Gampong Neuheun, Aceh Besar". *An-Nisa: Journal of Islamic Family Law* 3

- (1): 1-14. <https://doi.org/10.63142/an-nisa.v3i1.491>.
- Fausi, Achmad, and Asmuni Asmuni. "Determination of the Minimum Age Limit for Marriage: Balancing Legal Supremacy and the Objectives of Sharia in Indonesian Marriage Law." *Mazahib* 23, no. 1 (June 7, 2024): 117–54. <https://doi.org/10.21093/mj.v23i1.7611>.
- Guspidawati, Lenny, and Jumni Nelli. "Reconstructing Marriage Agreements in Islamic Family Law: An Integrative Analysis of Fiqh, Maqāṣid Al-Syari'ah, and Indonesian Positive Law." *Jurnal Ushuluddin* 33, no. 2 (December 31, 2025): 635. <https://doi.org/10.24014/jush.v33i2.38552>.
- Haerani, Ruslan. "The Legal Consequences Of Underage Marriage In The Merariq Culture Of The Sasak Tribe In Merembu Village, Labuapi District, West Lombok Regency." *Mawaddah: Jurnal Hukum Keluarga Islam* 2, no. 1 (2024): 101–23.
- Hallaq, Wael B. *An Introduction to Islamic Law*. Cambridge University Press, 2009.
- Hariyanto, Hariyanto, Ahmad Rezy Meidina, and Mabarroh Azizah. "Decentralization and the Fulfilments of Children's Rights: Challenges and Opportunities for Local Government in Indonesia." *Lex Scientia Law Review* 8, no. 2 (November 30, 2024): 677–706. <https://doi.org/10.15294/lslr.v8i2.14373>.
- Hasanudin, and Moh. Jeweherul Kalamiah. "The Problematic Nature of Marriage Dispensation from the Perspective of Maqāṣid Al-Sharī'Ah." *Al-Hikmah: International Journal of Islamic Studies* 1, no. 2 (October 19, 2025): 55–72. <https://doi.org/10.64540/alhikmah192>.
- Hawkins, Alan J., Victoria L. Blanchard, Scott A. Baldwin, and Elizabeth B. Fawcett. "Does Marriage and Relationship Education Work? A Meta-Analytic Study." *Journal of Consulting and Clinical Psychology* 76, no. 5 (2008): 723–34. <https://doi.org/10.1037/a0012584>.
- Holijah, Holijah, and Jariyah Binti Abd Manaf. "The Importance of Increasing Minimum Age For Marriage In Indonesian Marriage Law." *AL-'ADALAH* 16, no. 2 (December 30, 2019): 411–32. <https://doi.org/10.24042/adalah.v16i2.4546>.
- Hulu, Insafkan Lestari, Syaiful Khoiri Harahap, and Ismayani Ismayani. "Legal Protection for Minors Age of Applicant Marriage Dispensation Reviewed from Law Number 16 of 2019 Concerning Changes to the Law Number 1 of 1974 Concerning Marriage."

- Requisitoire Law Enforcement* 17, no. 1 (July 5, 2025): 50–57. <https://doi.org/10.59651/relae.v17i1.273>.
- Husna, Nurul, M Khoirul Hadi al Asy Ari, Sitti Suryani, Anizar Anizar, and Budi Juliandi. “Children Citizenship Status of Acehnese-Rohingya Mixed Marriage in Aceh: Maqāsid Sharī’ah Perspective.” *Al-Ahkam* 34, no. 1 (April 30, 2024): 169–92. <https://doi.org/10.21580/ahkam.2024.34.1.20162>.
- Ismail, Ismail, Busyro Busyro, Endri Yenti, Saiful Amin, and Hanif Aidhil Alwana. “Legal Age Equality in Marriage According to Indonesian Positive Law in the Studies of Gender and Maqāsid Al-Sharia.” *De Jure: Jurnal Hukum Dan Syar’iah* 15, no. 1 (July 6, 2023): 67–81. <https://doi.org/10.18860/j-fsh.v15i1.17696>.
- Ikbāl, Muchamad, Ah. Fathonih, and Fauzan Ali Rasyid. 2025. “Early Marriage in the Islamic Legal System, the Continental and Anglo Saxon European Legal Systems”. *An-Nisa: Journal of Islamic Family Law* 2 (2): 152-61. <https://doi.org/10.63142/an-nisa.v2i2.292>.
- Kamarusdiana, Kamarusdiana, Burhanudin Yusuf, Maman Rahman Hakim, and Harapandi Dahri. “Pre-Marital Education: Concepts and Regulations in Indonesia and Malaysia.” *Al-Ahkam* 32, no. 1 (April 28, 2022): 41–64. <https://doi.org/10.21580/ahkam.2022.32.1.10709>.
- Kemph, John P. “Erik H. Erikson. Identity, Youth and Crisis. New York: W. W. Norton Company, 1968.” *Behavioral Science* 14, no. 2 (March 1969): 154–59. <https://doi.org/10.1002/bs.3830140209>.
- Lahilote, Hasyim Sofyan, A.A. Miftah, Yuliatin Yuliatin, and Rahmi Hidayati. “Judge’s Dilemma in Marriage Dispensation in the Religious Court.” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 1 (June 30, 2022): 52–60. <https://doi.org/10.30631/alrisalah.v22i1.979>.
- Liddinillah, M Yakhsyallah. “ASyA Theories (Adaptive Sharī ‘ah Advantage): An Interdisciplinary Study of Maqāsid Al-Sharī ‘ah and the MILES Concept in Reformulating the Resilience of Muslim Communities.” *Al-Banjari: Jurnal Ilmiah Ilmu-Ilmu Keislaman* 24, no. 2 (2025). <https://doi.org/10.18592/albanjari.v24i2.17960>.
- Mahmood, Shahirah. *Contextualizing the Global and Remaking the Local: Islam and Women’s Rights in Indonesia*. The University of Wisconsin-Madison, 2016.
- Moch. Nurcholis, Iffatin Nur, Abd. Holik, and Ahmad Muhtadi Anshor.

- “Best Interest of the Child (Hifz Al-Awlād) Principle in Adjudicating Marriage Dispensation for Under-Age Couples.” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 20, no. 2 (December 31, 2025): 531–58. <https://doi.org/10.19105/al-lhkam.v20i2.15927>.
- Mufti Rambe, Khairul. “Prenuptial Agreement in Islamic Family Law: A Maqāṣid Al-Sharī‘ah Approach.” *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 24, no. 1 (July 4, 2025): 3826–43. <https://doi.org/10.31941/pj.v24i2.6419>.
- Mukhid, Mukhid, and Sindi Muthiah. “PERNIKAHAN DI BAWAH UMUR PERSPEKTIF UNDANG-UNDANG DAN HUKUM ISLAM.” *Ar Rasyiid: Journal of Islamic Studies* 2, no. 1 (February 4, 2024): 39–48. <https://doi.org/10.70367/arrasyiid.v2i1.18>.
- Musawar, Musawar, M. Riadhussyah, Ahmad Saifuddin Bukhari, and Alwafi Ridho Subarkah. “Prevent Child Marriage by Improving Education in West Nusa Tenggara Through Sister Province Relations with Kujawsko-Pomorskie, Poland.” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (June 13, 2022): 36. <https://doi.org/10.22373/sjkh.v6i1.9198>.
- Musfiroh, Mayadina Rohmi. “Hukum Keluarga Dalam Perspektif Perlindungan Anak.” *De Jure: Jurnal Hukum Dan Syar’iah* 8, no. 2 (January 13, 2017): 64–73. <https://doi.org/10.18860/j-fsh.v8i2.3731>.
- Nabilah, Wardatun, Rido Putra, Fakhriyah Annisa Afroo, Nurjanah Nurjanah, and Etri Wahyuni. “Between Protection and Permissiveness: A Fiqh Siyasah Reexamination of Marriage Dispensation in Indonesia.” *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (June 29, 2025): 137. <https://doi.org/10.31958/juris.v24i1.11882>.
- Nokman, Muhammad Syihab, and Mohd Harifadilah Rosidi. “The Validity of Fasakh Due to Non-Cohabitation: An Analysis of Marital Intimacy and Its Implications within the Framework of Maqasid Al-Shariah.” *International Journal of Research and Innovation in Social Science* IX, no. VII (2025): 2213–22. <https://doi.org/10.47772/IJRISS.2025.907000182>.
- Nur Rofiq, Aida Nurul Hidayah, Dimas Arif Saputra, Rena Putri Ramadhani, Syafira Nurul ’aini, Muhammad Kevin Ardhiyaka, Nayna Nikmatul Hasanah, Nurul Tri Inayah, and Muhammad Yusuf Arda Bily. “Pernikahan Dini Dalam Tinjauan Hukum Islam Dan Dampaknya.” *Literasi Hukum* 8, no. 1 (June 1, 2024): 95–104. <https://doi.org/10.31002/lh.v8i1.1546>.

- Ono, H. "The Socioeconomic Status of Women and Children in Japan: Comparisons with The USA." *International Journal of Law, Policy and the Family* 24, no. 2 (August 1, 2010): 151–76. <https://doi.org/10.1093/lawfam/ebq002>.
- Rauf, Moh Abd. "ISLAMIC LAW EPISTEMOLOGY THOUGHT OF PERSPECTIVE WAEEL B. HALLAQ AND RELEVANCE TO ISLAMIC LAW IN INDONESIA." *Indonesian Journal of Islamic Law* 1, no. 1 (December 30, 2018): 102–26. <https://doi.org/10.35719/ijil.v1i1.71>.
- Rizhan, Afrinald, Akbarizan Akbarizan, and Zailani Zailani. "The Ideal Age of Marriage in Indonesian Family Law: An Integrative Analysis of Islamic and Positive Law." *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan* 12, no. 2 (October 11, 2025): 474–92. <https://doi.org/10.32505/qadha.v12i2.12581>.
- Rozi, Fahrur, Fadil Fadil, Burhanuddin Susanto, Niela Agustin Hermawatie, and Anna Sakreti Nawangsari. "Inclusive Premarital Education for Persons with Disabilities: Legal Reform and Lifelong Learning Perspectives in Indonesia." *AL-ISHLAH: Jurnal Pendidikan* 17, no. 4 (December 31, 2025). <https://doi.org/10.35445/alishlah.v17i4.9133>.
- Rusliansyah, Shabrina, Hasnul Arifin Melayu, Aulil Amri, Claire Lajaunie, and Fatima Zohra Benali. 2025. "Legal Certainty of Interfaith Marriage After SEMA No. 02 of 2023 Maqasid Sharia Perspective". *An-Nisa: Journal of Islamic Family Law* 2 (4): 258-70. <https://doi.org/10.63142/an-nisa.v2i4.303>.
- Siddiq, Achmad, Muhammad Ufuqul Mubin, Ismatul Maula, Ahmad Rezy Meidina, and Mohammad Irsyad. "Restrictions on Hajj Pilgrimage for Indonesian Congregation from the Perspective of Sadd Al-Dzari'ah." *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, June 2, 2024, 35–51. <https://doi.org/10.24090/volksgeist.v7i1.9701>.
- Sopyan, Yayan, Zezen Zainal Muttaqin, Cucu Solihat, and Jaenal Aripin. "Child Exploitation by Parents in Early Marriage: Case Study in Cianjur West Java, Indonesia." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (November 30, 2023): 1921. <https://doi.org/10.22373/sjkh.v7i3.14804>.
- Syam, Siti Arifah, Mhd. Syahnan, and Fauziah Lubis. "Judicial Contra Legem Reasoning in the Division of Marital Joint Property: A Maqāsid Al-Sharī'ah and Distributive Justice Perspective." *JURNAL ILMIAH GEMA PERENCANA* 4, no. 2 (December 27,

- 2025): 1895–1914. <https://doi.org/10.61860/jigp.v4i2.333>.
- Tazani, Hasbi Ash Shidiqiy, and Fikri Afthon Fahmi. “Mental Health, Sleep Paralysis, and Legal Responsibility in Islamic Family Law: Insights from QS Al-Baqarah 286.” *Kanuun: Journal of Sharia, Law, and Digital Society*, 2026, 1–16. <https://doi.org/https://doi.org/10.66277/kanuun.v1i1.2>.
- Zuhdi, Ahmad, and Taufiqul Hadi Danial. “DETERMINATION OF MAQASID AL-SYARI’AH IN THE REQUIREMENTS FOR PRE-MARRIAGE HEALTH CHECK WITH THE TAḤQIQ AL-MANAṬ APPROACH” 6, no. 2 (2025): 1009–22. <https://doi.org/https://doi.org/10.56806/jh.v6i2.289>.



This work is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/).