



## Breaking Through Customary Domination for Child Protection: An Analysis of the Gerakan Anti-Merarik Kodeq (GAMAK) from the Perspective of Maqāsid al-Syari'ah

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### Abstract

Underage marriage remains a serious challenge in many countries, including Indonesia, where it is complicated by the intersection of legal regulations and customary norms. In Lingsar District, this practice persists through the *Merarik kodeq* tradition, which is deeply embedded in local culture. Within this context, this study aims to explain the implementation of the *Gerakan Anti-Merarik Kodeq* (GAMAK) as a community-based prevention strategy and to analyze it through the framework of *Maqāsid al-Syari'ah*. This qualitative research employed a fieldwork-based approach using methods such as observation, in-depth interviews with 14 key informants, and document analysis conducted over a seven-month period from March to September 2022. The findings reveal that GAMAK is not merely a technocratic policy but has evolved into a transformative social movement that redefines the relationship between custom, religion, and the state. Unlike legal-formal approaches, GAMAK successfully presents an alternative narrative that positions religious and customary leaders not as opponents of the law, but as agents of change who reform local values from within. By embedding anti-underage marriage messages in Friday sermons, women's forums (PKK), and even in village *awiq-awiq* (customary regulations), GAMAK demonstrates that collective behavioral change can be achieved through grounded and contextual approaches. Viewed through the lens of *Maqāsid al-Syari'ah*, GAMAK upholds the protection of the five essential principles of Islamic law – religion, life, intellect, lineage, and property – while opening space for negotiation between customary norms and Islamic law in favor of public welfare. The findings show that preventing underage marriage requires transforming entrenched customary norms through collaboration between community leaders, religious authorities, and state institutions. This study contributes to the discourse on legal pluralism and *Maqasid al-Shariah* in child protection, while offering a practical model for policymakers to replicate in regions with strong customary traditions.

**Keywords:** Customary, Child Protection, GAMAK, Underage marriage, *Maqāsid al-Syari'ah*



## Abstrak

Pernikahan di bawah umur tetap menjadi tantangan serius di banyak negara, termasuk Indonesia, di mana persoalan ini menjadi kompleks karena adanya persinggungan antara regulasi hukum dan norma adat. Di Kecamatan Lingsar, praktik ini masih bertahan melalui tradisi Merarik kodeq, yang sangat mengakar dalam budaya lokal. Dalam konteks ini, penelitian ini bertujuan untuk menjelaskan pelaksanaan Gerakan Anti-Merarik Kodeq (GAMAK) sebagai strategi pencegahan berbasis komunitas serta menganalisisnya melalui kerangka Maqāsid al-Shari'ah. Penelitian kualitatif ini menggunakan pendekatan berbasis lapangan dengan metode seperti observasi, wawancara mendalam terhadap 14 informan kunci, dan analisis dokumen yang dilakukan selama tujuh bulan, dari Maret hingga September 2022. Hasil penelitian menunjukkan bahwa GAMAK bukan sekadar kebijakan teknokratis, melainkan telah berkembang menjadi gerakan sosial transformatif yang mendefinisikan ulang hubungan antara adat, agama, dan negara. Berbeda dengan pendekatan legal-formal, GAMAK berhasil menghadirkan narasi alternatif yang menempatkan tokoh agama dan tokoh adat bukan sebagai pihak yang berlawanan dengan hukum, tetapi sebagai agen perubahan yang mereformasi nilai-nilai lokal dari dalam. Dengan memasukkan pesan anti-pernikahan di bawah umur dalam khotbah Jumat, forum perempuan (PKK), bahkan dalam awiq-awiq desa (peraturan adat), GAMAK menunjukkan bahwa perubahan perilaku kolektif dapat dicapai melalui pendekatan yang kontekstual dan berakar pada realitas masyarakat. Dilihat dari perspektif Maqāsid al-Shari'ah, GAMAK menjunjung tinggi perlindungan terhadap lima prinsip dasar hukum Islam yaitu agama, jiwa, akal, keturunan, dan harta, sambil membuka ruang negosiasi antara norma adat dan hukum Islam demi kemaslahatan masyarakat. Temuan ini menunjukkan bahwa pencegahan pernikahan di bawah umur memerlukan transformasi norma adat yang mengakar melalui kolaborasi antara tokoh masyarakat, otoritas keagamaan, dan lembaga negara. Studi ini berkontribusi terhadap wacana pluralisme hukum dan Maqāsid al-Shari'ah dalam perlindungan anak, sekaligus menawarkan model praktis yang dapat direplikasi oleh para pembuat kebijakan di wilayah-wilayah dengan tradisi adat yang kuat.

**Kata Kunci:** Adat, Perlindungan Anak, GAMAK, Pernikahan di Bawah Umur, *Maqāsid al-Syari'ah*

## Introduction

Underage marriage is a global issue that significantly affects children's rights and well-being. According to UNICEF data from 2023, an estimated 640 million girls and women were married before the age of 18, with 95 million of them living in East Asia and the Pacific.<sup>1</sup> In Indonesia, although there has been a 3.5 percentage point decline in the prevalence of underage marriage over the past decade, the rate remains high. In 2018, approximately 1 in 9 girls aged 20–24 had been married before turning 18, placing Indonesia among the top ten countries with the highest absolute number of underage marriages in the world.<sup>2</sup> In Africa, the Central African Republic has the highest prevalence of child grooms

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<sup>1</sup> Biro Hukum dan Humas, "Akhir Praktik Perkawinan Anak Melalui Kerjasama Regional Dan Multisektoral," *Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak*, December 2023, <https://kemenpppa.go.id/page/view/NDk1MQ%3D%3D>.

<sup>2</sup> UNICEF Indonesia, "Perkawinan Anak Di Indonesia Statistik Terbaru Perkawinan Anak Di Indonesia," February 2020, <https://www.unicef.org/indonesia/id/laporan/perkawinan-anak-di-indonesia>.

globally, with a rate of 28%, followed by Nicaragua at 19% and Madagascar at 13%.<sup>3</sup> In this context, underage marriage continues to be driven by factors such as poverty, social norms, and limited access to education.<sup>4</sup> Children who marry before reaching adulthood are more likely to drop out of school,<sup>5</sup> face restricted economic opportunities, and are more vulnerable to violence and mental health issues compared to those who marry at a mature age.<sup>6</sup>

This condition has become a major concern in the Islamic perspective, particularly within the framework of *Maqāṣid al-Syari'ah* which emphasises the protection of life, intellect, and lineage. Numerous scientific studies have demonstrated that the practice of underage marriage produces significant negative impacts on child protection in terms of physical, psychological, social, and educational rights, all of which are in conflict with the principal foundations of *Maqāṣid al-Syari'ah*. From the *maqāṣid* perspective, the objectives of protecting life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), and lineage (*ḥifẓ al-nasl*) constitute the core values threatened by such practices, since children who are married before reaching sufficient maturity tend to be unprepared both mentally and economically, leaving them vulnerable to violence, school dropouts, and developmental disorders.

These findings are reinforced in both fieldwork and normative research, such as that conducted by Edi Kurniawan et al., who examined the Malay community in Jambi and concluded that the *mafsadah* (harm) of underage marriage far outweighs its *maṣlahah* (benefit).<sup>7</sup> Further research by Muhammad Fajar and Linda Kartika highlighted the importance of maturity (*rushd*) as the benchmark for the validity of marriage, rather than mere biological age, and argued that discrepancies between Islamic jurisprudence and national law may undermine child protection.<sup>8</sup> In the context of protecting victims of violence, Suprijati Sarib et al. revealed the weaknesses of the legal system and stressed the significance of *maqāṣid* as a framework for constructing a system that is responsive to children's rights.<sup>9</sup> Meanwhile, Dwi Aprillianto et al. examined how local religious authorities such as the *Lebe'* in Brebes perpetuate child marriage practices by disregarding the principles of *maqāṣid al-usrah*, namely the creation of families characterised by peace, affection, and

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<sup>3</sup> "115 Juta Anak Laki-Laki Di Dunia Menikah Di Bawah Umur," *Deutsche Welle*, June 7, 2019, Sosial edition, <https://www.dw.com/id/unicef-115-juta-anak-laki-laki-di-dunia-menikah-di-bawah-umur/a-49098562>.

<sup>4</sup> Sonny Dewi Judiasih, "Kontroversi Perkawinan Bawah Umur: Realita Dan Tantangan Bagi Penegakan Hukum Keluarga Di Indonesia," *Acta Diurnal: Jurnal Ilmu Hukum Kenotariatan* 6, no. 2 (2023): 174–92, doi:10.23920/acta.v6i2.1295.

<sup>5</sup> Maemunah Maemunah, "Dampak-Dampak Terjadinya Perkawinan Anak Di Era Pandemi Covid-19," *CIVICUS: Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila Dan Kewarganegaraan* 9, no. 2 (2021): 53–62.

<sup>6</sup> Alfina E Notti and Delsylia Tresnawaty Ufi, "Kualitas Perkawinan Dan Dampaknya Terhadap Kesehatan Mental Anak," *JKKP (Jurnal Kesejahteraan Keluarga Dan Pendidikan)* 8, no. 01 (2021): 108–19.

<sup>7</sup> Edi Kurniawan et al., "Early Marriage, Human Rights, and the Living Fiqh: A Maqasid al-Shari'a Review," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 20, no. 1 (May 28, 2020): 1–15, doi:10.30631/alrisalah.v20i1.565.

<sup>8</sup> Muhammad Fajar and Linda Kartika, "Fiqh Analysis of the Age Limit for Marriage and Its Implications for Children's Welfare," *Indonesian Journal of Islamic Law* 4, no. 1 (2021): 17–34, doi:10.35719/ijil.v4i1.2040.

<sup>9</sup> Suprijati Sarib et al., "Reconsidering Legal Protections for Child Marriage Victims: A Maqasid Shariah Perspective," *Al-Mujtahid: Journal of Islamic Family Law* 5, no. 1 (2025): 22–39, doi:10.30984/ajifl.v5i1.3477.

well-being.<sup>10</sup> Moreover, Yusup Hidayat et al. asserted that although legal reforms have raised the minimum age of marriage, a holistic approach grounded in *Maqāṣid al-Syari'ah* and cross-sector collaboration remains essential to address root problems such as poverty, patriarchal culture, and limited access to education.<sup>11</sup>

In Lombok, West Nusa Tenggara, scholars have also highlighted the practice of underage marriage, known in the Sasak language as *Merarik Kodeq*, which often becomes the root of underage marriage. Anindita SHM Kusuma et al., through an ethnobiological approach, demonstrate that underage marriage at the ages of 16–17 poses serious reproductive health risks for both mother and child.<sup>12</sup> Habibi and I Putu Pasek Bagiarta W affirm that *Merarik Kodeq* does not in fact represent Sasak tradition but rather constitutes a form of social deviation that requires the intervention of customary institutions with the authority to impose sanctions.<sup>13</sup> Dhea Candra Dewi et al. emphasise the role of the Gerakan Anti-*Merarik Kodeq* (GAMAQ) as a regionally based regulatory strategy to foster public awareness in preventing underage marriage,<sup>14</sup> while Muhammad Suhardi reveals the dynamics of legal pluralism in which *awiq-awiq* and religious leaders may play a dual role, acting either as reinforcers or obstacles in efforts to prevent underage marriage.<sup>15</sup> These studies affirm that *Merarik Kodeq* has been understood from biological, traditional, social strategy and legal pluralism perspectives. However, such research has not yet extensively uncovered how prevention initiatives are carried out at the local level with due consideration of the direct interaction between Sasak customary law and state regulation. Therefore, this study seeks to fill that gap by examining in depth the implementation of the Gerakan Anti-*Merarik Kodeq* (GAMAK) in Lingsar District within the framework of *Maqāṣid al-Syari'ah* theory, thereby demonstrating how the interaction between custom and state law can be directed towards strengthening child protection.

In West Lombok Regency, Lingsar District, customary practices such as *Merarik Kodeq* still occur and continue to pose a significant obstacle to the implementation of legal regulations. According to data from the Office of Women's Empowerment, Child Protection, Population Control, and Family Planning (DP3AP2AKB) of West Nusa Tenggara Province, the number of underage marriage cases has continued to increase – from 332 cases in 2019 to

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<sup>10</sup> Dwi Aprilianto, Farida Ulvi Na'imah, and Ahmad Fauzi, "The Controversy of Child Marriage Culture in The Perspective of Maqāṣid Al-Usrah: A Case Study of The Authority of Lebe'in Brebes," *Al-Manahij: Jurnal Kajian Hukum Islam*, 2024, 199–218, doi:10.24090/mnh.v18i2.11554.

<sup>11</sup> Abdurrohman Kasdi, "Actualizations of Maqashid Al-Shariah in Modern Life: Maqashid al-Shariah Theory As a Method of the Development of Islamic Laws and Shariah Economics," *Justicia Islamica* 16, no. 2 (November 19, 2019): 247–68, doi:10.21154/justicia.v16i2.1666.

<sup>12</sup> Anindita SHM Kusuma et al., "The Ethnobiology of Merarik Kodeq in Lombok," *Jurnal Ilmiah Profesi Pendidikan* 10, no. 2 (2025): 1881–88, doi:10.29303/jipp.v10i2.3587.

<sup>13</sup> Habibi Habibi and I Putu Pasek Bagiarta W, "Merarik Kodeq Antara Tradisi Dan Problematika Yuridis Pada Masyarakat Suku Sasak Lombok," *Jurnal Hukum Agama Hindu Widya Kerta* 8, no. 1 (2025): 1–21, doi:10.53977/wk.v8i1.2466.

<sup>14</sup> Dhea Candra Dewi et al., "Penyuluhan Strategi Gerakan Anti Merarik Kodeq (GAMAQ) Sebagai Upaya Pencegahan Pernikahan Usia Anak," *Jompa Abdi: Jurnal Pengabdian Masyarakat* 1, no. 4 (2022): 167–75, doi:10.57218/jompaabdi.v1i4.415.

<sup>15</sup> Muhammad Suhardi, "Legal Pluralism and Cultural Legitimacy: Reframing Sasak Customary Law to Prevent Child Marriage in Lombok," *Society* 13, no. 1 (2025): 538–52, doi:10.33019/society.v13i1.818.

805 cases in 2020. Specifically in Lingsar Subdistrict, there were 44 cases recorded in 2019, rising to 92 cases in 2020, although the number began to decline to 16 cases by 2022.<sup>16</sup> To address this issue, a program called the *Gerakan Anti-Merarik Kodeq* (GAMAK) was launched to raise public awareness about the dangers of underage marriage. GAMAK is an initiative pioneered by the West Lombok Regency Government to reduce the high incidence of underage marriage in West Nusa Tenggara Province, including in Lingsar Subdistrict. This program is based on West Lombok Regent Regulation No. 9 of 2019 on the Prevention of Underage Marriage and aims to serve as a large-scale, integrated social movement to minimize underage marriages—defined as marriages in which one or both parties are still legally considered children. GAMAK is further reinforced by other regulations, such as West Nusa Tenggara Governor Regulation No. 5 of 2021, as well as the implementation of village regulations (*Perdes*) and customary laws (*awiq-awiq*) in certain areas to prevent *Merarik kodeq*, which frequently acts as a primary driver of underage marriage.

The approach taken by GAMAK as a local-level effort to reduce the incidence of underage marriage presents a compelling subject for in-depth analysis, particularly in the context of how the movement seeks to balance two seemingly opposing elements—custom and law. The implementation of this movement also reflects an attempt at social transformation within a community that remains deeply rooted in tradition, such as the society of Lingsar Subdistrict. Therefore, examining the implementation of GAMAK in Lingsar is essential to understanding the dynamics of interaction between local customary practices and legal regulations in addressing the issue of underage marriage. This study also analyzes the implementation of GAMAK through the lens of *Maqāṣid al-Sharī'ah* theory, to assess the extent to which the movement aligns with the Islamic principles of protecting religion, life, intellect, progeny, and wealth.<sup>17</sup> Lingsar Subdistrict in West Lombok Regency was selected as the research site due to its unique cultural characteristics, including the strong influence of Sasak customary traditions that remain highly respected in community life, such as the *Merarik* tradition, as observed in preliminary fieldwork. Moreover, the presence of GAMAK in this area offers a concrete example of how a social movement can engage with local communities in efforts to prevent underage marriage. Given the complexity of this issue, in-depth research is necessary to elucidate how GAMAK contributes to building public awareness, encouraging behavioral change, and creating a framework that supports harmony between customary values and legal norms. A deeper understanding of the approach adopted by GAMAK may offer significant insights for the development of effective underage marriage prevention strategies in other regions facing similar challenges.

Methodologically, this study employs a qualitative research design using a fieldwork method to provide an in-depth explanation of the implementation of the *Gerakan Anti-Merarik Kodeq* (GAMAK) in Lingsar Subdistrict. The scope of the research is focused on Lingsar Subdistrict, West Lombok Regency, as the primary site for GAMAK's implementation, where the practice of underage marriage (*merarik*) continues to persist. Four

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<sup>16</sup> Documentation and interview with the Head of the Women's Empowerment and Child Protection Division, Mr. Mustiklar, West Lombok, March 14, 2023. See also in <https://lombokbaratkab.go.id/pakem-merarik-dikolaborasi-dengan-gamak/>

<sup>17</sup> Al-Imam Abu Ishaq Asy-Syatibi, *Al-Muwafaqat Fi Ushul as-Syari'ah*, II (Beirut: Dar al-kutub al-Islamiyyah, 2003).

villages within Lingsar Subdistrict were selected through purposive sampling as research locations: Duman Village, Batu Kumbang Village, East Karang Bayan Village, and Langko Village. Data for this study were collected through in-depth interviews with 14 informants representing various relevant stakeholders, including traditional leaders, religious figures, the Head of the Women's Empowerment and Child Protection Division, village heads, the Secretary of the Office of Population Control, Family Planning, Women's Empowerment and Child Protection (DP2KBP3A), the Head of the Office of Religious Affairs (KUA), subdistrict officials, and individuals who had experienced underage marriage or *Merarik kodeq*. The fieldwork was conducted over a period of seven months, from March to September 2022. Direct observation was carried out to examine how GAMAK is implemented within the community, including in public counseling forums, Friday sermons, and village activities related to the program. In addition, documentation was used as a complementary method to collect official records, program reports, and regional policies concerning the prevention of underage marriage.

In processing the data, this study applies a qualitative analysis technique using a descriptive-analytical research approach. Data obtained through interviews, observations, and documentation were analyzed through the stages of data reduction, data presentation, and conclusion drawing. Data reduction was carried out by sorting information relevant to the research objectives. The reduced data were then presented in descriptive narrative form to illustrate the dynamics of GAMAK's implementation and community responses to the program. As an analytical framework, this study employs the theory of *Maqāṣid al-Sharī'ah* to evaluate the effectiveness of GAMAK within the context of Islamic law. This theory was selected because it provides a normative framework for assessing the extent to which policies and social programs align with the primary objectives of Islamic law, namely the preservation of religion (*hifz ad-dīn*), life (*hifz an-nafs*), intellect (*hifz al-'aql*), lineage (*hifz an-nasl*), and property (*hifz al-māl*). The analysis aims to identify GAMAK's contribution to achieving community well-being in accordance with Islamic principles and to understand the challenges encountered in its implementation within a local culture that continues to practice underage marriage. This approach allows for an in-depth understanding of the factors influencing the success and challenges of GAMAK's implementation and offers insights into how the program can be adapted in other regions with similar socio-cultural conditions.

### **The Methodology of Maqāṣid al-Syarī'ah in Family Law**

The methodology of *Maqāṣid al-Syarī'ah* in family law is grounded in the understanding that every provision of Islamic law does not merely rest upon formal texts but carries a fundamental purpose directed towards human welfare. Within this framework, family law cannot be perceived solely as a set of normative rules on marriage, divorce, or children's rights, but rather as an instrument to realise the well-being and sustainability of

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<sup>18</sup> Lukman Santoso and Dawam Abror, "Pola Pemenuhan Hak Asuh Anak Pada Keluarga Buruh Migran Indonesia: An Maqashid Shariah Perspective," *Al-Syakhsyiyah: Journal of Law and Family Studies* 2, no. 1 (June 10, 2020): 56-73, doi:10.21154/syakhsyiyah.v2i1.2160.

family life in accordance with the universal principles of Islam.<sup>19</sup> Therefore, the *maqāṣid* methodology becomes an essential tool for interpreting, contextualising, and applying family law so that it remains relevant to social dynamics, including issues of child protection.<sup>20</sup>

Al-Syātibi in *al-Muwāfaqāt* emphasised that *Maqāṣid al-Syari'ah* represents the very essence that animates the entire structure of Islamic law.<sup>21</sup> He formulated five fundamental principles (*al-darūriyyāt al-khams*), namely the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*).<sup>22</sup> In the context of family law, these five principles can serve as benchmarks for determining the validity of a family practice. For instance, protecting children from early marriage can be directly linked to *ḥifẓ al-nafs* as it concerns life safety and reproductive health, as well as *ḥifẓ al-'aql* since it relates to a child's right to continue education. Accordingly, the *maqāṣid* methodology requires that every family policy, whether grounded in state law or social practice, be examined from the perspective of the objectives of the *shari'ah* to ensure that no violation of these fundamental principles occurs.

Ibn 'Āsyūr enriched the discourse on *Maqāṣid al-Syari'ah* by stressing its social and collective dimensions, including matters related to the family as the principal institution of humanity. In his view, *maqāṣid* is not confined to individual protection but also encompasses the safeguarding of social order, within which the family occupies a central position. In *Maqāṣid al-Syari'ah al-Islāmiyyah*, Ibn 'Āsyūr asserted that preserving lineage (*ḥifẓ al-nasl*) does not merely signify biological continuity but also entails nurturing the quality of generations through education, morality, and family stability.<sup>23</sup>

Within the methodological framework he proposed, Ibn 'Āsyūr introduced the establishment of *maqāṣid* through *istiqrā'* (comprehensive induction of the textual sources), explicit guidance from the Qur'an, and *mutawātir* hadiths that reveal the general purposes of the *shari'ah*.<sup>24</sup> Through this approach, it becomes clear that contemporary issues such as child protection, the prevention of early marriage, and the strengthening of youth rights are in harmony with *Maqāṣid al-Syari'ah*, particularly in preserving lineage and ensuring social welfare. Hence, child protection constitutes an inherent part of *maqāṣid*, even though it is not always explicitly mentioned by Ibn 'Āsyūr. Rather, it can be derived from his methodological framework which underscores *maṣlahah* (human welfare), human nature (*fiṭrah*), and the continuity of civilisation.

Subsequently, the *maqāṣid* methodology in family law emphasises systematic analytical steps. The first stage is the identification of normative texts in the Qur'an and

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<sup>19</sup> Arif Sugitanata, "Product Renewal in the Field of Family Law in Indonesia," *Law and Justice* 6, no. 1 (2021): 62–79, doi:10.23917/laj.v6i1.10699.

<sup>20</sup> Nazifah Hanafiah, "Relevansi Maqashid Syariah Dalam Kebijakan Perlindungan Perempuan Dan Anak Pada Hukum Keluarga Di Indonesia," *Integrated Education Journal* 1, no. 2 (2024): 112–125, <https://barkah-ilmu-fiddunya.my.id/ojs/index.php/iej/article/view/71>.

<sup>21</sup> Al-Imam Abu Ishaq Asy-Syatibi, *Al-Muwafaqat Fi Ushul as-Syari'ah*.

<sup>22</sup> Ibrahim Ibn Al-Shatibi, *The Reconciliation of the Fundamentals of Islamic Law: Al-Muwafaqat Fi Usul al-Shari'a*, trans. Imran Ahsan Khan Nyazee (Reading, UK: Garnet Publishing, 2012).

<sup>23</sup> Muhammad al-Ṭāhir Ibn 'Āsyūr, *Maqāṣid Al-Syari'ah al-Islāmiyyah* (Tunis: al-Dār al-Tūnisīyyah li al-Nashr, 1946), 231–233.

<sup>24</sup> Muhammad al-Ṭāhir Ibn 'Āsyūr, *Treatise on Maqāṣid Al-Shari'ah*, trans. Mohamed El-Tahir El-Mesawi (London: IIIT, 2006), 210–215.

Hadith that form the foundation of family law.<sup>25</sup> The second stage involves uncovering the purposes (*maqāṣid*) behind these provisions, such as why the *sharī'ah* encourages the establishment of maturity before marriage or why children's rights are prioritised.<sup>26</sup> The third stage is contextualisation, namely linking those objectives with contemporary issues such as the rise in child marriage, domestic violence, or the loss of children's access to education.<sup>27</sup> The fourth stage is the weighing of benefits (*maṣlahah*) and harms (*mafsadah*), where a family practice is assessed on whether it truly brings collective and individual good or, conversely, generates social harm.<sup>28</sup> Through this methodological pattern, family law does not end with formal compliance but extends to the extent to which it aligns with the objectives of the *sharī'ah*.

A concrete application of the *Maqāṣid al-Syari'ah* methodology in family law can be observed in how the regulation of minimum marriage age is connected to the principles of *ḥifẓ al-nasl* and *ḥifẓ al-nafs*. The marriage age limit set by the state is not merely an administrative rule but reflects the will of the *sharī'ah* to safeguard life, ensure psychological readiness, and protect generations from harm.<sup>29</sup> Similarly, policies rejecting dispensations for child marriage should not be understood as restricting rights but rather as efforts to fulfil the *Maqāṣid al-Syari'ah* in order to protect children from long-term dangers. In this way, the *maqāṣid* methodology in family law directs legal interpretation towards serving the best interests of the child as an integral part of the *maqāṣid* itself.

### **The Existence of Merarik Kodeq in the Lingsar Community, West Lombok**

The *Merarik* tradition is a customary marriage practice that continues to exist among the Sasak people of Lombok Island, including in the Lingsar sub-district of West Lombok.<sup>30</sup> *Merarik* refers to the process in which a man elopes with a woman he intends to marry as part of the customary marriage stages. This tradition is deeply rooted in Sasak culture and has been passed down through generations as a symbol of a man's courage in pursuing his partner.<sup>31</sup> Historically, there are two perspectives regarding the origin of this tradition. The

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<sup>25</sup> Ahmad al-Raysūnī, *Nazariyyat Al-Maqāṣid 'inda al-Imām al-Syāṭibī* (Herndon: IIIT, 1995), 112–115.

<sup>26</sup> Muhammad al-Ṭāhīr Ibn 'Āsyūr, *Maqāṣid Al-Syari'ah al-Islāmiyyah*, 249–52; Muhammad al-Ṭāhīr Ibn 'Āsyūr, *Treatise on Maqāṣid Al-Shari'ah*, Terj, 210–215.

<sup>27</sup> Mohd Suhadi Mohamed Sidik, Md Noor Saper, and Nurul'Ain Mohd Daud, "The Application of Maqasid Shariah Elements in Family and Marriage Counseling" (1st Progress in Social Science, Humanities and Education Research Symposium (PSSHRS 2019), Atlantis Press, 2020), 713–18, doi:10.2991/assehr.k.200824.160.

<sup>28</sup> Yusefri Yusefri, Mu'adil Faizin, and Wahyu Abdul Jafar, "Protecting Child Labor Rights: Maqasid Sharia Framework and Policy Recommendations," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 1188–1215, doi:10.22373/sjhk.v8i2.24559; Sabarite Banurea, "Child Protection in the Perspective of Islamic Family Law by Era Digital," *Jurnal Ilmiah Teunuleh* 6, no. 2 (2025): 171–80, doi:10.51612/teunuleh.v6i2.191.

<sup>29</sup> Zaenul Mahmudi and Khalimatus Sa'diyah, "The Minimum of Marriageable Age in Maqāṣid Al-Sharia and Psychological Perspectives," vol. 1 (Proceedings of the 1st International Conference on Recent Innovations ICRI, Jakarta, 2020), doi:10.5220/0009924711891195.

<sup>30</sup> Field observations indicate that this practice is still ongoing.

<sup>31</sup> Mispandi and Muh. Fahrurrozi, "Peran Gender Dalam Mempertahankan Tradisi Merarik (Kawin) Adat Suku Sasak Dusun Sade, Nusa Tenggara Barat," *Jurnal Sosialisasi: Jurnal Hasil Pemikiran, Penelitian dan Pengembangan Keilmuan Sosiologi Pendidikan* 8, no. 2 (2021): 45–53, doi:10.26858/sosialisasi.v1i1.20574.

first holds that *Merarik* is an indigenous tradition of the Sasak people that existed prior to the arrival of the Balinese in Lombok in the 18th century. The second perspective argues that *Merarik* was influenced by Balinese culture introduced during the reign of the Karangasem Kingdom in West Lombok. During the colonial period, elopement served as a means for the Sasak people to resist the oppression of the Balinese rulers, particularly in relation to young women. Over time, the tradition transformed and became an inseparable part of the Sasak customary marriage system.<sup>32</sup> However, in its implementation, *Merarik* does not impose age restrictions on the couples involved. As a result, it is still practiced by young or even underage couples. When *Merarik* is carried out by children or adolescents who are not yet of legal marriageable age, the practice is referred to as *Merarik kodeq*, which literally means marriage at an early age (underage marriage).<sup>33</sup>

The existence of *Merarik kodeq* in the Lingsar sub-district cannot be separated from the strong influence of social and customary norms that continue to be upheld by the local community. Underage marriages that occur through the *Merarik kodeq* process are, in many cases, not the result of the children's personal decisions but rather the consequence of cultural and customary legal pressures that compel them to marry under certain circumstances. One factor contributing to the persistence of *Merarik kodeq* is the existence of customary regulations which hold that a woman who has entered into a relationship with a man must be immediately married to him if they are found in a situation deemed inappropriate by societal standards.<sup>34</sup> This is evident in findings from several villages in the Lingsar sub-district, such as Langko and Duman, where *awiq-awiq*—customary laws—continue to support the practice of *Merarik kodeq*. Among these regulations is the rule that if a man and a woman are found alone together in a dark place, they must be immediately married, regardless of their mental, physical, or economic readiness. Additionally, there is a rule stipulating that if a man visits a woman's house after 10 p.m., he must face consequences in the form of a fine or even be obligated to marry the woman.<sup>35</sup>

These customary regulations have become one of the main reasons why *Merarik kodeq* continues to occur in the Lingsar sub-district. Girls who do not wish to marry are often forced into marriage due to customary obligations and social pressure. This situation is further exacerbated by a prevailing mindset in the community that views marriage as a solution to various social issues faced by adolescents, such as promiscuity or out-of-wedlock pregnancy.<sup>36</sup> Many parents in Lingsar still believe that marrying off their daughters at an

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<sup>32</sup> Arif Sugitanata, *Produk Hukum Perkawinan Di Masyarakat Sasak Lombok Nusa Tenggara Barat* (Pati: Al Qalam Media Lestari, 2023), 1–91.

<sup>33</sup> Rada Destiaji, Syarifuddin Syarifuddin, and Nila Kusuma, "Implementasi Awiq-Awiq Merarik Kodeq Di Desa Bengkel Kecamatan Labuapi Kabupaten Lombok Barat," vol. 1, 2023, 84–100, <https://proceeding.unram.ac.id/index.php/Senmasosio/article/view/408>.

<sup>34</sup> Firdausi Nuzula and Siti Rahmatia, "Pengaruh Merarik Kodeq Terhadap Keharmonisan Keluarga Studi Kasus Di Dusun Griya Utara, Lingsar Kabupaten Lombok Barat," *Al-Insan: Jurnal Bimbingan Dan Konseling Dakwah Islam* 1, no. 2 (2021): 26–48, doi:10.57215/alinsan.v1i2.76.

<sup>35</sup> Mawardi, Head of Langko Village, Lingsar Subdistrict, West Lombok, *Interview*, July 5, 2022.

<sup>36</sup> This practice also often neglects women's rights to make their own life choices, resulting in profound psychological impacts on those who are forced into marriage. Some women even experience prolonged trauma due to the loss of control over their own future. See Arif Sugitanata et al., "Violation of Women's Rights: The Kawin Magrib Tradition of the Sasak Muslim Community

early age can protect the family's honor and prevent their children from engaging in behavior considered to violate religious or customary norms.<sup>37</sup>

From the perspective of the customary community, *Merarik kodeq* is not merely a case of underage marriage, but also a long-standing social mechanism embedded within Sasak culture. In the social system of Lingsar society, a girl who has undergone *Merarik kodeq* is often regarded as more valuable than one who has not.<sup>38</sup> As a result, some families perceive this practice as normal—even a source of pride—because it signifies that their daughter has been “chosen” by a man to be his wife.<sup>39</sup> Conversely, girls who do not marry at a young age often face social pressure and are considered less fortunate than those who have experienced *Merarik*.

The phenomenon of *Merarik kodeq* in the Lingsar sub-district is also closely tied to economic factors. Early marriage serves as a means for impoverished families to reduce their financial burden.<sup>40</sup> Parents with daughters often believe that marrying them off early will lessen their responsibilities, as the daughter will then fall under her husband's care.<sup>41</sup> Additionally, the bride's family receives a *bande* or dowry from the groom's side, which is perceived as financially beneficial.<sup>42</sup> However, behind all of this, *Merarik kodeq* also brings significant social consequences for both girls and boys involved. Many marriages that occur through this practice end in serious problems because the couples lack the readiness to manage household responsibilities. One of the most common consequences of *Merarik kodeq* is a high rate of school dropouts, particularly among girls. After marriage, girls are often no longer permitted to continue their education, as they are deemed to have assumed the roles of wife and homemaker. As a result, they lose the opportunity to pursue higher education and improve their quality of life in the future.<sup>43</sup>

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in Lombok, Indonesia,” *Journal of Islamic Law* 4, no. 2 (August 27, 2023): 197–217, doi:10.24260/jil.v4i2.1772.

<sup>37</sup> Suhardi, Religious Leader of Duman Village, Lingsar Subdistrict, West Lombok, *Interview*, July 7, 2022.

<sup>38</sup> The Sasak community's conception of childhood also indicates that marriage is the sole boundary separating the institution of childhood from adult society. In other words, a child is considered to have reached adulthood only after getting married. See: Miftahur Ridho, “Konstruksi Sosial Masa Kanak-Kanak Dan Implikasinya Terhadap Praktik Pengasuhan Anak Pada Masyarakat Sasak Di Pulau Lombok-Indonesia” (*Tesis*, UIN Sunan Kalijaga Yogyakarta, 2015), <https://digilib.uin-suka.ac.id/id/eprint/17399/>.

<sup>39</sup> Mawardi, Customary Leader, *Interview*, Lingsar, July 4, 2022.

<sup>40</sup> Mr. Mustiklar, Head of the Women's Empowerment and Child Protection Division (PPPA), Office of Population Control, Family Planning, Women's Empowerment, and Child Protection (DPPKBPPPA) of West Lombok, *Interview*, July 20, 2022.

<sup>41</sup> Other studies indicate that girls from low socio-economic status families are more likely to experience child marriage compared to those from higher socio-economic backgrounds. This suggests that economic factors play a significant role in driving the practice of child marriage. See Ratna Dwi Wulandari and Agung Dwi Laksono, “Hubungan Status Ekonomi Terhadap Pernikahan Dini Pada Perempuan Di Perdesaan Indonesia,” *Jurnal Kesehatan Reproduksi* 11, no. 2 (2020): 115–24, doi:10.22435/kespro.v11i2.3870.115-124; Hilman Syahrial Haq et al., “The Institutionalization of Community Mediation for Resolving Merarik Marriage Disputes in Sasak Community,” *Jurnal Media Hukum* 26, no. 1 (June 29, 2019): 1–10, doi:10.18196/jmh.20190118.

<sup>42</sup> Asinun, Religious Leader, *Interview*, Batu Kumbang Village, Lingsar Subdistrict, July 21, 2022.

<sup>43</sup> Erni Suryana, Secretary of the Office of Population Control, Family Planning, Women's Empowerment, and Child Protection (DP2KBP3A) of West Lombok, *Interview*, July 20, 2022.

Moreover, couples who marry through *Merarik kodeq* often experience household instability.<sup>44</sup> Marrying at a young age means they are not mentally or financially prepared to manage family life. As a result, many of these marriages end in divorce shortly after they begin, giving rise to new social problems, such as children growing up in single-parent households and young women returning to their parents' homes already having children.<sup>45</sup> Women who experience divorce at a young age also face difficulties in remarrying due to the persistent social stigma attached to divorced women in the community.<sup>46</sup>

*Merarik kodeq* is also closely associated with the high rate of premarital pregnancies, which is one of the main drivers of underage marriage in the Lingsar sub-district. Many of these marriages are not the result of mutual agreement but are instead driven by pregnancies that occur before marriage, with marriage seen as a way to cover up the family's shame. In such cases, girls who become pregnant out of wedlock often have no choice but to marry the man responsible for the pregnancy, even if neither party is mentally or economically ready for marriage.<sup>47</sup>

In a broader social context, the practice of *Merarik kodeq* contributes to the structural poverty that remains a major issue in the Lingsar sub-district.<sup>48</sup> Underage marriage often results in couples lacking the education or skills needed to obtain decent employment. Consequently, they frequently struggle to meet basic needs and end up relying on their parents or working in the informal sector with unstable incomes.<sup>49</sup> This cycle of poverty tends to continue from one generation to the next, as children born to underage couples also face significant barriers to accessing quality education and ultimately repeat the same patterns as their parents.<sup>50</sup>

Despite the numerous negative consequences, *Merarik kodeq* continues to be practiced in Lingsar society because it has become embedded in a social and cultural system that is difficult to change. For many, *merarik* is still regarded as sacred and must be preserved as a cultural heritage. However, a growing number of families are beginning to realize that underage marriage is not an appropriate solution for their children's future. Some have

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<sup>44</sup> Mr. Mustiklar, Head of the Women's Empowerment and Child Protection Division (PPPA), Office of Population Control, Family Planning, Women's Empowerment, and Child Protection (DPPKBPPPA) of West Lombok, *Interview*, July 20, 2022.

<sup>45</sup> Shiferaw Gelchu Adola and Dessalegn Wirtu, "Effects of Early Marriage among Women Married before Reaching 18 Years Old (Qualitative Study Approach)," *Frontiers in Sociology* 9 (2024): 1-10, doi:10.3389/fsoc.2024.1412133.

<sup>46</sup> The strong patriarchal culture and social norms that demean divorced women further reinforce this stigma. See: Agi Suryana, Siti Arieta, and Sri Wahyuni, "Stigma Masyarakat Terhadap Perempuan Berstatus Cerai Hidup Di Kota Tanjungpinang," *Jurnal Ilmu Sosial Dan Humaniora* 1, no. 3 (2023): 601-18, doi:10.57248/jishum.v1i3.121.

<sup>47</sup> Mr. Mustiklar, Head of the Women's Empowerment and Child Protection Division (PPPA), Office of Population Control, Family Planning, Women's Empowerment, and Child Protection (DPPKBPPPA) of West Lombok, *Interview*, July 20, 2022.

<sup>48</sup> Erni Suryana, Secretary of the Office of Population Control, Family Planning, Women's Empowerment, and Child Protection (DP2KBP3A) of West Lombok, *Interview*, July 20, 2022.

<sup>49</sup> Andi Arif Pamessangi et al., "Edukasi Pencegahan Pernikahan Dini Melalui Pendidikan Agama Islam," *Madaniya* 5, no. 2 (2024): 718-27, doi:10.53696/27214834.820.

<sup>50</sup> Agustina Tresendi Ndala et al., "Menikah Muda: Menggali Dampak Tersembunyi Pada Pendidikan dan Karir," *ASPIRASI: Publikasi Hasil Pengabdian Dan Kegiatan Masyarakat* 2, no. 6 (2024): 66-77, doi:10.61132/aspirasi.v2i6.1148.

started to consider mental and economic readiness before arranging a marriage, though customary and social pressures remain formidable challenges.<sup>51</sup>

The persistence of *Merarik kodeq* in Lingsar society illustrates that underage marriage remains a deeply rooted phenomenon in the cultural and social structure of the Sasak people. As long as social norms and customary regulations continue to support the practice, *Merarik kodeq* will persist. Therefore, transforming community mindsets and reforming customary laws are crucial steps in reducing the prevalence of underage marriage – without erasing the cultural essence of *merarik*, which has long been an integral part of the Sasak people's identity.

### **Curbing Underage Marriage Practices through the *Gerakan Anti-Merarik Kodeq* (GAMAK)**

Lingsar Subdistrict is one of the regions in West Lombok Regency, West Nusa Tenggara Province (NTB), that faces complex social issues, particularly concerning underage marriage, locally known as *Merarik kodeq*. Geographically, Lingsar Subdistrict comprises 15 villages and is predominantly inhabited by the Sasak ethnic group, who continue to uphold traditional customs and culture in their social life,<sup>52</sup> including the *Merarik* tradition. This deeply rooted tradition significantly contributes to the high incidence of underage marriage within the community. In addition to cultural factors, other contributing causes of early marriage in this area include the uncontrolled influence of social media, authoritarian parenting styles, and the lack of awareness regarding the negative impacts of underage marriage.<sup>53</sup>

According to data from the Office of Population Control, Family Planning, Women's Empowerment, and Child Protection (DP2KBP3A) of West Lombok Regency, Lingsar Subdistrict is recorded as one of the areas with a relatively high rate of underage marriage. In 2019, the number of underage marriage cases reached 44, consisting of 39 underage brides and 5 underage grooms. This number rose sharply in 2020, with a total of 92 cases (74 brides and 18 grooms), before declining in 2021 to 45 cases (33 brides and 12 grooms), and further decreasing in 2022 to 16 cases (11 brides and 5 grooms).<sup>54</sup> This downward trend reflects the impact of the *Gerakan Anti-Merarik Kodeq* (GAMAK), which has been intensively implemented by the West Lombok Regency Government since 2016.<sup>55</sup>

GAMAK is a local initiative designed to reduce the incidence of underage marriage in West Lombok Regency, including Lingsar Subdistrict. The program is based on the Circular Letter of the Regent of West Lombok No. 843.4/34/BKBPP/2016 on the Maturation of

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<sup>51</sup> Findings from observations conducted in the Lingsar Subdistrict community in 2022.

<sup>52</sup> Pemerintah Kabupaten Lombok Barat, "Rencana Strategis Tahun 2019-2024 (RENSTRA) Pemerintah Kabupaten Lombok Barat Kecamatan Lingsar Tahun 2019," 2019, <https://ppid.lombokbaratkab.go.id/fileppid/RenstraKecamatanLingsar2019-202403311431032021.pdf>.

<sup>53</sup> Mr. Mustiklar, Head of the Women's Empowerment and Child Protection Division (PPPA), Office of Population Control, Family Planning, Women's Empowerment, and Child Protection (DPPKBPPPA) of West Lombok, *Interview*, July 20, 2022.

<sup>54</sup> DP2KBP3A, "Data Dokumentasi Di Kantor DP2KBP3A Lombok Barat," 2022.

<sup>55</sup> Mr. Mustiklar, Head of the Women's Empowerment and Child Protection Division (PPPA), Office of Population Control, Family Planning, Women's Empowerment, and Child Protection (DPPKBPPPA) of West Lombok, *Interview*, July 20, 2022.

Marriage Age. The implementation of GAMAK is also supported by Law No. 16 of 2019, which sets the minimum legal age for marriage at 19 years for both men and women, and Law No. 23 of 2002 on Child Protection, which affirms every child's right to grow and develop without being forced into underage marriage. According to interviews with the DP2KBP3A of West Lombok, GAMAK was established in response to the high prevalence of underage marriage in the region. As part of its implementation, the Office of Religious Affairs (KUA) in Lingsar Subdistrict now strictly refuses to register marriages involving underage couples unless a marriage dispensation has been granted by the Religious Court. In addition, marriage officiants (*penghulu*) are required to provide counseling on the dangers of underage marriage during every wedding ceremony they conduct.<sup>56</sup>

The implementation of GAMAK in Lingsar Subdistrict focuses on prevention through community education and awareness campaigns, early detection to identify vulnerable groups at risk of marrying at a young age, and rapid response interventions to prevent underage marriages that violate existing regulations.<sup>57</sup> The program primarily targets adolescents aged 10–21 years and prospective brides and grooms as the primary beneficiaries, while policymakers, religious leaders, community figures, and village officials serve as secondary targets responsible for ensuring the program's effectiveness.<sup>58</sup>

To support the success of GAMAK, the local government has adopted several strategic stages in the implementation of this program. The first stage involves training the trainers, in which facilitators receive comprehensive knowledge about the regulations and consequences of underage marriage. The second stage focuses on outreach to religious leaders, community figures, and youth, enabling them to act as program ambassadors in disseminating information about GAMAK within their communities. The third stage is program implementation, which is carried out through various methods such as public education during religious gatherings, community women's group (PKK) meetings, and Friday sermons. Following implementation, *Anti-Merarik kodeq* declarations are made at the hamlet, village, and subdistrict levels as a collective commitment to prevent underage marriage in the region.<sup>59</sup>

One of the key approaches in GAMAK outreach efforts in Lingsar Subdistrict is the use of routine community events as platforms for disseminating information. For example, during marriage sermon ceremonies, *penghulu* (marriage officiants) incorporate messages about the negative consequences of underage marriage. Similarly, Friday preachers (*khatib*) address the social and legal ramifications of underage marriage in their sermons. In addition, religious study groups (*majelis taklim*) and PKK women's meetings are also utilized as forums to broaden community understanding of the psychological, medical, social, and economic risks associated with underage marriage. Education is also provided through

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<sup>56</sup> M. Makki, Head of the Office of Religious Affairs (KUA) of Lingsar Subdistrict, and Fajrin, KUA Staff, *Interview*, Lingsar, July 7, 2022.

<sup>57</sup> Sumiati (Official at the Lingsar Subdistrict Office), *Interview*, Lingsar, July 4, 2022.

<sup>58</sup> BKKBN Kabupaten Lombok Barat, "Arsip Dokumen Dari Kantor BKKBN Kabupaten Lombok Barat," 2022.

<sup>59</sup> Saputra, Head of Batu Kumbang Village, and Sahril, Head of Karang Bayan Timur Village, *Interview*, Lingsar, July 16, 2022.

*Posyandu* (community-based health posts), school-based counseling, and group discussions involving both youth and their parents.<sup>60</sup>

Although GAMAK has yielded positive results, its implementation still faces several challenges, particularly in changing entrenched community mindsets that continue to uphold traditional norms supporting underage marriage. Customary rules (*awiq-awiq*) in certain villages within Lingsar Subdistrict are still enforced and, in some cases, promote underage marriage. For instance, if a boy and girl are found alone together in a dark place, they are expected to marry; or if a man visits a woman's house after 10 p.m., he may be penalized or required to marry her.<sup>61</sup> Nonetheless, villages such as Langko and Duman have begun reforming these customary laws by replacing forced marriage penalties with more rational forms of social sanctions or fines. Furthermore, students participating in university fieldwork programs (*Kuliah Kerja Praktik* or KKP) are also involved in GAMAK socialization efforts at the village level, working collaboratively with PKK women's groups, village officials, and religious leaders to spread awareness about the dangers of underage marriage. In addition to outreach efforts, a regular monitoring and evaluation mechanism is conducted by the DP2KBP3A of West Lombok Regency every three months. This evaluation aims to assess the program's effectiveness and identify ongoing obstacles in the implementation of GAMAK.<sup>62</sup>

### **The Gerakan Anti-Merarik Kodeq (GAMAK) through the Lens of Maqāṣid al-Sharī'ah**

In the context of *Maqāṣid al-Sharī'ah*, every policy implemented within a Muslim society must aim to protect and enhance human well-being through five fundamental objectives: the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-māl*).<sup>63</sup> The *Gerakan Anti-Merarik Kodeq* (GAMAK), initiated by the West Lombok Regency government, can be analyzed within this framework to assess the extent to which the policy aligns with Islamic principles and effectively addresses the phenomenon of underage marriage that persists within the Sasak community of West Lombok, particularly in Lingsar Subdistrict. From the perspective of *ḥifẓ al-dīn* (protection of religion), GAMAK contributes to enhancing the community's knowledge and understanding of marriage in Islam. One commonly cited argument in favor of early marriage is the belief that it protects young girls from behavior that violates religious and customary norms.<sup>64</sup> However, GAMAK seeks to challenge and transform this perception by promoting the view that marriage is not merely a means of legalizing relationships but a profound responsibility that requires mental, spiritual, and economic readiness. By involving religious leaders in educational campaigns and outreach activities, GAMAK ensures that the movement is not only grounded in statutory law but also possesses religious legitimacy. In Islam, a marriage undertaken without sufficient readiness is considered to bring about greater harm than benefit.<sup>65</sup>

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<sup>60</sup> Sumiati (Official at the Lingsar Subdistrict Office), *Interview*, Lingsar, July 4, 2022.

<sup>61</sup> Mawardi, Customary Leader, *Interview*, Lingsar, July 14, 2022.

<sup>62</sup> Sumiati (Official at the Lingsar Subdistrict Office), *Interview*, Lingsar, July 4, 2022.

<sup>63</sup> Al-Imam Abu Ishaq Asy-Syatibi, *Al-Muwafaqat Fi Ushul as-Syari'ah*.

<sup>64</sup> Suhardi, Religious Leader in Duman Village, Lingsar Subdistrict, *Interview*, July 6, 2022.

<sup>65</sup> Refer back to the findings from the *interview* with Sumiati (Official at the Lingsar Subdistrict Office), *Interview*, Lingsar, July 4, 2022.

From the perspective of *hifz al-nafs* (protection of life), GAMAK aims to prevent the negative consequences of underage marriage on the physical and mental health of those involved.<sup>66</sup> Studies have shown that girls who marry at an early age are at significantly higher risk of experiencing pregnancy-related complications due to the underdevelopment of their bodies for childbearing and delivery.<sup>67</sup> Moreover, underage marriage often leads to domestic instability, as emotionally immature couples are more susceptible to conflict and domestic violence.<sup>68</sup> Through its educational and social intervention approaches, GAMAK helps mitigate these risks by conducting early identification of vulnerable groups and intervening in cases that may lead to forced marriage or marriage due to social pressure.<sup>69</sup> Thus, GAMAK not only plays a role in reducing the incidence of underage marriage but also serves to protect individuals from harmful health and psychological consequences.

From the perspective of *hifz al-'aql* (protection of intellect), GAMAK ensures that children maintain access to education before entering into marriage.<sup>70</sup> One of the most significant consequences of underage marriage is the increased rate of school dropouts, which results in lower levels of education and skills among individuals in the future.<sup>71</sup> GAMAK collaborates with schools, village governments, and local communities to raise awareness among parents and adolescents about the importance of education as a long-term investment.<sup>72</sup> This approach aligns with Islamic principles that emphasize the value of knowledge as a foundation for building a better society, where entering marriage without intellectual readiness only leads to individuals who lack the capacity to effectively manage household life.<sup>73</sup>

From the perspective of *hifz al-nasl* (protection of lineage), GAMAK plays a crucial role in ensuring that the next generation of children is born into stable and healthy family environments.<sup>74</sup> One of the consequences of underage marriage is the high rate of divorce and domestic instability, which negatively affects the well-being of children born from such unions.<sup>75</sup> Through various educational programs and legal advocacy, GAMAK helps delay the age of marriage so that future generations can be raised by parents who are more emotionally and financially prepared, ultimately contributing to improved quality of life across the community.

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<sup>66</sup> BKKBN Kabupaten Lombok Barat, "Arsip Dokumen Dari Kantor BKKBN Kabupaten Lombok Barat."

<sup>67</sup> Suryanti Buton and Fairus Prihatin Idris, "Dampak Pernikahan Dini Terhadap Kehamilan Remaja Putri Suku Buton Di Desa Simi Kecamatan Waisama Kabupaten Buru Selatan," *Journal of Muslim Community Health* 2, no. 1 (2021): 144–60, doi:10.52103/jmch.v2i1.494.

<sup>68</sup> Lismi Salis and Endang Heriyani, "Dampak Perkawinan Di Bawah Umur Terhadap Terjadinya Perceraian," *Media of Law and Sharia* 4, no. 1 (2022): 34–50, doi:10.18196/mls.v4i1.17186.

<sup>69</sup> Sumiati (Official at the Lingsar Subdistrict Office), *Interview*, Lingsar, July 4, 2022.

<sup>70</sup> Sumiati (Official at the Lingsar Subdistrict Office), *Interview*, Lingsar, July 4, 2022.

<sup>71</sup> Naomi Naomi, Nilam Noorma, and Ega Ersya Urnia, "Dampak Pernikahan Dini Pada Remaja Putri Putus Sekolah," *MMJ (Mahakam Midwifery Journal)* 8, no. 02 (2023): 109–39, doi:10.35963/mmj.v8i02.196.

<sup>72</sup> Sumiati (Official at the Lingsar Subdistrict Office), *Interview*, Lingsar, July 4, 2022.

<sup>73</sup> Eva Sofiwati and Dede Suhada, "Nilai-Nilai Edukatif Al-Qur'an Surat Ar-Rum Ayat 21 Dalam Membangun Rumah Tangga Sakinah Mawaddah Wa Rahmah Kajian Ilmu Pendidikan Islam," *Masagi* 3, no. 1 (2024): 122–29, doi:10.37968/masagi.v3i1.676.

<sup>74</sup> Sumiati (Official at the Lingsar Subdistrict Office), *Interview*, Lingsar, July 4, 2022.

<sup>75</sup> Salis and Heriyani, "Dampak Perkawinan Di Bawah Umur Terhadap Terjadinya Perceraian."

From the perspective of *ḥifẓ al-māl* (protection of wealth), GAMAK contributes to preventing structural poverty that often results from underage marriage.<sup>76</sup> Many families marry off their children early in the hope of reducing economic burdens, but in reality, underage marriage tends to exacerbate financial difficulties, as young couples often lack the necessary skills or employment to support themselves.<sup>77</sup> By delaying marriage and encouraging children to pursue education and skills training, GAMAK creates better economic opportunities for future generations, thereby helping to reduce poverty in the long term.

In addition, the concept of *Maqāṣid al-Sharī'ah* was further developed by Ibn 'Āshūr and can be adopted in relation to several negative impacts experienced by both the community and the individual actors of *merarik kodeq* themselves, such as the loss of children's rights in the areas of education, social life, economy, reproductive health, and other aspects that ideally belong to them. Therefore, Ibn 'Āshūr's concept of *Maqāṣid al-Sharī'ah* implicitly underscores the legality of law and the urgency of its application in formulating the law itself, encompassing both *maqāṣid 'āmmah* (general objectives) and *maqāṣid khāṣṣah* (specific objectives). It is well recognised that cases of underage marriage (*merarik kodeq*) occurring in Lingsar District, West Lombok, disregard the principles and objectives of *Maqāṣid al-Sharī'ah* not only at the individual level but also at the general level, which is related to the implementation of various regulations that legally govern child protection in Indonesia, such as Law No. 23 of 2002 on Child Protection, Law No. 1 of 1974 on Marriage in conjunction with Law No. 16 of 2019, Law No. 12 of 2022 on Sexual Violence Crimes, and others. The concept of *Maqāṣid al-Sharī'ah* offered in this context highlights *Maqāṣid Aḥkām al-'Ādilah*, which addresses the importance of protecting the family institution, including parental responsibilities towards their children, in order to prevent harm or neglect of the rights of underage children. Thus, *Maqāṣid al-Sharī'ah* is intended in both the general and specific sense to be oriented towards *al-ṣalāḥ al-'āmm wa al-fardī* (the welfare of both the community and the individual), because according to Ibn 'Āshūr the *Maqāṣid al-Sharī'ah* must embody *maṣlahah* (human welfare).<sup>78</sup>

Table. The Relevance of Child Protection Based on Maqashid

	Maqāṣid al-Syatibi	Maqāṣid Ibn 'Ashur	Relevance to Child Protection & GAMAK
<b>Basic Principles</b>	Emphasizes that Sharia law aims to protect five basic needs (al-daruriyyat al-khams: religion, life, intellect, lineage, and property).	Developing maqashid towards public interest (al-maslahah al-'ammah) and the principle of freedom (hurriyah),	Child protection is not limited to biological needs and classical Sharia, but also includes modern rights such as education, freedom of choice, and

<sup>76</sup> Sumiati (Official at the Lingsar Subdistrict Office), *Interview*, Lingsar, July 4, 2022.

<sup>77</sup> Wulandari and Laksono, "Hubungan Status Ekonomi Terhadap Pernikahan Dini Pada Perempuan Di Perdesaan Indonesia."

<sup>78</sup> Muhammad Idzhar, "Konsep Maqasid Syariah Menurut Muhammad Thahir Ibnu'Asyur," *QONUN: Jurnal Hukum Islam Dan Perundang-Undangan* 5, no. 2 (2021): 154–65, doi:10.21093/qj.v5i2.4095.

		emphasizing social dynamics and civilizational progress.	social progress.
<b>Child Protection Orientation</b>	Focus on preventing harm to children: - <i>Hifz al-nafs</i> : protecting children from the dangers of early marriage. - <i>Hifz al-'aql</i> : ensuring children receive an education. - <i>Hifz al-nasl</i> : protecting children from the harmful effects of early marriage.	More progressive: - Children are viewed as subjects who have the right to develop freely. - Child protection is seen as part of long-term social welfare.	GAMAK is relevant: suppressing the practice of merarik kodeq in order to protect the safety of girls (al-Syatibi), while preparing their future so they can develop freely and with dignity (Ibn 'Ashur).
<b>Methodological Approach</b>	Syatibi emphasizes <i>istiqra'</i> (induction) from the entire text of Sharia to find universal maqashid.	Ibn 'Ashur emphasizes <i>tajdid</i> (renewal) of maqashid, viewing Sharia as a living system that must adapt to the changing times.	Child protection is not only legitimized by classical texts, but also through socio-cultural innovations by civil society movements such as GAMAK.
<b>Contribution to Policy</b>	Provides normative legitimacy that child protection is in line with Sharia objectives.	Provides a philosophical basis that child protection is part of the public interest and the advancement of civilization.	The policy of raising the minimum age for marriage can be considered valid in terms of Sharia (Syatibi) as well as progressive in accordance with the demands of the times (Ibn 'Ashur).
<b>Practical Implications</b>	Sharia prohibits practices that harm children (early marriage) because they undermine maqashid.	Sharia encourages cultural and legal reconstruction so that children can develop optimally in modern society.	GAMAK can serve as a bridge between classical maqashid (emergency protection) and contemporary maqashid (developing children as national assets).

Source: by authors, 2025

Although GAMAK has demonstrated a positive impact in reducing the rate of underage marriage in Lingsar Subdistrict, the primary challenge remains cultural resistance that continues to justify underage marriage as part of tradition. The Sasak community still strongly upholds customary systems which, in some cases, promote underage marriage. *Awiq-awiq* (customary law) in several villages in Lingsar Subdistrict still stipulates that if a girl is found alone with a boy in certain situations, they must be married immediately,

regardless of their age or readiness. In addition, social pressure on girls who are considered “of age” by customary standards but remain unmarried also contributes to a persistent challenge that is difficult to overcome.<sup>79</sup>

In the global context, the experiences of other countries demonstrate that legislation alone is insufficient to eliminate the practice of underage marriage. Countries such as Sierra Leone and the Philippines have implemented stricter laws by criminalizing underage marriage. However, as seen in several other nations, legal reform alone does not always succeed without broader social interventions.<sup>80</sup> Nepal and Tajikistan, for example, have managed to reduce underage marriage rates by adopting multidimensional approaches that not only focus on legal reform but also actively engage local communities in driving social change. In contrast, countries like Benin and Bhutan have seen minimal impact from legal changes due to the lack of sufficient social awareness.<sup>81</sup>

The case of West Lombok illustrates that success in reducing underage marriage rates depends upon a combination of regulatory measures and social transformation rooted in the local context. This achievement is not merely normative but can be substantiated by official data. Records from the Child Protection and Women’s Empowerment Office indicate that cases of underage marriage in Lingsar rose from 44 in 2019 to 92 in 2020, but subsequently declined to 45 in 2021 and fell further to only 16 in 2022. This downward trajectory represents a reduction of more than 80 per cent within two years, suggesting that the GAMAK initiative has generated measurable progress in curbing child marriage practices. GAMAK demonstrates that when governmental authorities, customary communities, and religious leaders work in concert to foster change, meaningful outcomes can be realised. Nevertheless, the principal challenge remains the sustainability of such achievements, ensuring that they are not confined to a temporary policy intervention. Sustained social and cultural reform is therefore essential if underage marriage is to be no longer perceived as a socially acceptable norm but rather recognised as a practice that undermines the collective well-being of society. In this regard, GAMAK may serve as a broader policy model for other regions, provided it is reinforced by long-term strategies encompassing education, economic empowerment, and active community participation in cultivating social norms that prioritise children’s rights and their future well-being.

## **Conclusion**

This study finds that the *Gerakan Anti-Merarik Kodeq* (GAMAK) in Lingsar Subdistrict has played a significant role in reducing the incidence of underage marriage through regulatory, educational, and social approaches. GAMAK relies on local policies reinforced by regional regulations and the active involvement of religious and community leaders in

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<sup>79</sup> Mawardi, Religious Leader, *Interview*, July 14, 2022, and N.Y, an individual involved in a child marriage, *Interview*, Karang Bayan Timur, July 14, 2022.

<sup>80</sup> Taylor Reisz, Kelly Murray, and Anastasia J Gage, “Associations between Child Marriage and Reproductive and Maternal Health Outcomes among Young Married Women in Liberia and Sierra Leone: A Cross-Sectional Study,” *Plos One* 19, no. 5 (2024): e0300982, doi:10.1371/journal.pone.0300982.

<sup>81</sup> Ewa Batyra and Luca Maria Pesando, “Trends in Child Marriage and New Evidence on the Selective Impact of Changes in Age-at-Marriage Laws on Early Marriage,” *SSM - Population Health* 14 (June 1, 2021): 100811, doi:10.1016/j.ssmph.2021.100811.

outreach efforts. The program has successfully raised public awareness about the negative impacts of underage marriage and has shifted the mindset of some families who previously viewed underage marriage as a viable social and economic solution. Moreover, GAMAK utilizes various communication channels—such as Friday sermons, women’s group (PKK) meetings, and educational outreach programs in schools—to promote awareness of the importance of education and readiness before entering marriage.

From the perspective of *Maqāṣid al-Sharī’ah*, GAMAK aligns with the five core principles: it upholds the protection of religion (*ḥifẓ al-dīn*) by ensuring that marriage is not solely based on social norms but also on spiritual and moral readiness. In terms of protecting life (*ḥifẓ al-nafs*), the program works to prevent the physical and mental health risks associated with early marriage. From the viewpoint of protecting intellect (*ḥifẓ al-‘aql*), GAMAK contributes by ensuring that children receive proper education prior to marriage. Furthermore, from the aspect of protecting lineage (*ḥifẓ al-nasl*), the program aims to build more stable and higher-quality families. Finally, in terms of protecting wealth (*ḥifẓ al-māl*), GAMAK helps break the cycle of poverty caused by underage marriage by promoting economic independence through improved access to education and skills training. However, this study has certain limitations, particularly in its geographic scope, as the research was conducted only in one region. Therefore, the findings may not be generalizable to other areas with different socio-cultural characteristics.

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