



The Ideal Marriage Age in Family Law: An Integrative Approach of Islamic Principles and Positive Law in Indonesia

Afrinald Rizhan^{*1}, Akbarizan², Zailani³

¹Universitas Islam Kuantan Singingi, Indonesia

^{2,3}Universitas Islam Negeri Sultan Syarif Kasim Riau, Indonesia

Email: afrinaldrizhan@gmail.com

*Corresponding Author

Submitted: September 08, 2025	Accepted: October 03, 2025	Published: October 11, 2025
How to Cite (Chicago): Rizhan, Afrinald, Akbarizan Akbarizan, and Zailani Zailani. 2025. "The Ideal Age of Marriage in Indonesian Family Law: An Integrative Analysis of Islamic and Positive Law". <i>Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan</i> 12 (2), 474-492. https://doi.org/10.32505/qadha.v12i2.12581 .		

Abstract

The determination of the ideal age of marriage remains a critical issue in Indonesia, where child marriage persists despite the enactment of Law No. 16 of 2019, which raised the minimum marriage age to nineteen. This article aims to formulate an integrative model that combines procedural safeguards under positive law with the substantive readiness criteria of *rusyd* in Islamic jurisprudence. The study employs a normative-juridical method with comparative analysis, drawing on primary sources (the Qur'an, classical *fiqh*, and statutory law) and secondary empirical data from BPS, UNICEF, and religious court decisions. The comparative framework is structured across three dimensions: (1) legal objectives (*maqāṣid al-sharī'ah* and child protection norms), (2) substantive indicators of marital readiness (psychological, financial, and emotional maturity), and (3) procedural instruments (statutory age thresholds and judicial dispensations). The findings reveal that while positive law provides procedural certainty through age limits, its effectiveness is weakened by frequent dispensations that rarely assess readiness. Conversely, Islamic law emphasizes *rusyd* as a holistic benchmark but lacks enforceable procedural mechanisms. This study proposes a dual-layered model in which statutory age serves as a procedural safeguard, while readiness assessments operationalize *rusyd* as substantive criteria. The originality of this research lies in the proposal of a readiness assessment instrument for religious courts, designed to standardize judicial discretion in marriage dispensation cases. By integrating doctrinal analysis with socio-legal evidence, the study not only advances family law scholarship but also offers concrete policy implications. In practice, the readiness assessment can serve as a tool for judges to evaluate applicants' intellectual, emotional, and socio-economic maturity, thereby reducing the incidence of early marriages approved through dispensations. This approach strengthens family resilience, aligns judicial practice with the objectives of *maqāṣid al-sharī'ah*, and ensures that legal reforms are translated into measurable improvements in child protection and community well-being.

Keywords: Child Marriage, Marriage Age, Family Law, Maqāṣid al-sharī'ah

Abstrak

Penentuan usia ideal perkawinan masih menjadi isu krusial di Indonesia, mengingat tingginya angka perkawinan anak meskipun telah diberlakukan Undang-Undang Nomor 16 Tahun 2019 yang menetapkan batas usia minimal 19 tahun. Artikel ini bertujuan



merumuskan model integratif yang menggabungkan perlindungan prosedural dalam hukum positif dengan kriteria substantif kesiapan (*rusyd*) dalam hukum Islam. Penelitian menggunakan metode yuridis-normatif dengan analisis komparatif terhadap sumber primer (Al-Qur'an, fikih klasik, dan peraturan perundang-undangan) serta data empiris sekunder dari BPS, UNICEF, dan putusan pengadilan agama. Analisis dilakukan melalui tiga dimensi: (1) tujuan hukum (*maqāṣid al-sharī'ah* dan norma perlindungan anak), (2) indikator substantif kesiapan perkawinan (kematangan psikologis, finansial, dan emosional), dan (3) instrumen prosedural (batas usia dan dispensasi perkawinan). Hasil penelitian menunjukkan bahwa hukum positif menyediakan kepastian prosedural melalui batas usia, tetapi efektivitasnya melemah akibat praktik dispensasi yang longgar. Sebaliknya, hukum Islam menekankan *rusyd* sebagai standar kesiapan menyeluruh, namun tidak memiliki mekanisme prosedural yang mengikat. Penelitian ini menawarkan model dua lapis, di mana batas usia berfungsi sebagai pengaman prosedural, sementara asesmen kesiapan berbasis *rusyd* menjadi filter substantif. Keaslian penelitian ini terletak pada usulan instrumen penilaian kesiapan bagi pengadilan agama, yang dirancang untuk menstandarkan diskresi hakim dalam kasus dispensasi pernikahan. Dengan mengintegrasikan analisis doktrinal dan bukti sosial-yuridis, penelitian ini tidak hanya memperkaya kajian hukum keluarga, tetapi juga menawarkan implikasi kebijakan yang konkret. Dalam praktiknya, instrumen penilaian kesiapan ini dapat digunakan oleh hakim untuk menilai kematangan intelektual, emosional, dan sosial-ekonomi para pemohon, sehingga dapat mengurangi terjadinya pernikahan dini yang disetujui melalui dispensasi. Pendekatan ini memperkuat ketahanan keluarga, menyelaraskan praktik peradilan dengan tujuan *maqāṣid al-syarī'ah*, serta memastikan bahwa reformasi hukum benar-benar diterjemahkan menjadi perbaikan nyata dalam perlindungan anak dan kesejahteraan masyarakat.

Kata Kunci: Pernikahan Anak, Usia Pernikahan, Hukum Keluarga, Maqāṣid al-sharī'ah

Introduction

Marriage is a fundamental institution that not only legitimizes the relationship between a man and a woman but also forms the cornerstone of family building and the continuity of future generations. However, determining the ideal age of marriage has become an increasingly complex issue amid persistently high rates of child marriage in Indonesia. According to the Central Bureau of Statistics (BPS), although the prevalence of child marriage decreased from 11.2 percent in 2018 to 8.06 percent in 2022, this figure remains far from the Sustainable Development Goals (SDGs) target of eliminating child marriage by 2030.¹ Early marriage practices have been consistently linked to negative outcomes, including higher risks of reproductive health complications, interrupted educational trajectories, and increased vulnerability to domestic violence.² These findings highlight not only the urgency of legal reform but also the necessity of designing an adaptive family law framework that integrates both statutory safeguards and substantive assessments to protect children's rights and ensure sustainable family development.

The international discourse on child marriage reinforces the importance of this agenda. UNICEF and WHO report that globally, one in five girls is married before the age of

¹ Badan Pusat Statistik (BPS), "profil-anak-usia-dini-2022," Badan Pusat Statistik (BPS), 2022, [//www.bps.go.id/id/publication/2022](http://www.bps.go.id/id/publication/2022).

² World Health Organization, *WHO Recommendations on Adolescent Sexual and Reproductive Health and Rights* (World Health Organization, 2018), <https://iris.who.int/handle/10665/275374>.

eighteen, with the highest prevalence rates found in South Asia and Sub-Saharan Africa.³ Meanwhile, in the Middle East and North Africa, the persistence of child marriage reflects a tension between statutory reforms and deeply embedded socio-religious practices.⁴ In Europe, by contrast, most jurisdictions establish a strict minimum marriage age of eighteen, with limited exceptions requiring judicial approval.⁵ Such comparative patterns underscore the fact that legal age regulations are not uniform but instead reflect the negotiation between cultural norms, religious interpretations, and international human rights standards. For Indonesia—a Muslim-majority country that aspires to harmonize Islamic values with its international commitments—the question of how to determine the ideal age of marriage becomes both a legal and sociological challenge.

A number of previous studies have examined this issue from diverse perspectives. Kartika demonstrates that social constructs among younger generations shape perceptions of the ideal age of marriage, with Generation Z and emerging adults tending to delay marriage for educational and career considerations.⁶ Aulia finds that while traditional family expectations continue to exert influence, younger cohorts increasingly prioritize mental health, financial readiness, and personal growth in their marital decisions.⁷ In Islamic legal scholarship, Mutakin highlights the role of *maqāsid al-sharī'ah* principles—particularly *hifẓ al-'aql* (protection of intellect) and *hifẓ al-nasl* (protection of lineage)—as critical parameters for determining marriage readiness,⁸ whereas Mardani focuses primarily on statutory reform through the revision of the Marriage Law.⁹ While these contributions are valuable, the literature remains fragmented: some are overly normative and doctrinal without empirical engagement, while others are descriptive and sociological without proposing workable legal models. This study aims to bridge this gap by articulating an integrative framework that synthesizes Islamic jurisprudence with positive law into an operational instrument for judicial practice.

This article argues for a dual-layer integration model, in which the statutory minimum age functions as a procedural safeguard while *rusyd* assessment serves as a substantive evaluation tool for marital readiness. Unlike previous studies that tend to remain theoretical, this research advances both a conceptual and practical contribution: it recognizes that the increase of the legal marriage age to nineteen years under Law No. 16 of 2019 has not fully addressed the socio-legal problem, as national statistics still show prevalence rates

³ "Towards-Ending-Child-Marriage-Report-2021," n.d.

⁴ Population Reference Bureau, *Child Marriage in the Middle East and North Africa* (UNICEF, 2017), <https://www.unicef.org/mena/media/1786/file/MENA-ChildMarriageInMENA-Report.pdf.pdf>.

⁵ Euronews, "At What Age Can You Legally Get Married in Europe?," *Euronews* (Lyon, France), January 3, 2023.

⁶ E. Kartika, "Konstruksi Sosial Usia Ideal Menikah Dalam Pandangan Generasi Muda," *Jurnal Sosiologi Hukum* 7, no. 1 (2022): 45.

⁷ M. Aulia, "Preferensi Pernikahan Generasi Z Dalam Konteks Sosial Urban," *Jurnal Psikologi Dan Keluarga* 5, no. 2 (2021): 125–40.

⁸ Ali Mutakin, *Teori Maqāshid Al Syarī'ah Dan Hubungannya Dengan Metode Istinbath Hukum*, 19, no. 3 (2017): 547–570.

⁹ Moh. Ali Wafa, *Hukum Perkawinan Islam di Indonesia* (YASMI (Yayasan Asy-Syari'ah Modern Indonesia), 2018). 145–176

above eight percent with considerable regional disparities.¹⁰ This indicates that statutory reform, while necessary, is insufficient without complementary mechanisms that evaluate intellectual, emotional, and socio-economic readiness. The novelty of this study lies in developing an integrative model grounded in *maqāṣid al-sharīʿah* that can be operationalized in judicial dispensation cases, thereby enriching both family law scholarship and policy practice.

This research adopts a normative-juridical approach combined with a comparative analytical framework to explore the formulation of an ideal marriage age model consistent with both Islamic and national legal systems. The normative-juridical approach is utilized to analyze legal principles found in primary sources—including the Qurʾān, classical Islamic jurisprudence (*fiqh*), and statutory regulations—while the comparative component examines the interaction between Islamic and positive law in regulating marriage age. The analysis is organized into three core aspects: (1) legal objectives, focusing on *maqāṣid al-sharīʿah* and the principles of child protection; (2) substantive readiness indicators such as psychological, emotional, and economic maturity; and (3) procedural mechanisms involving statutory age limits and judicial dispensations. Furthermore, the study incorporates secondary data from the Central Bureau of Statistics (BPS), UNICEF publications, and decisions from religious courts to situate the legal analysis within the broader socio-legal context. Through this integrated method, the research aims to construct a balanced model that connects doctrinal reasoning with empirical realities, thereby offering insights for improving family law and child protection policies in Indonesia.

The Islamic Legal Perspective on the Ideal Age of Marriage

This study confirms that Islamic law does not mandate a fixed chronological age for marriage; instead, it places primary emphasis on attaining *bulugh* (puberty) and *rusyd* as indicators of readiness. *Rusyd*, as referenced in Qurʾān Surah al-Nisāʾ [4]:6, is broadly understood to encompass intellectual maturity, moral judgment, social responsibility, and the ability to manage household and financial affairs independently. In this understanding, marriage readiness is far more than a biological milestone; it demands emotional, cognitive, and socio-economic preparedness.

Recent empirical research from Indonesia underscores how this conceptualization of *rusyd* becomes critical in practice. In the study *Islamic Triangle Concept of Marital Age: Indonesian Experience*, Muhammadi, Wulandari, and Susanto analyze legal competence via *bālig* and *rusyd* in relation to Indonesia's fixed legal age of 19 and find that the statutory age aligns fairly well with indicators of holistic readiness when evaluated through *maslahah* and *sadd al-zarīʿah* principles.¹¹ Another study, *Maturity as a Parameter of Readiness and Prevention of Early Marriage Risks*, by Prasetiawan, Siradjudin, and Sakirman, assesses women and men's maturity in family sociology and medical health, determining that readiness for

¹⁰ Badan Pusat Statistik, "Proportion of Women Aged 20-24 Years Who Were Married or in a Union Before 18 Years Old by Province (Percent), 2024," Badan Pusat Statistik (BPS), March 25, 2025.

¹¹ Fauzan Muhammadi et al., "Islamic Triangle Concept of Marital Age: Indonesian Experience," *Legality : Jurnal Ilmiah Hukum* 29, no. 2 (2021): 161–172, <https://doi.org/10.22219/ljih.v29i2.14162>.

marriage tends to occur significantly later than 19 years, particularly in terms of psychological stability and health risk minimization.¹²

Further, comparative doctrinal literature reveals variations in how *rusyd* has been interpreted across Islamic jurisprudence. Nurcholis in their study on *Substantive Maturity in 'Āishah's Marriage*, argue that substantive maturity is not merely physical but also intellectual and emotional, suggesting that even classical precedents implicitly recognize readiness beyond simple age or puberty.¹³ Similarly, Darussamin, Armansyah, and Zikri in *The Urgency of Maturity to Get Married* contend that a minimum age threshold (19 years) aligns with *maqāṣid al-sharī'ah* to avoid harm (*mafsadah*), particularly health risks and family instability.¹⁴

However, there remains variation and tension in implementation. Some judges and communities continue to rely on age plus biological maturity without fully assessing emotional or financial capability. Putri and Pertiwi, for example, investigate marriage dispensation applicants in Malang Regency and find that while many meet the minimum statutory requirement, a significant subset lack emotional maturity, which correlates with lower readiness in marriage life.¹⁵

In light of these studies, it is evident that Islamic legal thought—both classical and contemporary—supports a model of marriage readiness in which *rusyd* plays a substantive role. This perspective strengthens the argument that legal systems, particularly in Muslim societies, should complement chronological age restrictions with qualitative readiness criteria. Such a holistic model reaffirms that marriage is a contract involving rights and responsibilities, and that these responsibilities are better fulfilled when the parties are mature in more than biological sense.

Classical Sunni jurisprudence generally accepts post-puberty marriage as legally valid, yet jurists across the four Sunni schools have long debated whether biological maturity (*bulugh*) alone suffices for assuming full marital responsibilities or whether *rusyd* - a broader notion of substantive maturity - must also be demonstrably present. Contemporary scholars increasingly critique the sufficiency of puberty by itself, arguing that reliance on *bulugh* risks overlooking critical dimensions of readiness such as emotional regulation, relational literacy (communication, conflict resolution), and socio-economic capacity that empirical research links to marital outcomes. For instance, Muhammadi, Wulandari, and Susanto propose an “Islamic triangle” model - *bālig* (puberty), *rusyd* (maturity), and a statutory legal threshold - and show that Indonesia's current legal threshold of 19 years offers better protection

¹² Bayu Dwi Prasetiawan et al., “Maturity as a Parameter of Readiness and Prevention of Early Marriage Risks: Medical and Sociological Review of Family Law,” *Indonesian Journal of Islamic Law* 7, no. 1 (2024): 89–104, <https://doi.org/10.35719/a4vc7d53>.

¹³ Moch. Nurcholis et al., “Substantive Maturity in ‘Āishah's Marriage,” *HIKMATUNA: Journal for Integrative Islamic Studies* 7, no. 1 (2021): 31–43, <https://doi.org/10.28918/hikmatuna.v7i1.3319>.

¹⁴ Zikri Darussamin et al., “The Urgency of Maturity to Get Married and Its Relevance to Family Life Goals,” *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 May (2023): 215, <https://doi.org/10.29240/jhi.v8i1.5324>.

¹⁵ Nabila Triana Putri and Ratih Eka Pertiwi, “Emotional Maturity and Marital Readiness among Marriage Dispensation Applicants,” *Psychological Research and Intervention* 7, no. 1 (2024): 45–51, <https://doi.org/10.21831/pri.v7i1.76857>.

(*maṣlahah*) when psychological and financial readiness are also considered.¹⁶ In parallel, Prasetiawan demonstrate in Indonesian samples that marriages contracted around age twenty are associated with lower reproductive-health risks and greater psychological stability, suggesting that chronological age should be interpreted alongside multidimensional maturity to prevent adverse outcomes such as early divorce and maternal morbidity.¹⁷

These juridical and national findings resonate with international social-science literature linking age at first marriage to marital stability and quality. Empirical studies from developed country contexts indicate that very young ages at first marriage correlate with higher risks of marital dissolution, while the “sweet spot” for marital survival and higher marital quality often lies in the early to mid-twenties; later first marriages tend to fare well on survival metrics but sometimes less well on reported marital quality, underscoring the complex, non-linear relationship between age and marital outcomes.¹⁸ Econometric analyses that control for selection effects likewise show that delaying marriage tends to reduce the risk of divorce up to a point, but the relationship is mediated by education, economic prospects, and psychosocial readiness.¹⁹ Consequently, the international evidence reinforces a jurisprudential move away from treating puberty as the exclusive threshold: *rusyd* should be operationalized through measurable indicators (psychological assessments, health clearances, socio-economic evidence) so that courts and policymakers can evaluate readiness substantively rather than rely solely on chronological markers.²⁰ Integrating this multi-dimensional notion of *rusyd* with statutory age limits thus aligns Islamic legal principles with robust empirical concerns about health, education, and family stability and provides a defensible normative basis for judicial standards in marriage dispensation cases.²¹

Psychological studies also support this integrative approach. Karunia and Rahaju, in their study *Marriage Readiness of Emerging Adulthood*, found that emerging adults aged 18–25 often perceive themselves as morally and religiously ready for marriage, yet report lower levels of financial and emotional preparedness, indicating that self-perceived readiness is not always aligned with holistic maturity.²² Furthermore, Adira, Rismarini, and Nurhayati, in *Perceived Marriage Readiness: A Cross-Cultural Exploration*, revealed that perceived marital readiness varies across cultural contexts in Indonesia, with socio-economic background, cultural norms, and family expectations playing decisive roles shaping readiness for

¹⁶ Muhammadi et al., “Islamic Triangle Concept of Marital Age.” Indonesian Experience,” *Legality: Jurnal Ilmiah Hukum* 29, no. 2 (2021): 165-170.

¹⁷ Bayu Dwi Prasetiawan et al., “Maturity as a Parameter of Readiness and Prevention of Early Marriage Risks,” 2024. 92-98.

¹⁸ Norval D. Glenn et al., “Later First Marriage and Marital Success,” *Social Science Research* 39, no. 5 (n.d.): 787–800, <https://doi.org//doi.org/10.1016/j.ssresearch.2010.06.002>.

¹⁹ Evelyn L. Lehrer, “Age at Marriage and Marital Instability: Revisiting the Becker–Landes–Michael Hypothesis,” *Journal of Population Economics* 21, no. 2 (2008): 463–484, <https://doi.org/10.1007/s00148-006-0092-9>.

²⁰ Arielle Kuperberg, “Age at Coresidence, Premarital Cohabitation, and Marriage Dissolution: 1985–2009,” *Journal of Marriage and Family* 76, no. 2 (2014): 352–69, <https://doi.org/10.1111/jomf.12092>.

²¹ Putri and Pertiwi, “Emotional Maturity and Marital Readiness among Marriage Dispensation Applicants.”

²² Nurlita Endah Karunia and Soerjantini Rahaju, “Marriage Readiness of Emerging Adulthood,” *GUIDENA: Jurnal Ilmu Pendidikan, Psikologi, Bimbingan Dan Konseling* 9, no. 1 (2019): 29, <https://doi.org/10.24127/gdn.v8i2.1338>.

marriage.²³ Additional research such as *Marriage Readiness of Adolescents Aged 20-24 in Indonesia* showed that adolescents in that age bracket may meet many readiness dimensions – role change, family management, responsibility for childrearing – but still fall short on emotional and financial dimensions, reinforcing the point that readiness is multi-dimensional and not captured by age alone.²⁴ Similarly, a scale adaptation study *Adaptation of Marriage Readiness Scale* validated a measuring instrument in Indonesia with strong psychometric properties, demonstrating that factors like financial stability, emotional maturity, relational skills, and conflict resolution must be included in any operational readiness assessment. These findings highlight that while *rusyd* is a normative religious concept, its operationalization must engage deeply with psychological, cultural, and socio-economic realities, lest legal reforms become disconnected from lived experience.²⁵

Taken together, these debates demonstrate that Islamic legal discourse on marriage age must not be confined to formalistic or textual interpretations. Instead, it requires a multidimensional framework that integrates classical jurisprudence, statutory regulations, and contemporary empirical evidence. Such an approach not only enriches the theoretical understanding of *rusyd* but also provides a substantive foundation for family law policymaking that safeguards future generations in line with the objectives of *maqāṣid al-sharī'ah*. Contemporary scholarship supports these findings. Rahman, for example, demonstrates that early marriages lacking emotional readiness and relational literacy are closely associated with high divorce rates among young couples in Indonesia,²⁶ while Nurhayati calls for a contextual reinterpretation of classical jurisprudence in alignment with the *maqāṣid al-sharī'ah*, prioritizing the protection of intellect, lineage, and well-being.²⁷

Building upon this, it is important to situate the Indonesian legal framework within a broader comparative context, since the issue of marital age is not uniquely domestic but reflects a transnational concern across Muslim and non-Muslim societies. Recent studies confirm that legislative reforms grounded in *maqāṣid*, such as those examined by Rizki, Oktalita, and Sodiqin, strengthen the argument that statutory age limits must be integrated with substantive measures of maturity to ensure the law's protective purpose.²⁸ Similarly, Novitasari argue that maturity in Islamic law cannot be restricted to physical growth, but must encompass psychological and emotional preparedness, as only this comprehensive

²³ Nesya Adira et al., "Perceived Marriage Readiness: A Cross-Cultural Exploration," *Psychological Research and Intervention* 7, no. 1 (2024): 17–25, <https://doi.org/10.21831/pri.v7i1.76456>.

²⁴ Chairunnisa Murniati et al., "Marriage Readiness of Adolescents Aged 20-24 in Indonesia," *Jurnal Biometrika Dan Kependudukan* 13, no. 1 (2024): 1–11, <https://doi.org/10.20473/jbk.v13i1.2024.1-11>.

²⁵ Murniati et al., "MARRIAGE READINESS OF ADOLESCENTS AGED 20-24 IN INDONESIA." 3-8.

²⁶ A. Rahman, "Faktor Perceraian Usia Muda di Indonesia: Analisis Sosio-Legal," *Jurnal Hukum Keluarga* 8, no. 1 (2021): 92–98.

²⁷ Nurhayati, "Rekontekstualisasi Usia Nikah Dalam Perspektif Maqāṣid Syariah," *Al-Ahkam: Jurnal Ilmu Syariah* 32, no. 2 (2022): 215–230.

²⁸ Darlin Rizki et al., "Maqasid Sharia Perspective in Changes the Marriage Age Limits for Women According to Law Number 16 of 2019," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (2022): 501, <https://doi.org/10.29240/jhi.v7i2.4016>.

understanding of *rusyd* aligns with the ultimate goals of family stability and intergenerational welfare.²⁹

At the same time, Indonesian policy debates resonate with wider discourses in comparative law. In Europe, most jurisdictions have progressively raised the marriageable age to 18 in alignment with the UN Convention on the Rights of the Child. France and Germany, for example, prohibit exceptions, reflecting a strong prioritization of child protection, whereas Spain and the Netherlands retain narrowly defined exceptions with judicial approval.³⁰ Conversely, in Muslim-majority contexts such as Tunisia and Algeria, higher thresholds of 19–20 years demonstrate legislative moves toward socio-economic modernization and gender equity, while countries such as Egypt and Iran retain lower thresholds shaped by tradition and judicial discretion. These cross-national variations highlight the importance of legal pluralism and cultural adaptation: statutory rules must be viewed not only as technical norms but also as reflections of deeper societal negotiations between tradition, religion, and modernity.³¹

Therefore, Indonesia’s adoption of 19 as the legal minimum represents an intermediate stance: stricter than many Middle Eastern jurisdictions but still more flexible than most European states. Scholars such as Hashim and Aziz note that this balance embodies the preventive function of *sadd al-dhārī’ah* while still allowing for dispensations under judicial scrutiny, provided that substantive readiness is carefully assessed.³² In practice, such a model could serve as a form of *wasatiyyah* (moderation), harmonizing the religious values of Islamic jurisprudence with global child-protection standards, and offering an example of legal reform that is both contextually grounded and normatively robust.

Table 1: Legal Minimum Age of Marriage in Selected Countries (Europe and MENA)

Region/ Country	Legal Minimum Age	Exceptions / Notes	Source
Europe			
Germany	18 (both)	Under 18 not allowed since 2017 reform	German Civil Code (BGB) § 1303 ³³
France	18 (both)	No exceptions allowed	French Civil Code (Code civil) Article 144 ³⁴
Spain	16	With judicial approval	Spanish Civil Code (Código Civil) Article 46 ³⁵
Netherlands	18 (both)	Exception only in	Dutch Civil Code

²⁹ Ane Fany Novitasari et al., “The Importance of Maturity in Marriage from an Islamic Legal Perspective,” *Journal of Legal Studies* 33, no. 47 (2024): 99–108, <https://doi.org/10.2478/jles-2024-0006>.

³⁰ Euronews, “At What Age Can You Legally Get Married in Europe?”, 1–3.

³¹ Abdul Aziz, *Dynamism of Minimum Age of Marriage in Muslim Countries: A Study of Marriage in Indonesia, Tunisia, and Turkey*, 2 (2024). 1755–1775.

³² Jamaluddin Bin Hashim and Su’udin Aziz, “Review of the Marriage Age Limit Policy in Indonesia Through the Saad Al-Dzari’ah Principles,” *Indonesian Journal of Islamic Law* 6, no. 2 (2023): 18–36, <https://doi.org/10.35719/ijil.v6i2.2022>.

³³ “Codigo-Civil-Alemao-BGB-German-Civil-Code-BGB-English-Version,” n.d.

³⁴ “France Code Civil,” *France Code Civil*, n.d., Government of France, accessed September 28, 2025, <https://www.legifrance.gouv.fr/codes/id/LEGITEXT000006070721/>.

³⁵ *Spanish Civil Code*, Ed. 2016 (Ministerio de Justicia, Centro de Publicaciones, 2016).

		extraordinary cases (rare)	(Burgerlijk Wetboek) Art. 1:31 ³⁶
Middle East & North Africa			
Tunisia	20 (both)	Judicial discretion possible	Tunisian Personal Status Code (Majalla) Article 5 ³⁷
Algeria	19 (both)	Judicial discretion for younger age	Algerian Family Code (Code de la famille) Art. 7 ³⁸
Egypt	16 (female), 18 (male)	Parental consent & judge approval	Law No. 126 of 2008 (Amending Law No. 25 of 1920) ³⁹
Iran	13 (female), 15 (male)	Younger with judicial & parental consent	Iranian Civil Code (Article 1041) ⁴⁰
Turkey	17 (both)	16 with court approval	Turkish Civil Code (Law No. 4721) Article 124 ⁴¹
Indonesia (reference)	19 (both)	Dispensation by religious court possible	Law No. 16/2019 ⁴²

In Indonesia, the 2019 amendment to the Marriage Law raised the minimum marriage age to 19 years for both men and women, positioning the country closer to European standards and even higher than many Middle East & North Africa (MENA) countries. This reform represented a significant legislative breakthrough, as it closed the gender disparity that previously allowed women to marry at 16 while men had to wait until 19. However, the law continues to permit judicial dispensations, which weakens the effectiveness of the statutory safeguard when such dispensations are granted too liberally. The Constitutional Court itself, in Decision No. 22/PUU-XV/2017, emphasized the importance of child protection as a constitutional mandate, yet simultaneously left room for judicial discretion through dispensations. This creates a paradox: while statutory norms reflect progress toward international child protection standards, implementation often remains undermined by socio-cultural pressures and local judicial practices. Comparative evidence suggests that exceptions of this kind – whether through parental consent in Europe or judicial approval in the MENA region – tend to undermine the core protective purpose of age legislation, as they create legal loopholes that allow early marriage to persist.⁴³ For Indonesia, this means that while the statutory reform is progressive on paper, its substantive impact will depend on the

³⁶ Geldend van, *Burgerlijk Wetboek Boek*, n.d.

³⁷ Lilik Andaryuni, "Hukum Keluarga di Tunisia : Sebuah Studi Kepustakaan," *Jurnal Tana Mana* 3, no. 2 (2022): 217–226.

³⁸ "Algeria Code Family," *Algeria Code Family*, n.d., Government of Algeria, accessed September 28, 2025, <https://learningpartnership.org/sites/default/files/resources/pdfs/Algeria-Family-Code-2007-Arabic.pdf>.

³⁹ "Egypt-Child-Law-2008," *Egypt-Child-Law-2008*, Government of Egypt, accessed September 28, 2025, https://clr.africanchildforum.org/Pages_EN/Egypt.html.

⁴⁰ WIPO Lex, *The Civil Code of the Islamic Republic of Iran*, Government of Iran, accessed September 28, 2025, <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran>.

⁴¹ Yıldırım, J. (2020). An Analysis of the Legal Framework on Child Marriage in Turkey. *Ankara Bar Review*. 67-89.

⁴² "Undang-Undang Nomor 16 Tahun 2019. Lembaran Negara Republik Indonesia Nomor 64," n.d. Article 7 paragraph 1.

⁴³ Euronews, "At What Age Can You Legally Get Married in Europe?", 1-3.

willingness of courts to integrate assessments of *rusyd*—emotional, financial, and psychosocial readiness—into the dispensation process.

Thus, the comparative analysis highlights two important lessons. First, that setting a minimum legal age is necessary but insufficient in itself, as demonstrated by the persistence of child marriages in jurisdictions with exceptions. In Indonesia, BPS data show that despite the amendment, the prevalence of child marriage remained at 8.06% in 2022, with certain provinces exceeding 15%, underscoring the gap between law and practice.⁴⁴ Second, substantive readiness assessments rooted in both Islamic jurisprudence (*rusyd*) and empirical evidence from psychology and public health are essential to give the statutory age real protective power. UNICEF and WHO reports demonstrate that child marriages continue to carry disproportionate risks of maternal mortality, intimate partner violence, and school dropouts, risks that cannot be prevented by statutory thresholds alone without substantive evaluation of readiness.⁴⁵ Accordingly, Indonesia's dual-layer model, combining a minimum age threshold with substantive readiness assessments, offers a framework that bridges global child protection standards with local religious and cultural realities, and provides a possible middle ground between rigid legal formalism and unrestrained cultural relativism.

The literature also indicates a clear epistemological gap between classical and contemporary discourses concerning the ideal age of marriage. Classical jurisprudence, particularly within the four Sunni schools, tends to pursue a text-centered, normative approach, placing emphasis on the attainment of *bulugh* (puberty), the validity of the legal contract, and formal competencies stipulated in fiqh texts.⁴⁶ This doctrinal approach reflects the historical context in which marriage was closely tied to the preservation of lineage (*hifz al-nasl*) and the regulation of sexual relations within a lawful framework. By contrast, modern research increasingly incorporates empirical evidence, public health concerns, and psychosocial readiness as essential dimensions of marital preparedness.⁴⁷ For instance, the study "Islamic Triangle Concept of Marital Age: Indonesian Experience" demonstrates that, in Indonesia, while the statutory age of 19 years is recognized legally, Islamic legal competence (defined as *bālig* + *rusyd*) correlates strongly with socio-legal indicators of maturity such as financial stability, decision-making capacity, and relational skills within the family sphere.⁴⁸

This epistemological gap underscores the urgent need for a hermeneutical shift in Islamic family law scholarship: one that moves beyond a purely formalistic fixation on chronological age and instead embraces a holistic integration of normative, empirical, and policy-based perspectives. As Jasser Auda argues, *maqāṣid al-sharī'ah* must be understood through a systems approach, whereby religious norms are continuously reinterpreted in light of evolving social realities to preserve the higher objectives of law—justice, welfare, and

⁴⁴ Badan Pusat Statistik (BPS), "Profil Anak Indonesia 2022."

⁴⁵ Unicef, *Ending Child Marriage: Progress and Prospects* (UNICEF, 2020), 1–8, <https://data.unicef.org/resources/ending-child-marriage-progress-and-prospects-2021/>.

⁴⁶ Ibnu Rushd, *Bidayat Al-Mujtahid*, II (Mustafa al-Babi al-Halabi), n.d.). 234–256.

⁴⁷ Novitasari et al., "The Importance of Maturity in Marriage from an Islamic Legal Perspective." 99–108.

⁴⁸ Muhammadi et al., "Islamic Triangle Concept of Marital Age." 163–168

protection of the vulnerable.⁴⁹ Within this framework, Indonesia's dual-layer model of minimum age and readiness assessment can be seen not as a departure from Islamic tradition but as its contemporary extension, ensuring that the law remains both normatively faithful and socially relevant.

Public health studies further reinforce the urgency of adopting a broader framework in determining the ideal age of marriage. Empirical evidence from Kediri District, East Java, reveals that adolescent girls with low levels of reproductive health knowledge are significantly more vulnerable to unintended pregnancies and obstetric complications when they marry early.⁵⁰ Similarly, a study conducted in Sumedang Regency found that reproductive health education programs not only improve adolescents' knowledge but also correlate with delayed marriage age and more realistic perceptions of marital readiness. These findings affirm that readiness cannot be understood solely in juridical or theological terms, but must also incorporate measurable health, educational, and psychological indicators. In parallel, socio-legal scholarship in Indonesia has analyzed the impact of Law No. 16 of 2019, which raised the minimum marriage age to 19 for both men and women, through the normative lens of *maqāṣid al-sharī'ah*. The article *Age Limit for Marriage in Indonesia from the Perspective of Maqashid Sharia* concludes that despite statutory reform, societal concerns remain focused on the psychological, educational, and economic preparedness of young couples, rather than merely their chronological age.⁵¹ Complementing this, another study entitled *Protection of Children as a Philosophical and Sociological Base for the Age Limit: Maqāṣid Shari'a Version of Jasser Auda* emphasizes that legal age restrictions must be grounded in child protection principles such as *ḥifẓ al-nasl* (protection of progeny), thereby framing marriage readiness as extending beyond physical maturity to include emotional competence and social responsibility.⁵²

Recent international scholarship further corroborates these findings. For instance, a review of child marriage practices in South Asia underscores that legal reforms are often ineffective unless coupled with improvements in reproductive health literacy and socio-economic empowerment, particularly for girls.⁵³ In Malaysia, Muhammad Al-Ghazalli Abdol Malek (2025) highlights that the role of Shariah courts in granting marriage dispensations requires the integration of psychological and educational assessments to align judicial

⁴⁹ Ğāsir 'Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*, ed. Ğāsir 'Auda (The International Inst. of Islamic Thought, 2008). 45-78.

⁵⁰ Mayrza Setiawan Putra and Adysta Tantiana Ayu P, "Relationship between Reproductive Health Knowledge and Early Marriage Pregnancy in Adolescent Girls: A Study in Kepung, Kediri District," *Eduvest - Journal of Universal Studies* 4, no. 3 (2024): 1345-1354, <https://doi.org/10.59188/eduvest.v4i3.1138>.

⁵¹ Liky Faizal et al., "Age Limit for Marriage in Indonesia from The Perspective of Maqashid Sharia," *Analisis: Jurnal Studi Keislaman* 22, no. 2 (2022): 297-318, <https://doi.org/10.24042/ajsk.v22i2.14068>.

⁵² Rizqa Febry Ayu and Kamsi, "Protection Of Children As A Philosophical And Sociological Base For The Age Limit," *Al-Risalah Jurnal Ilmu Syariah Dan Hukum*, May 1, 2022, 20-41, <https://doi.org/10.24252/al-risalah.vi.25489>.

⁵³ Syabbul Bachri and Nur Duran, *Examining the Complexity of Child Marriage as Sexual Violence in the Digital Era*, n.d., 310-28.

discretion with the objectives of *maqāṣid al-sharī'ah*.⁵⁴ Taken together, these comparative and empirical insights demonstrate why an integrative Islamic legal approach – balancing textual authority with sociological, medical, and psychological realities – offers a more comprehensive framework for determining the ideal marriage age. The Qur'anic emphasis on *rusyd* underscores the necessity of competence and maturity before assuming familial responsibilities, aligning directly with the aims of *maqāṣid al-sharī'ah* in safeguarding intellect, lineage, and welfare. In this light, Islamic law should be interpreted not only through formalistic lenses but also through substantive criteria such as emotional competence, reproductive health readiness, and financial stability, all of which can serve as normative foundations for family law policymaking in Indonesia and beyond.

Integrative Model of Islamic Law and Positive Law for the Ideal Age of Marriage: A Maqāṣid al-Sharī'ah Perspective

The determination of an ideal age for marriage in Indonesia reflects a broader dialectic between positive law, which provides procedural certainty, and Islamic law, which emphasizes moral and substantive readiness. The amendment of Law No. 16 of 2019, which raised the minimum age of marriage to 19 years for both men and women, constitutes a significant procedural safeguard aimed at preventing child marriage and aligning Indonesia with global child protection standards, particularly the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).⁵⁵ However, empirical evidence continues to demonstrate that statutory reform has not eradicated early marriage practices, particularly in regions where socio-cultural traditions and economic constraints remain strong. National data from the Central Bureau of Statistics (BPS) indicate that while the average child marriage prevalence stood at 9.23% in 2021, several provinces, including West Sulawesi (17.71%), West Nusa Tenggara (16.59%), and Central Kalimantan (15.47%), recorded much higher rates.⁵⁶ These statistics highlight a persistent gap between law on the books and law in practice, underscoring the limitations of positive law when implemented in isolation from sociological and cultural realities.

Table 2. Provinces with Highest Child Marriage Rates in Indonesia (2021)

Source: BPS Indonesia, IFLS Survey; Rahayu (2022)

No	Province	Child Marriage Rate (%)
1	West Sulawesi	17.71
2	West Nusa Tenggara	16.59
3	Central Kalimantan	15.47
4	South Kalimantan	15.30
5	Bangka Belitung Islands	14.05

⁵⁴ Muhammad Al-Ghazalli Abdol Malek, Mohd Al Adib Samuri, "Child Marriage in Malaysia and the Proposed Legal Reform," *El-Usrah: Jurnal Hukum Keluarga* 8, no. 1 (2025): 313–343, <https://doi.org/10.22373/f97qt681>.

⁵⁵ Unicef, *Ending Child Marriage: Progress and Prospects*. 1-8.

⁵⁶ Badan Pusat Statistik (BPS), "Profil Anak Indonesia 2022." 45-48.

To address this persistent gap, the findings of this research emphasize that legal certainty alone is not sufficient. Instead, a more comprehensive regulatory design is needed that combines the strengths of statutory reforms with the substantive safeguards embedded in Islamic jurisprudence. The findings of this research demonstrate that the regulation of the ideal marriage age in Indonesia cannot rely solely on statutory reform but requires a dual-layer integration model that combines positive law and Islamic law within the normative framework of *maqāṣid al-sharī'ah*. The analysis reveals that while Law No. 16 of 2019 establishes an important procedural safeguard by setting the minimum marriage age at 19 for both men and women, its implementation remains limited due to judicial dispensations and persistent socio-cultural practices. This confirms that legal certainty, while necessary, is insufficient in securing substantive marital readiness. To address this gap, this study proposes a dual-layer integration model that combines procedural safeguards provided by positive law with substantive safeguards grounded in the Islamic legal concept of *rusyd*.

The proposed dual-layer integration model comprises two interrelated components. *First*, the *Procedural Safeguards* (Positive Law Layer) establish statutory age thresholds that align Indonesia's legal framework with global child protection standards, particularly the *Convention on the Rights of the Child* (CRC) and the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW). These statutory age limits serve as a non-negotiable foundation to prevent arbitrary child marriages and to ensure legal certainty. However, their effectiveness is diminished when marriage dispensations are granted without a rigorous assessment of the applicants' maturity. *Second*, the *Substantive Safeguards* (Islamic Law Layer through *Rusyd*) are grounded in the Qur'an, Surah al-Nisā' [4]:6, where *rusyd* emphasizes intellectual capacity, emotional stability, and financial competence as essential prerequisites for marriage. This layer introduces qualitative readiness indicators that capture the psychosocial and economic dimensions of marital life, which statutory provisions alone cannot adequately address. By translating *rusyd* into measurable indicators such as decision making ability, emotional regulation, reproductive health awareness, and financial responsibility, the model ensures that marriage is not only legally valid but also socially and morally sustainable.

The validity of this model is reinforced by empirical research Anindita, Viranda, and Oktavia validated an Indonesian version of the Marriage Readiness Questionnaire using Rasch modeling and found that adults aged 18–40 demonstrate significant variance in readiness across psychological, financial, and relational domains, with Cronbach's alpha reliability of 0.86.⁵⁷ Prasetiawan, Siradjudin, and Sakirman further showed that women married at age 20 and men above 21 display stronger health outcomes, psychological stability, and lower early divorce risk.⁵⁸ In addition, research on final-year health students in Surabaya revealed that emotional maturity is significantly correlated with self-perceived

⁵⁷ Siti Mutia Anindita et al., "Adaptasi Kesiapan Menikah," *Muqoddima: Jurnal Pemikiran dan Riset Sosiologi* 5, no. 1 (2025): 32–42, <https://doi.org/10.47776/MJPRS.005.01.05>.

⁵⁸ Bayu Dwi Prasetiawan et al., "Maturity as a Parameter of Readiness and Prevention of Early Marriage Risks: Medical and Sociological Review of Family Law," *Indonesian Journal of Islamic Law* 7, no. 1 (2024): 89–104, <https://doi.org/10.35719/a4vc7d53>.

readiness for marriage, emphasizing that readiness involves more than chronological age.⁵⁹ These findings demonstrate how *rusyd* can be translated into interdisciplinary readiness indicators applicable in judicial practice.

Beyond empirical validation, the normative grounding of the model is equally essential. The integration of these two layers is further justified through *maqāṣid al-sharī'ah*. Protection of intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and welfare (*hifz al-maṣlaḥah*) provides the normative basis for combining statutory rules with readiness assessments. Thus, the dual-layer model simultaneously secures procedural legality, substantive maturity, and normative legitimacy. Comparative findings reinforce the model's necessity. *The necessity of such a model becomes even clearer when examined through comparative perspectives.* Countries such as Tunisia and France demonstrate the effectiveness of strict statutory thresholds, while Malaysia and Pakistan reveal the weaknesses of discretionary exceptions without substantive readiness criteria. Indonesia's reliance on judicial dispensations positions it closer to the latter, but through the integration of *rusyd*-based readiness assessments, it can avoid these pitfalls and develop a more holistic regulatory approach.

Overall, the dual-layer integration model provides both a theoretical and practical innovation. Theoretically, it advances family law scholarship by bridging doctrinal jurisprudence and empirical realities. Practically, it offers a regulatory framework for religious courts to apply readiness assessments alongside statutory provisions, thereby reducing early marriage, strengthening family resilience, and harmonizing national law with both Islamic legal values and international child protection norms.

The rationale for integrating statutory safeguards with Islamic legal concepts lies in the recognition that procedural mechanisms such as fixed minimum age thresholds provide legal certainty but cannot fully capture the multidimensional nature of marriage readiness. Islamic jurisprudence contributes substantively to this discourse through the concept of *rusyd*, as articulated in Qur'ān Surah al-Nisā' [4]:6, which emphasizes intellectual maturity, emotional stability, financial competence, and the capacity to manage family responsibilities.⁶⁰ Unlike *bulūgh* (puberty), which is a biological milestone, *rusyd* embodies a holistic conception of readiness that resonates with contemporary psychological and public health research. Recent studies in Indonesia confirm that marriages contracted before the age of 20 are strongly correlated with higher divorce rates, reproductive health risks, and lower levels of marital satisfaction.⁶¹ Consequently, while positive law creates a protective legal framework, *rusyd* provides a substantive benchmark for ensuring that marriage fulfills its intended purpose as a stable and sustainable institution.

The integration of positive law and Islamic law can be further substantiated through the normative framework of *maqāṣid al-sharī'ah*, which seeks to preserve essential values: religion (*hifz al-dīn*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and property

⁵⁹ Shela Putri et al., "Pengaruh Kematangan Emosi Terhadap Kesiapan Pernikahan Siswa Tingkat Akhir Poltekkes Kemenkes Surabaya: The Effect of Emotional Maturity on The Marriage Readiness of Final Year Students of the Ministry of Health Polytechnic of The Ministry of Health Surabaya," *Gema Bidan Indonesia* 14, no. 1 (2025): 8–14, <https://doi.org/10.36568/gebindo.v14i1.218>.

⁶⁰ Mutakin, *Teori Maqāṣid Al Syarī'ah Dan Hubungannya Dengan Metode Istinbath Hukum*. 549-567

⁶¹ Bayu Dwi Prasetiawan et al., "Maturity as a Parameter of Readiness and Prevention of Early Marriage Risks," 2024. 93-100.

(*hifz al-māl*).⁶² Within the context of marriage regulation, three of these objectives are particularly salient. First, the protection of intellect (*hifz al-‘aql*) requires cognitive and emotional maturity, ensuring that marital partners can make rational decisions and sustain healthy family dynamics. Second, the protection of lineage (*hifz al-nasl*) underscores the importance of reproductive health and delaying pregnancy until psychological and physical maturity is achieved, thereby preventing intergenerational cycles of vulnerability. Third, the protection of welfare (*hifz al-maṣlahah*) highlights the necessity of socio-economic stability, ensuring that marriage strengthens rather than undermines household welfare.⁶³ By situating statutory age limits within the maqāṣid framework, the integrative model ensures that marriage regulation simultaneously fulfills procedural, substantive, and normative objectives.

Comparative perspectives from other Muslim-majority and European jurisdictions reinforce this argument. In Europe, countries such as France and Germany have established 18 as the strict minimum marriage age without exceptions, reflecting a strong institutional commitment to child protection. By contrast, Spain permits marriage at 16 with judicial approval, while the Netherlands allows rare exceptions under extraordinary circumstances, suggesting that legal systems sometimes prioritize pragmatic flexibility over absolute protection.⁶⁴ In the Middle East and North Africa (MENA) region, significant variation exists. Tunisia has fixed the marriage age at 20 for both men and women, aligning with modernization and women’s empowerment agendas. Algeria has set it at 19, whereas Egypt still permits marriage at 16 for females with judicial and parental approval. At the more permissive end of the spectrum, Iran allows marriage at 13 for girls and 15 for boys, provided judicial consent is obtained.⁶⁵ Turkey, straddling Europe and Asia, reflects a hybrid model with a minimum of 17 but exceptions at 16 with judicial discretion. These comparative findings illustrate that statutory reforms, while necessary, are insufficient if they leave open broad discretionary exceptions that undermine the protective purpose of the law.⁶⁶

Indonesia’s 2019 reform situates it ahead of many MENA countries, but its reliance on judicial dispensations risks reproducing the weaknesses observed in Malaysia and Pakistan, where legal prohibitions coexist with customary practices that perpetuate child marriage. Empirical studies demonstrate that judicial discretion is often exercised without substantive assessments of maturity, relying instead on parental consent or socio-economic justifications. This weakens the protective rationale of the law and perpetuates early marriage under a veneer of legality. By contrast, an integrative model that combines statutory safeguards with readiness assessments rooted in *rusyd* ensures that dispensations are granted only when applicants demonstrate cognitive, emotional, and financial maturity. Such a framework not only aligns with the maqāṣid’s emphasis on protecting intellect,

⁶² Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*. 45-52.

⁶³ Ayu and Kamsi, “Protection of Children as a Philosophical and Sociological Base for the Age Limit.” 36-40.

⁶⁴ Euronews, “At What Age Can You Legally Get Married in Europe?” 1-3.

⁶⁵ “Population Reference Bureau, Child Marriage in the Middle East and North Africa (Washington: PRB, 2022), <https://www.prb.org/resources/child-marriage-in-the-middle-east-and-north-africa/>.” n.d.

⁶⁶ Abdul Aziz, *Dynamism of Minimum Age of Marriage in Muslim Countries: A Study of Marriage in Indonesia, Tunisia, and Turkey*, 2 (2024): 1755-1775.

lineage, and welfare, but also harmonizes Indonesian family law with international human rights standards.

Taken together, the integration of positive law and Islamic law through the lens of *maqāṣid al-sharī'ah* provides both conceptual depth and practical utility. Conceptually, it enriches family law scholarship by demonstrating that Islamic jurisprudence is dynamic and capable of engaging with contemporary challenges without losing its normative foundation. Practically, it offers a dual-layered legal instrument: procedural safeguards that establish firm age thresholds, and substantive safeguards that evaluate marital readiness holistically. This dual model is not only relevant to Indonesia but may serve as a template for other Muslim-majority states grappling with similar challenges of harmonizing religious tradition, statutory law, and international human rights obligations.

Conclusion

This study demonstrates that determining the ideal age of marriage in Indonesia requires more than statutory reform. While Law No. 16 of 2019, which raised the minimum marriage age to nineteen, represents progress toward international child protection standards, the persistence of child marriage indicates that legal certainty alone is insufficient. The findings highlight the importance of *rusyd*—intellectual maturity, psychological stability, and socio-economic competence—as a substantive safeguard that complements statutory age limits. When placed within the *maqāṣid al-sharī'ah* framework, this integrative model protects intellect (*hifẓ al-'aql*), lineage (*hifẓ al-nasl*), and welfare (*hifẓ al-maṣlahah*), bridging Islamic jurisprudence with modern child protection standards and offering a practical policy tool for judicial practice.

Based on this analysis, three recommendations are proposed: first, institutionalizing readiness assessments rooted in *rusyd* within religious courts to guide dispensation cases; second, implementing pilot projects in provinces with high child marriage prevalence to generate empirical evidence on the model's effectiveness; and third, strengthening community-based campaigns that combine Islamic values with child protection principles. Nevertheless, this research is limited by its normative-juridical and comparative methodology, reliance on secondary data, and focus on selected jurisdictions, leaving its practical impact untested. Future studies should incorporate empirical fieldwork, interdisciplinary collaboration, and broader comparative analysis to refine and validate readiness assessments, ensuring that family law reforms reduce early marriage and strengthen family resilience in both Indonesian and global contexts.

References

- A. Rahman. "Faktor Perceraian Usia Muda di Indonesia: Analisis Sosio-Legal." *Jurnal Hukum Keluarga* 8, no. 1 (2021): 92–98.
- Adira, Nesya, Nadya Anjani Rismarini, and Siti Rohmah Nurhayati. "Perceived Marriage Readiness: A Cross-Cultural Exploration." *Psychological Research and Intervention* 7, no. 1 (2024): 17–25. <https://doi.org/10.21831/pri.v7i1.76456>.
- Andaryuni, Lilik. "Hukum Keluarga di Tunisia : Sebuah Studi Kepustakaan." *Jurnal Tana Mana* 3, no. 2 (2022): 217–26.

- Anindita, Siti Mutia, Chintia Viranda, and Anisa Oktavia. "Adaptasi Kesiapan Menikah." *Muqoddima: Jurnal Pemikiran dan Riset Sosiologi* 5, no. 1 (2025): 32–42. <https://doi.org/10.47776/MJPRS.005.01.05>.
- Ayu, Rizqa Febry and Kamsi. "Protection Of Children as a Philosophical and Sociological Base for the Age Limit." *Al-Risalah Jurnal Ilmu Syariah Dan Hukum*, May 1, 2022, 20–41. <https://doi.org/10.24252/al-risalah.vi.25489>.
- Aziz, Abdul. *Dynamism of Minimum Age of Marriage in Muslim Countries: A Study of Marriage in Indonesia, Tunisia, and Turkey*. 2 (2024).
- Aziz, Abdul. *Dynamism of Minimum Age of Marriage in Muslim Countries: A Study of Marriage in Indonesia, Tunisia, and Turkey*. 2 (2024): 1755–75.
- Bachri, Syabbul, and Nur Duran. *Examining the Complexity of Child Marriage as Sexual Violence in the Digital Era*. n.d., 310–28.
- Badan Pusat Statistik. "Proportion of Women Aged 20-24 Years Who Were Married or in a Union Before 18 Years Old by Province (Percent), 2024." Badan Pusat Statistik (BPS), March 25, 2025.
- Badan Pusat Statistik (BPS). "profil-anak-usia-dini-2022." Badan Pusat Statistik (BPS), 2022. [//www.bps.go.id/id/publication/2022](http://www.bps.go.id/id/publication/2022).
- Bayu Dwi Prasetiawan, Azmi Siradjudin, and Sakirman. "Maturity as a Parameter of Readiness and Prevention of Early Marriage Risks: Medical and Sociological Review of Family Law." *Indonesian Journal of Islamic Law* 7, no. 1 (2024): 89–104. <https://doi.org/10.35719/a4vc7d53>.
- Bayu Dwi Prasetiawan, Azmi Siradjudin, and Sakirman. "Maturity as a Parameter of Readiness and Prevention of Early Marriage Risks: Medical and Sociological Review of Family Law." *Indonesian Journal of Islamic Law* 7, no. 1 (2024): 89–104. <https://doi.org/10.35719/a4vc7d53>.
- Bin Hashim, Jamaluddin, and Su'udin Aziz. "Review of the Marriage Age Limit Policy in Indonesia Through the Saad Al-Dzari'ah Principles." *Indonesian Journal of Islamic Law* 6, no. 2 (2023): 18–36. <https://doi.org/10.35719/ijil.v6i2.2022>.
- 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 (2023): 215. <https://doi.org/10.29240/jhi.v8i1.5324>.
- E. Kartika. "Konstruksi Sosial Usia Ideal Menikah Dalam Pandangan Generasi Muda." *Jurnal Sosiologi Hukum* 7, no. 1 (2022): 45.
- Euronews. "At What Age Can You Legally Get Married in Europe?" *Euronews* (Lyon, France), January 3, 2023.
- 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 (2022): 297–318. <https://doi.org/10.24042/ajsk.v22i2.14068>.
- Ibnu Rushd,. *Bidayat Al-Mujtahid*,. II. Mustafa al-Babi al-Halabi), n.d.
- Karunia, Nurlita Endah, and Soerjantini Rahaju. "Marriage Readiness of Emerging Adulthood." *GUIDENA: Jurnal Ilmu Pendidikan, Psikologi, Bimbingan Dan Konseling* 9, no. 1 (2019): 29. <https://doi.org/10.24127/gdn.v8i2.1338>.

- Kuperberg, Arielle. "Age at Coresidence, Premarital Cohabitation, and Marriage Dissolution: 1985–2009." *Journal of Marriage and Family* 76, no. 2 (2014): 352–69. <https://doi.org/10.1111/jomf.12092>.
- Lehrer, Evelyn L. "Age at Marriage and Marital Instability: Revisiting the Becker–Landes–Michael Hypothesis." *Journal of Population Economics* 21, no. 2 (2008): 463–84. <https://doi.org/10.1007/s00148-006-0092-9>.
- Lex, WIPO. *The Civil Code of the Islamic Republic of Iran*. n.d.
- M. Aulia. "Preferensi Pernikahan Generasi Z Dalam Konteks Sosial Urban." *Jurnal Psikologi Dan Keluarga* 5, no. 2 (2021): 125–40.
- Moh. Ali Wafa. *Hukum Perkawinan Islam di Indonesia*. YASMI (Yayasan Asy-Syari'ah Modern Indonesia), 2018.
- Muhammad Al-Ghazalli Abdol Malek, Mohd Al Adib Samuri. "Child Marriage in Malaysia and the Proposed Legal Reform." *El-Ussrah: Jurnal Hukum Keluarga* 8, no. 1 (2025): 313–43. <https://doi.org/10.22373/f97qt681>.
- Muhammadi, Fauzan, Eva Wulandari, and M. Hajir Susanto. "Islamic Triangle Concept of Marital Age: Indonesian Experience." *Legality: Jurnal Ilmiah Hukum* 29, no. 2 (2021): 161–72. <https://doi.org/10.22219/ljih.v29i2.14162>.
- Murniati, Chairunnisa, Resti Pujihasvuty, Sri Lilestina Nasution, Oktriyanto Oktriyanto, and Hilma Amrullah. "Marriage Readiness of Adolescents Aged 20-24 In Indonesia." *Jurnal Biometrika Dan Kependudukan* 13, no. 1 (2024): 1–11. <https://doi.org/10.20473/jbk.v13i1.2024.1-11>.
- Mutakin, Ali. *Teori Maqâshid Al Syari'ah Dan Hubungannya Dengan Metode Istinbath Hukum*. 19, no. 3 (2017): 547–70.
- Norval D. Glenn, Jeremy E. Uecker, and Robert W.B. Love. "Later First Marriage and Marital Success." *Social Science Research* 39, no. 5 (n.d.): 787–800. <https://doi.org/10.1016/j.ssresearch.2010.06.002>.
- Novitasari, Ane Fany, Thohir Luth, Djumikasih Djumikasih, and Nur Chanifah. "The Importance of Maturity in Marriage from an Islamic Legal Perspective." *Journal of Legal Studies* 33, no. 47 (2024): 99–108. <https://doi.org/10.2478/jles-2024-0006>.
- Nurcholis, Moch., Mohammad Fajrul Falah Afandi, Mayla Aflahul Karimah, and Abdul Latif. "Substantive Maturity in 'Āishah's Marriage." *HIKMATUNA: Journal for Integrative Islamic Studies* 7, no. 1 (2021): 31–43. <https://doi.org/10.28918/hikmatuna.v7i1.3319>.
- Nurhayati. "Rekontekstualisasi Usia Nikah Dalam Perspektif Maqâsid Syariah." *Al-Ahkam: Jurnal Ilmu Syariah* 32, no. 2 (2022): 215–30.
- Population Reference Bureau. *Child Marriage in the Middle East and North Africa*. UNICEF, 2017. <https://www.unicef.org/mena/media/1786/file/MENA-ChildMarriageInMENA-Report.pdf.pdf>.
- Putra, Mayrza Setiawan, and Adysta Tantina Ayu P. "Relationship between Reproductive Health Knowledge and Early Marriage Pregnancy in Adolescent Girls: A Study in Kepung, Kediri District." *Eduvest - Journal of Universal Studies* 4, no. 3 (2024): 1345–54. <https://doi.org/10.59188/eduvest.v4i3.1138>.

- Putri, Nabila Triana, and Ratih Eka Pertiwi. "Emotional Maturity and Marital Readiness among Marriage Dispensation Applicants." *Psychological Research and Intervention* 7, no. 1 (2024): 45–51. <https://doi.org/10.21831/pri.v7i1.76857>.
- Putri, Shela, Tatarini Ika Pipitcahyani, Triana Septianti Purwanto, and Esyuananik. "Pengaruh Kematangan Emosi Terhadap Kesiapan Pernikahan Siswa Tingkat Akhir Poltekkes Kemenkes Surabaya: The Effect of Emotional Maturity on The Marriage Readiness of Final Year Students of the Ministry of Health Polytechnic of The Ministry of Health Surabaya." *Gema Bidan Indonesia* 14, no. 1 (2025): 8–14. <https://doi.org/10.36568/gebindo.v14i1.218>.
- Rizki, Darlin, Frina Oktalita, and Ali Sodiqin. "Maqasid Sharia Perspective in Changes the Marriage Age Limits for Women According to Law Number 16 of 2019." *Al-Istinbath : Jurnal Hukum Islam* 7, no. 2 (2022): 501. <https://doi.org/10.29240/jhi.v7i2.4016>.
- Spanish Civil Code*. Ed. 2016. Ministerio de Justicia, Centro de Publicaciones, 2016.
- Unicef. *Ending Child Marriage: Progress and Prospects*. UNICEF, 2020. <https://data.unicef.org/resources/ending-child-marriage-progress-and-prospects-2021/>.
- van, Geldend. *Burgerlijk Wetboek Boek*. n.d.
- World Health Organization. *WHO Recommendations on Adolescent Sexual and Reproductive Health and Rights*. World Health Organization, 2018. <https://iris.who.int/handle/10665/275374>.
- Auda, Jasser. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. Edited by Ġāsir 'Auda. The International Inst. of Islamic Thought, 2008.