Amorti: Journal of Interdisciplinary Islamic Studies
Vol. 5, No. 1 Januari 2026, pp. 1622-1638
http://journal.amorfati.id/index.php/amorti | | ISSN 2962-9209

Interdisciplinary Scope of Contemporary Islamic Studies • Interdisciplinary Islamic Education • Interdisciplinary Islamic Law, Ethics, and Fatwa Studies • Interdisciplinary Islamic Economics, Finance, and Philanthropy • Islam, Society, and Culture • Islam, Politics, Governance, and Public Policy • Islam, Gender, Family, and Human Rights • Islam, Media, Communication, and Digital Da'wah • Islam, Health, Environment, and Sustainable Development • Islam, Science, Technology, Artificial Intelligence, and Digital Transformation

Problems of Early Marriage Dispensation in Merangin Regency, Jambi Province

Syamsul Hadi*[a], Ahmad Syukri, Yuliatin

[*a] UIN Sulthan Thaha Saifuddin Jambi, Indonesia
[b] UIN Sulthan Thaha Saifuddin Jambi, Indonesia
[c] UIN Sulthan Thaha Saifuddin Jambi, Indonesia
1 al.hadisyamsul123@gmail.com ; 2 ahmadsyukriss@uinjambi.ac.id ; 3 Yuliatin@uinjambi.ac.id
*Correspondent Author; al.hadisyamsul123@gmail.com

ARTICLE INFO

Article history
Received:
15-10-2025
Revised:
17-12-2025
Accepted:
17-01-2026

Keywords
Marriage dispensation
Early Marriage
maqāṣid al-syarī'ah
Child protection
Bangko Religious Court

ABSTRACT

Raising the minimum marriage age to 19 years has not eliminated child marriage, because marriage dispensation granted by religious courts remains an open legal route. In Merangin Regency, Jambi Province, dispensation applications continue to rise alongside a high divorce rate. This study examines the problems of marriage dispensation from the perspectives of positive law and Islamic law, identifies the factors driving it, and develops a legal reconstruction that integrates *maqāṣid al-syarī'ah* with the protection of children's rights. It uses a qualitative, normative-sociological, and descriptive-analytical design with philosophical, historical, and statutory approaches. Data were collected through interviews, observation, and documentation at the Bangko Religious Court and validated through methodological triangulation. The findings show that dispensation cases rose from 32 in 2023 to 89 in 2025, driven by economic pressure, low education, premarital pregnancy, cultural pressure, and weak inter-institutional coordination. Judges decided these cases on the basis of *the best interest of the child* and the rule of *dar'u al-mafāsid*. The main contribution of this study is a three-level reconstruction model (regulatory, institutional, and community) that translates *maqāṣid al-syarī'ah* into operational indicators for judicial examination and cross-sector prevention. The model repositions dispensation as a protective, extraordinary legal remedy, supported by standard parameters of "urgent reasons", a cross-sector forum, integrated data on children at risk, and the involvement of religious and customary leaders.

This is an open-access article under the CC–BY-SA license.

Introduction

Marriage is a legal act that gives birth to mutual responsibility between husband and wife, so the psychological maturity of the two brides is an important prerequisite before building a household. This readiness is needed so that couples are able to shoulder the obligation to meet the basic needs of the family for the sake of co-survival and the next generation. Unfortunately, when couples have children, the ideal of building a harmonious family often runs aground and leads to divorce, which in turn threatens the safety, education, and physical and psychological health of the child.

The Compilation of Islamic Law affirms that, according to Islamic law, marriage is a very strong covenant (*mītsāqan ghalīẓan*) to obey Allah's commands, so that its performance is an act of worship (Republic of Indonesia, 1991). This normative provision is in line with the purpose of marriage in *Q.S. Ar-Rum/30:21*, which states that God created spouses so that people may find tranquility, love, and compassion. Juridically, Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019, defines marriage as a physical and spiritual bond between a man and a woman as husband and wife, with the aim of forming a happy and eternal family based on the One Almighty God (Republic of Indonesia, 1974, 2019). This definition has five main elements: the physical and spiritual bond, the relationship between a man and a woman, the status of husband and wife, the purpose of forming an eternal and *sakinah* family, and the divine foundation.

To protect the mental and physical maturity of prospective spouses, the minimum marriage age was raised to 19 years for both men and women through Law Number 16 of 2019, as a correction to the previous provision, which was considered too low. However, a legal loophole remains in the marriage dispensation mechanism under Article 7 paragraph (2) of the law, which allows marriages below the minimum age to be carried out lawfully if the court grants permission (Republic of Indonesia, 2019). The route to dispensation begins with a letter of refusal from the Office of Religious Affairs (KUA) because the age requirement is not met, which then opens the way for the applicant to apply to the Religious Court. This shows that the existing regulation is still lenient and leaves a legal opportunity for child marriage to continue.

Cross-institutional synergy is also being pursued through cooperation between the Directorate of Public Health of the Ministry of Health and the Directorate General of the Religious Courts Agency (Badilag) of the Supreme Court of the Republic of Indonesia in 2022 to reduce child marriage through coordination with regional health offices. Conceptually, early marriage can be divided into two categories: "genuine" early marriage, undertaken by adolescents to preserve their chastity, and "fake" early marriage, carried out to cover up moral transgression (Muhyidin, 2006). Dispensation applications in the Religious Courts of Jambi Province, including the Bangko Religious Court Class IB, which has jurisdiction over Merangin Regency, show a trend that correlates with a high divorce rate. Although the judges of the Bangko Religious Court are not directly involved in local-government programs to reduce early marriage, they still give firm advice and warnings to applicants as a way of mitigating the negative impact of child marriage.

These negative impacts spread across many dimensions of children's lives. In education, early marriage often forces children, especially girls, to drop out of school because they must concentrate on household duties, even though Islam obliges every Muslim to seek knowledge throughout life. Economically, young couples generally lack financial independence and remain dependent on their parents, whereas the husband's obligation to provide maintenance for his wife is clearly affirmed in the Qur'an (*Q.S. An-Nisa/4:34*; *Q.S. At-Talaq/65:7*). In terms of health, reproductive health is a state of complete physical, mental, and social well-being in all matters relating to the reproductive system, not merely the absence of disease. Adolescence is a period in which the reproductive organs mature, but this does not necessarily mean the body is ready to reproduce safely; the healthy reproductive age for women is generally considered to be 20–30 years, consistent with the concept of adolescent developmental tasks (Negara, 2005). In line with this, the ideal age of marriage is recommended at 20–35 years for women and 25–40 years for men in order to minimize reproductive risks (Sunarto, 2007). The prohibition on exposing oneself to harm in *Q.S. al-Baqarah/2:195* is relevant to the health risks of early marriage and is consistent with the legal maxim *aḍ-ḍararu yuzāl* (harm must be removed). These conditions point to serious problems in Merangin Regency, the jurisdiction of the Bangko Religious Court, so collaboration among the religious courts, the Ministry of Religious Affairs through the KUA, and local governments is needed to reduce the number of marriage dispensations.

Recent studies confirm that the 2019 reform has been followed by a surge in dispensation applications and that granting rates remain very high. Kania and Fatoni (2023) report that nationwide dispensation cases rose from 12,624 in January–September 2019 to 49,326 in the

same period of 2020. Their analysis of decisions from ten religious courts in West Java (2019–2021) found that 99% of applications were granted, most of them filed out of parental fear of acts prohibited by religion, with cultural and religious norms often outweighing the best interest of the child. Halim (2025) describes a similar paradox: legislative reform has not translated into proportional judicial protection, because religious courts continue to grant most petitions on grounds such as pregnancy, social pressure, and economic hardship without adequately weighing the child's long-term developmental rights. At the empirical level, Dwiyanti et al. (2025) link the rise in dispensation after the revision of the age limit to out-of-wedlock pregnancy, a pattern consistent with the diversion effect discussed in the Results and Discussion.

Despite this growing literature, three gaps remain in the studies reviewed here. First, most analyses rely on national statistics or on courts in Java, so district-level evidence from Jambi Province, where agrarian livelihoods and Malay customary pressures such as the stigma of "girl tuo" shape the decision to marry early, has received little attention. Second, existing studies concentrate on judicial reasoning and rarely examine the roles of the court, the Office of Religious Affairs (KUA), and local governments together, even though the applications that reach the judge are produced upstream by this institutional chain. Third, although *maqāṣid al-syarī'ah* is often invoked to justify or to criticize dispensation, it is seldom translated into operational indicators that judges and local institutions can apply. This study addresses these gaps by combining a normative analysis of positive law and Islamic law with field evidence from the Bangko Religious Court and its partner institutions in Merangin Regency, and by using the findings to construct a reconstruction model.

Based on the description above, this study is formulated into three questions: (1) how the problems of marriage dispensation and early marriage in Merangin Regency, Jambi Province are reviewed from the perspective of positive law and Islamic law; (2) what factors affect the high number of marriage dispensation applications in Merangin Regency, Jambi Province; and (3) how to formulate the reconstruction of marriage dispensation law that can integrate the principles *of maqasid al-syariah* with the protection of children's rights in Merangin Regency, Jambi Province.

This study is limited to the aspects of submitting applications, judges' considerations, and the implementation of Law Number 16 of 2019 and Supreme Court Regulation Number 5 of 2019 in Merangin Regency. The legal aspects studied are focused on the regulation of marriage dispensation in Indonesian positive law and its relevance to *fiqh munakahat* and the protection of children's rights. This study also limits the discussion to juridical-normative and socio-cultural factors behind early marriage, without reaching the technical aspects of reproductive health in depth. The institutions studied include the Bangko Religious Court, the Social Service for Women's Empowerment and Child Protection, and the local Religious Affairs Office, with a normative approach based on *library research*.

Accordingly, this study aims (1) to analyze the problems of marriage dispensation and early marriage in Merangin Regency from the perspectives of positive law and Islamic law; (2) to identify the factors behind the high number of dispensation applications; and (3) to formulate a legal reconstruction that integrates *maqāṣid al-syarī'ah* with the protection of children's rights. Theoretically, the study contributes to contemporary fiqh (*fiqh mu'āṣir*) by translating *maqāṣid al-syarī'ah* into operational indicators for judicial examination, and by reframing dispensation from a passive-administrative exception into a protective, extraordinary legal remedy. Practically, it offers a three-level reconstruction model (regulatory, institutional, and community) as a reference for the Supreme Court, the Bangko Religious Court, KUA officials, local governments, and religious and customary leaders in preventing child marriage on the basis of *the best interest of the child*.

Method

This study is designed as a qualitative research that combines *a normative-sociological approach*, where normative legal research places legal norms as the main object of study with secondary legal materials as the primary source (Kau, 2013), while at the same time focusing

on a systematic study of laws and regulations, doctrines, and court decisions; this combination was chosen because the issue of marriage dispensation and early marriage in Merangin Regency, Jambi Province, requires exploration of both textual-normative aspects and social practices in the field. Characteristically, the research is descriptive-analytical: the descriptive dimension is directed to photograph systematically, factually, and accurately the positive legal conditions and practices of marriage dispensation, including the views *of munakahat fiqh scholars*, while the analytical dimension is used to interpret and evaluate these legal provisions in order to reconstruct a more relevant understanding of the needs of the national legal system based on Islamic justice and the protection of children's rights. The design logic of this kind of qualitative research, as emphasized by Creswell (1994, p. 184), emphasizes the importance of the repetitive interpretive process between field data and theoretical frameworks to produce a holistic understanding of the socio-legal phenomena being studied. In order to deepen the analysis, this study uses three approaches at once, namely a philosophical approach to examine the essence and purpose of law (*the ultimate purpose of law*) through ontological, epistemological, and axiological dimensions that lead to the principle *of maqāṣid al-syarī'ah*; a historical approach to trace the evolution of marriage dispensation regulations in Indonesia since Law No. 1 of 1974 to Law No. 16 of 2019 and Perma No. 5 of 2019 and the dynamics of its application in Merangin Regency; and a legislative approach to examine the relationship between hierarchies, harmonization, and consistency between norms so that the regulation of marriage dispensation runs according to the principles *of legal certainty and justice*. The location of the research was determined in the jurisdiction of the Bangko Religious Court with the consideration that this institution handles a fairly high volume of marriage dispensation cases and has established cross-agency cooperation with the Religious Affairs Office of Juara Barat District, the Renah Pembarap District Religious Affairs Office, and Margo Tabir District in an effort to prevent underage marriage after the amendment of the Marriage Law. The data in this study is understood as a representation of circumstances, symbols, or information that still needs processing to be meaningful, which is netted through three categories of sources: primary data, secondary data, and tertiary data (Yusuf, 2019). Primary data was obtained directly by researchers from the field as original data that *was up to date*, sourced from judges who heard marriage dispensation applications, officials of the Office of Religious Affairs, and relevant local government officials, considering that empirical legal research basically relies on this kind of primary data sources to obtain an actual picture of legal practices in the field. Secondary data was collected from previously available materials including copies of court decisions, statistics on marriage dispensation cases, reports of the Office of Religious Affairs, local government socialization documents, mass media, and interview recordings that function to complement and enrich primary data. The tertiary data includes supporting materials such as online sources, the Great Indonesian Dictionary, encyclopedias, and a cumulative index that helps explain primary and secondary legal materials, with data classified into categories of interviews and texts; Textual data derived from the book of fiqh and divorce certificates were then critically analyzed by paying attention to both the textual content (*MA fi n-NAS*) and the context surrounding it (*MA Hawla An-NAS*). The research population was also used as an object of study as a whole (*total population*), including judges of the Bangko Religious Court, the Head and Head of the Religious Affairs Office of West Pamenang District and Renah Pembarap District, and Tabir District officials. Data collection was carried out through three main techniques. First, systematic interviews with written guidelines prepared in advance, involving elements of interviewers, respondents, materials, and interview guidelines, which were carried out on the investigating judges and member judges at the Bangko Religious Court as well as the Heads of the Office of Religious Affairs and the headmen, with the consideration that the results of the dialogue became the main substance of the primary data. Second, observation as a careful and systematic observation and recording activity of the symptoms or phenomena being studied, which provides an overview of social life that is difficult to obtain through other methods, is focused on the practice of socialization and efforts to prevent underage marriage by the Office of Religious Affairs of West Pamenang District, Renah

Pembarap, and Tabir. Third, a documentary study on copies of the verdict and statistical data of the Bangko Religious Court marriage dispensation application for the period 2020–2025 as a secondary data source, considering that the document has long been recognized as a source of useful data for testing and interpreting research phenomena. In order to ensure the validity of the data, this study applies *methodological triangulation*, an effort to understand data through several sources as explained by Ratna (2010, p. 241), namely the results of the judges' interviews are cross-confirmed with the information of the Office of Religious Affairs officials and the head to assess the consistency of the findings, so that the reliability of the research results increases and the understanding of the phenomenon becomes more comprehensive. Data analysis was carried out by a qualitative descriptive method, where the collected data was systematically linked to relevant theoretical frameworks, including Law No. 1 of 1974 concerning Marriage as amended by Law No. 16 of 2019, theories of marriage dispensation from various experts, as well as *naqli postulates* in the form of Qur'anic verses and hadiths; this is in line with the view of Bungin (2013, p. 28) that theory functions as an analytical instrument from the stage of problem formulation to the drawing of research conclusions. Through this series of procedures, research conclusions are drawn gradually from the synthesis of field data and normative studies, resulting in a complete understanding of the problems of marriage dispensation and early marriage in Merangin Regency from the perspective of positive law and Islamic law.

Results and Discussion

The research was conducted in Merangin Regency, Jambi Province, the largest district in the province by area, with a population of about 397 thousand, an overwhelming majority of whom are Muslim, so that religious values also shape how the community responds to marriage-related issues (Badan Pusat Statistik Kabupaten Merangin, n.d.). The area is predominantly agrarian and rural, with livelihoods that depend on rubber and palm oil, which is an important context for understanding why dispensation applications are so common here.

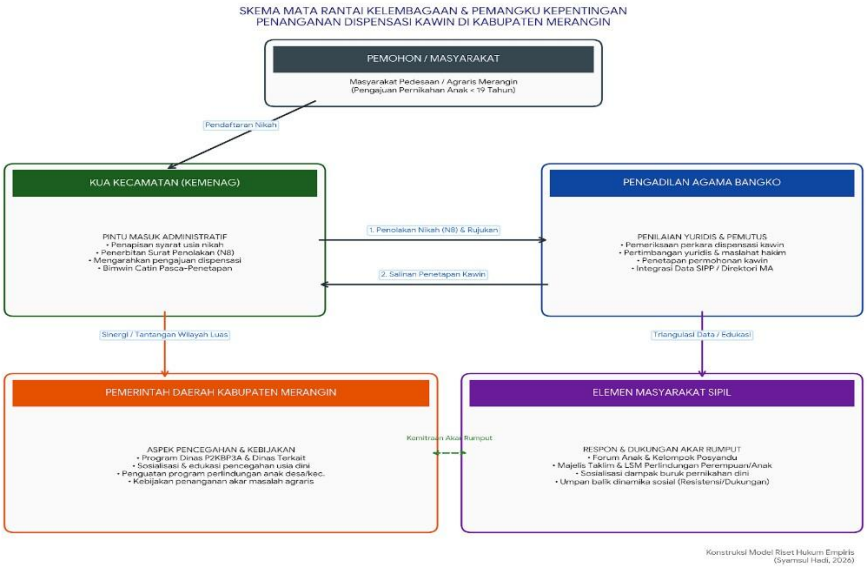


Figure 1. An institutional chain scheme between the Office of Religious Affairs, the Bangko Religious Court, the Regional Government, and civil society elements in handling marriage dispensation applications in Merangin Regency.

Source: processed from the researcher's documentation (2026)

As illustrated in Figure 1, the handling of child marriage in Merangin Regency forms an institutional ecosystem. The KUA acts as the administrative entry point that issues marriage rejection forms for underage couples; the Bangko Religious Court acts as the judicial assessor through its dispensation decisions; and the Regional Government focuses on prevention and education at the grassroots level, reinforced by civil society elements such as children's forums and *taklim* assemblies. This tiered pattern of work can be understood as a form of synergy, that

is, joint action that requires partnership among stakeholders so that the quality of results improves (B. Yusuf, 2015). Its effectiveness also depends on how well the coordinating party understands and applies the basic principles of management (Herujito, 2001).

1. The Problem of Marriage Dispensation and Early Marriage Reviewed from the Perspective of Positive Law and Islamic Law

Since the provision raising the minimum marriage age to 19 years for both prospective spouses took effect, the Bangko Religious Court has experienced a surge in dispensation applications that far exceeds the growth of other types of marriage cases. This problem is not new: Bappenas recorded that in 2008 about 34.5% of roughly 2.05 million marriages involved underage brides (Rifiani, 2011). Table 1 compares the growth of dispensation cases at the Bangko Religious Court with other types of marriage cases.

Table 1. Comparison of the growth rate of marriage dispensation cases with other types of marriage cases in the Bangko Religious Court (2023–2025)

Types of Items	2023	2024	2025	Growth
Marriage Dispensation	32	58	89	+178,13%
Divorce	682	715	748	+9,68%
Marriage Isbat	48	52	55	+14,58%
Hadhanah	14	16	18	+28,57%
Wali Adhol	5	7	8	+60,00%

Source: SIPP Data and Case Report of the Bangko Religious Court Class IB (2026)

These data support the view that raising the marriage age limit without strengthening control over dispensation tends to produce a displacement effect: child marriage shifts from the ordinary registration route to the dispensation route, so that the number of child marriages does not necessarily fall but only changes its administrative form, a pattern also found nationally (Dwiyanti et al., 2025). Increases in dispensation applications after the 2019 amendment have likewise been reported in other regions and at the national level (Kania & Fatoni, 2023).

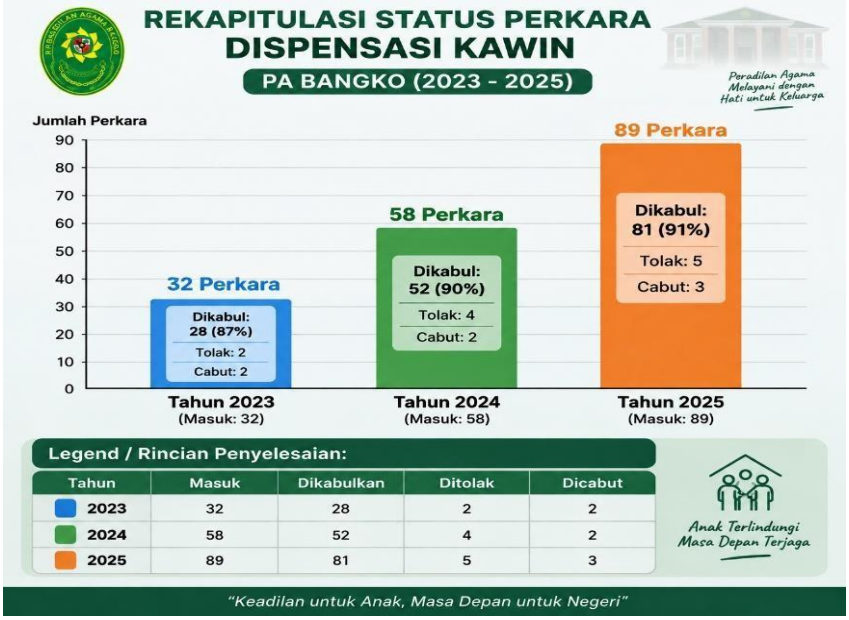


Figure 2. The recapitulation of the number of marriage dispensation cases at the Bangko Religious Court in 2023–2025 is based on the status of the application (accepted, granted, rejected, and revoked).
Source: processed from the Annual Report and Case Tracking Information System of the Bangko Religious Court (2026)

From a positive-law perspective, the Bangko Religious Court acts as a judicial filter that assesses the substantive validity of the "urgent reasons" required by Law Number 16 of 2019 and by the Supreme Court Regulation on Guidelines for Adjudicating Marriage Dispensation Applications (Republic of Indonesia, 2019; Supreme Court of the Republic of Indonesia, 2019).

This regulation requires judges to carry out four stages of examination (administrative, the child, the parents or guardians, and the prospective spouse) and obliges them to hear the child's testimony directly, as a form of respect for the child as a legal subject and not merely the object of parental decisions. In doing so, judges must balance legal certainty and legal benefit, in line with the view that the purposes of law are plural and cannot be reduced to normative certainty alone (Ali, 2009). This is consistent with the nature of the religious courts as first-instance courts that exercise judicial power for Muslims within a state based on the rule of law (Republic of Indonesia, 2009). Marriage dispensation must therefore be construed as an exception to a mandatory norm and interpreted restrictively, so that the original purpose of raising the age limit does not lose its substantive meaning.

Viewed from Islamic law, the framework of *maqāṣid al-syarī'ah* holds that marriage is directed toward realizing the five main objectives of the Shari'ah: *ḥifẓ al-dīn*, *ḥifẓ al-nafs*, *ḥifẓ al-'aql*, *ḥifẓ al-nasl*, and *ḥifẓ al-māl* (Auda, 2008). A dispensation granted without careful consideration may therefore run counter to *ḥifẓ al-nafs* and *ḥifẓ al-nasl* themselves, because marriage at a physically and psychologically immature age risks harming the very life and offspring that these objectives are meant to protect. Ibn Qayyim holds that the scope of *dzarī'ah* is not limited to blocking the means to what is forbidden (*sadd al-dzarī'ah*) but also includes opening the way to what is recommended (*fath al-dzarī'ah*) (Fawaid, 2019). The rule of *sadd al-dzarī'ah* (Amin, 2020; Takhim, 2019) is also relevant for reading the age limit as a preventive policy, but its application becomes paradoxical when set against a dispensation mechanism that is, in practice, frequently granted, so that the preventive purpose may be weakened. In applying this rule, judges face two opposing possibilities: dispensation can prevent a greater harm (*dar'u al-mafāsid*) in cases of pregnancy out of wedlock, yet in other cases it can open the way (*dzarī'ah*) to the normalization of child marriage when the reasons given are not truly urgent (Hasibuan, 2010). At this point, positive law and Islamic law converge on a shared principle: early marriage should in principle be avoided (*al-aṣlu huwa al-man'u*), and dispensation can be justified only as a very limited exception (*rukhṣah*), not as a commonly used way out. Conceptually, *rukhṣah* is a ruling that departs from the general rule because of a valid excuse (*'udzur*) (Az-Zuhaili, 2005). Marriage dispensation is therefore better understood as a limited concession than as an automatic right.

The authority of the Bangko Religious Court to examine dispensation cases rests on the principle of Islamic personality, under which its absolute competence covers marriage, inheritance, wills, grants, *waqf*, *zakat*, and sharia economics (Ramulyo, 1985; Republic of Indonesia, 2009). Dispensation applications fall within the category of marriage and are therefore the absolute competence of the religious courts, while relative competence is determined by the applicant's domicile within Merangin Regency. A clear division of authority is important so that the examination proceeds in line with legal certainty and does not give rise to jurisdictional disputes.

The examination mechanism taken by the Bangko Religious Court is tiered and comprehensive. At the administrative stage, the clerk examines three main elements of the document, namely the identity of the applicant (KTP and Family Card) to ensure *legal standing* as a parent or legal guardian, the child's identity document in the form of a birth certificate to prove authentic age, and a letter of rejection of marriage registration from the Office of Religious Affairs as proof that the application was submitted through official channels not as an effort to legalize a marriage that had been held in *series* first. The completeness of this file is not just a procedural formality, but a *filtering instrument* that determines the quality of substantive examination at the next stage of the trial, so that legal protection for children can be maintained from the beginning of the litigation process, not only at the decision stage.

At the trial stage, the judge examined four parties: exploring the motive and background of the application including other alternatives that the parents have sought; exploring the child's understanding, readiness, and free will towards the marriage plan; ensuring the seriousness and mental-economic readiness of the prospective spouse; and examining the urgent reasons underlying the application so that it is not purely speculative. Direct examination of the child is a normative imperative that contains the philosophy that the child is not just an object whose

fate is fully determined by the parents, but a legal subject whose voice must be heard. This was emphasized by the Substitute Registrar of the Bangko Religious Court in an in-depth interview, who stated that the application of court guidelines after the issuance of technical regulations brought significant differences to the pattern of determining previous cases, examinations tended to be formalistic and focused on basic administrative requirements, but after the enactment of these guidelines, the trial process became much stricter through proving very urgent reasons, the obligation to hear the child's testimony independently, and rejection of applications purely motivated by ordinary economic reasons or the pressure of cultural stigma alone (Interview with the Substitute Registrar of the Bangko Religious Court, June 23, 2026).

The main challenge encountered in the implementation of this guideline is the limited number of clinical psychologists in Merangin Regency. To overcome these obstacles, the Bangko Religious Court optimizes cross-sector cooperation with the Social Service and local health services to issue a letter of recommendation for physical and mental readiness as a condition for the administration of the trial, considering that the vast geographical constraints of Merangin Regency make it difficult for rural communities to access assistance services. This reality shows that the strictness of procedural norms has not been fully supported by the availability of supporting infrastructure in the field.

The principle of the best interest of the child derives from the Convention on the Rights of the Child, which Indonesia has ratified (Republic of Indonesia, 1990), and is reinforced by child protection provisions requiring that the best interest of the child be the primary consideration in every decision concerning children (Republic of Indonesia, 2014). This principle operates in three dimensions of judicial examination: protecting children from domestic violence and reproductive health risks; ensuring continued access to education after marriage, as guaranteed by the constitution; and assessing the child's psychological maturity to bear household responsibilities.

A more detailed elaboration of the four relevant *elements of maqāṣid al-syarī'ah* shows a pattern of arguments that reinforce each other. The *aspect of hifẓ al-dīn* is realized through the channeling of relationships that have been established into a legal marriage bond, so that it becomes a means of avoiding acts that are prohibited by religion. The aspect *of hifẓ al-nafs* requires the judge to ensure that the granting of dispensation does not endanger the safety of the child's life, both from the aspect of reproductive health considering the child's reproductive organs that are not fully mature, and from the aspect of psychological safety in living a domestic life. The aspect *of hifẓ al-nasl* is related to the clarity of the status of the child's birth to be born, ensuring clear inheritance and guardianship rights in order to avoid legal problems in the future. The aspect *of hifẓ al-'aql* requires the judge to consider the impact of marriage on the sustainability of the child's education and intellectual development, so that a wise judge will also consider the availability of alternative solutions other than marriage that still allow the child to continue his education.

This rule is grounded, among others, in the prohibition against insulting the deities worshipped by polytheists in *Q.S. Al-An'am/6:108*, which is intended to close the way to Allah being insulted in return (Kawakib, Syuhud, & Yusuf, 2021). Applying these four elements together with the rule of *sadd al-dzarī'ah* produces two contrasting scenarios. Where the child is pregnant, or the relationship has gone so far that a refusal could lead to continued *zina*, granting dispensation is seen as an effort to prevent a greater harm. Conversely, where the reasons rest only on momentary desire or social pressure, granting dispensation can open the way to normalizing child marriage, contrary to the larger purpose of the law. Careful weighing of harms and benefits case by case, rather than generalization, is the key to applying this rule properly.

Regarding the interpretation of "urgent reasons", one of the considerations in a Bangko Religious Court decision states that, based on the evidence and the parties' statements, it was established that the applicant's child was pregnant as a result of a relationship outside marriage. This was held to be a very urgent reason which, if the application were refused, would cause greater harm in the form of social stigma and an unclear legal status for the child

to be born, with reference to the maxim *dar'u al-mafāsid muqaddam 'alā jalbi al-maṣāliḥ* (preventing harm takes precedence over securing benefits) and the best interest of the child. This excerpt shows that the judge did not rely on the statutory text alone but built a legal argument that combines fiqh principles with the principle of child protection in a single consideration. Judges' tendency to prioritize the prevention of harm accords with the view that *sadd al-dzarī'ah* takes precedence over *fath al-dzarī'ah*; yet even when prevention is applied, the spirit of *fath al-dzarī'ah* remains present within it (Mahrus, 2009).

Reasoning based on *dar'u al-mafāsid* is also common in other contemporary fiqh issues. The prohibition of human cloning, for example, rests on the argument that its harms outweigh its benefits (Munawaroh, 2018). This pattern is consistent with the finding that pregnancy out of wedlock is the dominant ground for granting applications: the focus of the judge's reasoning shifts from preventing child marriage to protecting the legal status of the baby to be born, so that the child does not lack a legal paternal identity. It also shows that the Bangko Religious Court is often positioned as a downstream remedy that formalizes an emergency that has already occurred in the community, so that the judiciary's function here is repressive-curative rather than preventive. The implication is that dispensation cannot be addressed through the judicial mechanism alone; intervention must be strengthened in the institutions at the forefront of community life, before the pregnancy or relationship that precedes it occurs.

2. Factors Affecting the High Number of Marriage Dispensation Applications

The field search identified four dominant factors that are intertwined. *First*, family economic factors are the most often argued by applicants, where child marriage is seen as a survival strategy to reduce the burden on households in the midst of instability in agricultural commodity prices. One of the judges of the Bangko Religious Court emphasized that economic reasons should not be used as a sole consideration, because if a child is married solely to transfer the financial burden to a future husband who is also economically unstable, it has the potential to trigger intergenerational poverty and new domestic conflicts (Interview with the Judge of the Bangko Religious Court, July 17, 2026). There is a sharp *discrepancy of perception* between parents who interpret child marriage as an *economic coping mechanism* and judicial-normative views that consider that the reason does not necessarily meet the weight of juridical urgency.

Second, low education is also a driving factor: most children subject to dispensation applications had already dropped out of school before the application was filed. Third, premarital relationships and pregnancy out of wedlock are the grounds most often accepted by judges, because they are considered to meet the element of urgency and accord with the logic of preventing harm. This category must be distinguished from early marriage that is genuinely intended to preserve one's chastity; early marriage used to cover up moral transgression is "fake" early marriage (Muhyidin, 2006). Fourth, cultural factors and community views also contribute significantly. In Merangin Malay tradition, unmarried women beyond a certain age are stigmatized as "girl tuo", which pushes parents to hasten marriage in order to protect family honor. The Chairman of the Malay Customary Institution in a village in Merangin District said that, although customary leaders continue to teach the 19-year age limit, traditions and social pressure at the hamlet level often strongly influence parents' decision to seek dispensation quickly (Interview with the Chairman of the Malay Customary Institution, July 18, 2026). This tension between customary and state norms illustrates legal pluralism, in which formal state law meets the living law of the community (Griffiths, 1986), and the effectiveness of state intervention depends heavily on how far such norms are internalized by society (Soekanto, 2005).

These four factors in turn affect children who marry early in layered ways. Educationally, children see their aspirations disrupted (*shattered aspirations*) because schools restrict married students. Psychologically, adolescents aged 15–18 are still in the developmental stage of identity formation, with cognitive and emotional structures too immature for complex decisions, so they are prone to role shock, anxiety, and the risk of domestic violence. Economically, young couples generally face a crisis in meeting basic needs because of precarious informal work, creating long-term financial dependence on their parents instead of

the independence that marriage is expected to bring. For comparison, BKKBN recommends a first-marriage age of 20 years for women and 25 years for men, so marriage at 15–18 is far below the recommendation (Sunarto, 2007). Besides these socio-economic and cultural factors, institutional factors also aggravate the high number of applications, namely weak synergy among the Religious Courts, the Ministry of Religious Affairs/KUA, and the Regional Government. These three institutions take different approaches to the same cases, as shown in Table 2.

Table 2. Differences in institutional approaches in handling marriage dispensation

Institutions	Approach
Bangko Religious Court	Juridical-formal, oriented to the urgent reasons and best interests of the child
KUA/Ministry of Religious Affairs	Syar'i-administrative, oriented towards the validity and benefits of marriage
Local Government	Social-policy, oriented towards the protection of children and long-term human resources

Source: Researcher Analysis (2026)

This difference in orientation, which has not been supported by a formal coordination forum or integrated data system, causes the prevention of child marriage to only be detected after the case enters the litigation realm, not at the upstream stage. The Head of the Social Service, Women's Empowerment, and Child Protection of Merangin Regency emphasized that the biggest challenge in reaching out to cases is the breadth of the geographical conditions of Merangin Regency, which is dominated by rural and mountainous areas, so that more massive synergy is needed at the village and sub-district levels. Thus, the high number of marriage dispensation applications in Merangin Regency is not just a product of a single factor, but the result of a complex interaction between economic pressures, educational limitations, local cultural construction, and weaknesses in cross-sectoral institutional governance.

Interviews with children who had married through dispensation revealed real inner struggles: the sudden shift from adolescent life to household responsibilities caused heavy emotional distress, along with domestic conflict arising from the emotional immaturity of both parties (Interview with a child of marriage dispensation, July 20, 2026). Psychologists at the counseling unit of the Social Service, Women's Empowerment, and Child Protection confirmed this clinically, explaining that adolescents aged 15–18 are still in the stage of identity formation, with a prefrontal cortex not yet fully mature for complex decision-making and emotional regulation. When forced into marriage, they experience emotional turmoil and severe distress; the most common psychological impacts are high anxiety, postpartum depression, unpreparedness for parenting, and a tendency toward domestic violence, because emotional immaturity makes conflicts hard to resolve rationally. This moves away from the goal of building an eternal and harmonious household, which Islam regards as a sacred bond (Yanggo & Anshary, 2002).

From a developmental psychology perspective, imposing adult responsibilities on individuals whose cognitive and emotional structures are still immature creates systemic psychological vulnerability, with a high risk of parenting stress, anxiety disorders, and psychological trauma that ultimately threaten the resilience of young families. Adolescence is a period of identity formation that ideally should not yet be burdened with major responsibilities such as marriage, so the roles of spouse and/or parent at that age may disrupt healthy psychological development. After all, marriage is essentially an agreement between two people to live together more intimately, and it requires the readiness of both parties (Latif, 2001).

The KUA is the leading work unit of the Ministry of Religious Affairs that deals directly with the public at the sub-district level (Director General of Islamic Guidance and Hajj Organizers of the Ministry of Religion of the Republic of Indonesia, 2003). It verifies the age of prospective spouses by matching official identity documents, in order to anticipate manipulation of birth dates. When a prospective spouse is found to be under the minimum age, the KUA procedurally issues a marriage rejection form, enforcing the age limit. The Head of the KUA of West

Pamenang District said that this refusal often met strong resistance from the bride's family, who felt disappointed and urged the officials to make an exception because the date of the customary reception had been set or because they feared social gossip. The KUA's refusal then pushes the family to the Religious Court as the only lawful route to a dispensation (Interview with the Head of KUA of West Pamenang District, July 6, 2026).

In addition to these administrative functions, the Ministry of Religion of Merangin Regency also runs a family education program through the Marriage Advisory, Development, and Preservation Agency (BP4), which provides family coaching to married couples as well as preventive education to families with adolescent children so that they do not make decisions to marry children at an early age. This program is considered important because many cases of child marriage are rooted in inadequate parenting and family economic conditions. The form of coaching is focused on premarital counseling, household resilience education, and parenting literacy, with BP4 having recorded success in preventing early marriage in the case of adolescent couples in Pamenang through intensive counseling on reproductive health risks and the threat *of stunting*, which leads to parents' willingness to cancel marriage plans and allow children to complete vocational secondary education. However, the effectiveness of BP4 counseling faces severe challenges in reaching remote communities due to the limited number of functional counselors and the absence of operational branches at the village level, so that most rural families are only touched by the counseling process after the marriage rejection file is issued rather than at the early prevention stage.

To deepen the analysis of weak inter-institutional coordination, this study uses a two-layer theoretical framework. At the grand-theory level, it uses legal system theory, which divides law into three components (structure, substance, and culture) and holds that legal effectiveness is achieved only when the three work coherently. Legal structure is represented by the Religious Court, the Ministry of Religious Affairs, and the Regional Government; legal substance by the laws and regulations on marriage and child protection; and legal culture by the Merangin community's views of early marriage. At the applied-theory level, the analysis draws on collaborative governance theory, which holds that cross-sector collaboration is effective when certain prerequisites are met, including formal forums for dialogue, commitment to the process, and gradually built trust among agencies (Ansell & Gash, 2008).

The form of synergy identified in the field includes the relationship between the Religious Court and the KUA through the standard flow of dispensation applications submitted to the Religious Court, determinations are issued, only then can the KUA hold and register the marriage, the data of which is forwarded to the Population and Civil Registration Office for the renewal of population documents and becomes material for further coaching by the sub-district and village governments. Another form of synergy is realized through joint community education activities, including legal counseling regarding the age limit for marriage and socialization of legal provisions, which are categorized as preventive nonlitigation efforts in the terminology of judicial reform. However, the results of the study show that coordination between these institutions is still partial and has not been fully institutionalized in the form of routine coordination forums and formal memorandums of understanding, so that the exchange of data on the number of marriage dispensation applications has not run automatically and *in real-time*.

One of the traditional stakeholders of the Malay Customary Institution of Merangin Regency affirmed his support for education from the KUA and the Religious Court, but revealed that the function of customary intermediaries is often tested when dealing with local customary law dilemmas if adolescent couples are proven to violate moral norms, hamlet officials are often urged to impose customary sanctions as well as at the same time require immediate marriage to restore social order, this customary emergency situation is what finally forces families to apply for marriage dispensation. Meanwhile, resource persons from elements of the local government emphasized that the main obstacle lies in the lack of integration of case data between the application systems of each agency in *real-time*, with recommendations for the establishment of an integrated data system for at-risk children and the strengthening of regional regulations to tighten the synergy of handling from the village level to the court.

Regarding the education factor, an interview with the Head of a Vocational School in Bangko revealed a two-way causal relationship between school dropout and early marriage. Dropping out often precedes marriage because there is no productive activity to fill the time, but in other cases children drop out because they were dating and became pregnant unintentionally. Schools and the Education Office have tried to curb dropout through approaches to parents, but they often meet low awareness among rural communities of the twelve-year compulsory education program. One dispensation applicant's account confirms this picture from the child's side: the decision to leave school was made out of boredom and because of distance, and the child knew nothing of the minimum marriage age until the KUA refused registration and directed the family to apply for dispensation at the Religious Court.

These two testimonies show that low education contributes to two things at once: first, the limited ideals and alternative life options outside marriage for children, especially girls; second, the lack of understanding of children and parents of the provisions of the marriage law itself, including age requirements and dispensation procedures. This low level of legal literacy makes the decision to marry at an early age seem a rational choice for children and their families, even though substantially the decision has an impact on the denial of the child's basic right to education which is guaranteed as part of the fulfillment of the right to optimal growth and development. Thus, the educational factor is not only a consequence of early marriage, but also a structural cause that precedes and strengthens the cycle of marriage dispensation applications in Merangin Regency.

In addition to the role of the Religious Court and the Ministry of Religious Affairs, this study found that the sub-district government has three forms of concrete contributions that have been underexposed in the study of marriage dispensation problems, namely community data collection, socialization, and administrative prevention. In terms of data collection, the sub-district government collaborates with the village government and the Population and Civil Registration Office to identify school-age children, especially women aged 13-18 years, who are potentially at risk of early marriage, with the data source coming from periodic reports by the Village Head and Family Planning Field Officer who record adolescents who drop out of school and families receiving social assistance. One of the resource persons at the sub-district level explained that data updates are often hampered by the closure of vulnerable families and slow synchronization from the hamlet level, so that as a follow-up the data is integrated into *the stunting* prevention program and coordinated with KUA, Puskesmas, and sector police for integrated education.

In outreach, the sub-district government has held counseling on child and adolescent parenting, Youth Posyandu activities, and village stunting forums (*rembuk stunting*), involving the Regional Children's Forum and Generation Planning cadres in a peer-education strategy that teenagers accept more readily than one-way messaging from the government. One cadre said the community was initially skeptical and treated early marriage as ordinary tradition, but after the program ran consistently, attitudes began to shift: people gradually came to understand the dangers of early pregnancy and began to consult village facilitators before planning a wedding. In administrative prevention, village and sub-district governments are authorized to withhold marriage introduction letters if the prospective spouse has not reached the age limit and has no dispensation order. In practice, gaps remain in the form of manipulated age data in civil documents, so birth certificates, family cards, and identity cards must be cross-verified before a letter is issued.

These three roles of the sub-district government show that preventing child marriage requires an institutional node closer to the community than the Religious Court, which works only at the final stage of the process. Strengthening the capacity of sub-districts and villages in data collection and administrative oversight is therefore a strategic point of intervention that has received relatively little attention compared with discussion of the judiciary and the KUA. This is in line with the logic of preventive action in public health, which stresses early examination and detection before problems escalate (Effendy, 1998).

In addition to the BP4 program described earlier, the Ministry of Religious Affairs in

Merangin Regency also works with education units on population and Generation Planning education programs initiated with the National Population and Family Planning Agency (BKKBN) (National Population and Family Planning Agency, 2022), in line with the cross-ministerial memorandum of understanding on population education in education units (Ministry of Education, Culture, Research, and Technology & National Population and Family Planning Agency, 2021). Activities include youth seminars on the dangers of early marriage, Youth Information and Counseling Center groups in schools, and training for guidance counselors to detect students at risk of dropping out because they are about to marry. One program manager explained that, through routine semester-based outreach with the KUA, four students had been recorded as dropping out of school because of early marriage over the last three years; when students are found to be at risk of marriage, schools take a persuasive approach through home visits and mediation with parents so that the children can finish their education (Interview with Drs. H. Ahmad Tabri, M.Pd., July 20, 2026).

These programs show that the Ministry of Religious Affairs not only plays a role in the administrative structural function through the KUA, but also acts as an educational node that reaches the young generation of school age as the most at-risk target group. However, the effectiveness of such programs still depends on the sustainability of funding and consistency of implementation from year to year, not just ceremonial activities that stop after a budget period.

3. Formulation of the Reconstruction of the Law of the Marriage Dispensation that Integrates *Maqāṣid al-Syarī'ah* with the Protection of Children's Rights

Based on the above problems and factors, this study formulates a model of legal reconstruction of three levels of regulation, institutional, and society as an answer to the weaknesses of the current marriage dispensation system.

Table 3. Summary of reconstruction levels, objectives and concrete recommendations

Level	Key Targets	Concrete Recommendations
Regulation	Legal certainty and strictness of conditions	Standard parameters of "urgent reasons"; mandatory psychological examination; written recommendations of DP3A
Institutional	Cross-sector coordination	Child Marriage Prevention Forum as a forum for coordination and early referral
Society	Socio-cultural paradigm change	Family law education; strengthening access to children's education; approach of religious/customary leaders

Source: Researcher Analysis (2026)

At the regulatory level, this study treats four of the five main elements of *maqāṣid al-syarī'ah* (*ḥifẓ al-dīn*, *ḥifẓ al-nafs*, *ḥifẓ al-'aql*, and *ḥifẓ al-nasl*) as operational indicators for the judge's examination, while *ḥifẓ al-māl* is regarded as implicitly accommodated in the assessment of psychosocial readiness and educational sustainability. Contemporary approaches to *maqāṣid al-syarī'ah*, which include the protection of human rights and human development as part of the general objectives of the Shari'ah (*maqāṣid al-'āmmah*), reinforce the relevance of this framework to contemporary child protection policy, because the age limit is essentially a concrete form of child protection that accords with the spirit of safeguarding the lives, intellect, and offspring of future generations (Auda, 2008).

At the institutional level, reconstruction is directed at the establishment of a forum or task force on the prevention of child marriage at the district level consisting of elements of the Religious Court, the Ministry of Religion, DP3A, the Education Office, and the Health Office, with a scheduled meeting agenda and outlined in a formal memorandum of understanding. This forum is expected to overcome the weaknesses of *ad hoc coordination* that has been relying on personal relationships between officials, towards truly institutionalized collaboration. At the community level, reconstruction focuses on massive family law education, strengthening access to children's education across sectors, and gradually changing the culture of young marriage through the approach of religious leaders and local traditional leaders, considering that legal approaches alone without a cultural approach tend to be ineffective in changing people's behavior in a sustainable manner and even risk encouraging the practice of child marriage to move to a more hidden realm with minimal legal protection, such as marriages

that are not officially registered.

The three levels of reconstruction need to be carried out simultaneously and continuously, considering that changes in social behavior generally take place gradually, not instantaneously. Based on this overall analysis, it can be concluded that the reconstruction of the marriage dispensation law in Merangin Regency must be directed at a paradigm shift, from a *permissive approach* to a protective approach. In this new paradigm, the marriage dispensation is no longer understood as an automatic right for parents to marry their minor children as long as the administrative requirements are met, but is interpreted as an extraordinary *legal instrument* that can only be granted after going through rigorous, layered, and evidence-based examinations, always considering three main benchmarks simultaneously: *the best interest of the child*, the principles *of maqāṣid al-syarī'ah* which are oriented towards the protection of religion, soul, intellect, and descent, and social *utility* for the sustainability of the family order and society more broadly.

Theoretically, this formulation enriches the discourse of contemporary fiqh (*fiqh mu'āṣir*) by translating the theological justification of *maqāṣid al-syarī'ah* into technical indicators that can be applied directly by judges, regional officials, and civil society, thus narrowing the distance between theory and practice *(theory-practice gap*) which has been a criticism of the study of *maqāṣid al-syarī'ah*. Practically, this model offers input for the Bangko Religious Court and the Supreme Court in drafting technical guidelines for the "urgent reasons" parameter, for the Regional Government in establishing a cross-sector forum as an upstream *prevention* effort, and for the community in changing the perspective on child marriage, from a quick solution to family problems to a last resort that is only taken after all alternatives to child protection are thoroughly considered.

Deepening the formulation of legal reconstruction in the previous section, strengthening institutional synergy is directed at four concrete steps: the establishment of a forum or task force for the prevention of child marriage at the district level consisting of cross-agency elements with periodic meeting agendas; the development of an integrated data system on children at risk of early marriage that can be accessed across sectors while still paying attention to the principle of personal data protection; strengthening sustainable community education programs based on local wisdom by involving religious leaders and traditional leaders as agents of change; as well as the preparation of regional legal products as a legal umbrella that binds the implementation of cross-sector programs, in line with the spirit of the regional action plan for the prevention of child marriage which requires the integration of cross-sectoral programs.

Theoretically, the contribution of this reconstruction lies in the paradigm shift in the definition of the marriage dispensation itself, from what was originally understood as a passive-administrative exception norm to an active-protective exclusion norm. This shift confirms that the presence of the state through the judiciary in marriage dispensation cases is not just present to give permission, but is present to actively ensure that the decision to marry a minor is really the least harmful option among the available options. In practical terms, this model is expected to provide direct benefits to three stakeholder groups: for the Religious Court and the Supreme Court as input for the preparation of technical guidelines on the parameters of urgent reasons and operational standards for psychological examinations; for local governments and related ranks as a framework for the establishment of cross-sectoral forums for upstream prevention so that the burden of settlement does not rest entirely on judicial institutions; and for the community, especially parents and religious/traditional leaders, as an affirmation of the importance of changing the perspective on child marriage from a quick solution to family problems to the last option after all alternatives to child protection have been carefully considered.

Conclusion

This study answers its three research questions as follows. First, marriage dispensation in Merangin Regency is a problem of positive law and Islamic law at once: both frameworks hold

that early marriage should in principle be avoided, so dispensation can be justified only as a limited exception (*rukhṣah*), not as an automatic right. At the Bangko Religious Court, applications rose from 32 in 2023 to 89 in 2025, and judges decided them through *the best interest of the child* and the rule of *dar'u al-mafāsid*, with premarital pregnancy as the dominant ground for granting. Second, the increase is driven by economic pressure, low education, premarital pregnancy, cultural pressure, and weak inter-institutional coordination, so the court largely acts downstream, formalizing situations that have already occurred. Third, the study proposes a three-level reconstruction that integrates *maqāṣid al-syarī'ah* with child rights protection: standard parameters of "urgent reasons" and mandatory psychological examination at the regulatory level; a district forum for preventing child marriage, backed by a memorandum of understanding and integrated data on children at risk, at the institutional level; and education involving religious and customary leaders at the community level.

The principal contribution of this study is a shift in how dispensation is understood, from a permissive, passive-administrative exception to a protective, extraordinary legal remedy, together with a way of operationalizing *maqāṣid al-syarī'ah* as indicators that judges and local institutions can apply. The study is limited to the jurisdiction of the Bangko Religious Court and to qualitative evidence; future research could test the model in other districts and evaluate its effect on dispensation rates and children's outcomes.

References

Ali, A. (2009). Uncovering legal theory and judicial theory including the interpretation of law (legisprudence). *Jakarta: Kencana*, *1*.

Amin, R. (2020). Sadd al-Dzari'ah: Correlation and Its Application in Sharia Economic Law. *Journal of Justisia Ekonomika: Master of Sharia Economic Law*, *4*(2). Retrieved from https://doi.org/10.30651/justeko.v4i2.6856

Ansell, C., & Gash, A. (2008). Collaborative governance in theory and practice. *Journal of public administration research and theory*, *18*(4), 543–571. Retrieved from https://academic.oup.com/jpart/article/18/4/543/1090370

Auda, J. (2008). Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach. *London: The International Institute of Islamic Thought*. Retrieved from https://iiit.org/wp-content/uploads/Maqasid-Al-Sharia-Beginners-2023.pdf-content.pdf

Az-Zuhaili, W. (2005). The Usul of Islamic Al-Fiqh. *Damascus; Dar al-Fikr*.

Badan Pusat Statistik Kabupaten Merangin. (n.d.). *Kabupaten Merangin dalam angka*. Bangko: BPS Kabupaten Merangin.

Director General of Islamic Guidance and Hajj Organizers of the Ministry of Religion of the Republic of Indonesia. (2003). Guidelines for Assistant Marriage Registrars. *Jakarta: Director General of Islamic Guidance and Hajj* Organizers.

Dwiyanti, S., Durahman, D., Gumilar, M. R. F., Yusuf, L. N., Fadillah, F. R., Yusmar, F. F., ... Cahyadi, C. (2025). The Relationship between Marriage Dispensation and Out-of-Wedlock Pregnancy After the Revision of the Marriage Age Limit in Law No. 16 OF 2019. *Al-Zayn: Journal of Social & Legal Sciences*, *3*(4), 4587–4595. Retrieved from https://ejournal.yayasanpendidikandzurriyatulquran.id/index.php/AlZayn/article/view/1986

Effendy, D. N. (1998). The Basics of Public Health Nursing. In *Egc*. Taken from https://books.google.co.id/books?id=KPBNrqVNJIUC

Fawaid, I. (2019). The Concept of Sadd Al-Dzarî'ah in the Perspective of Ibn Al-Qayyim Al-Jauziyah. *LISAN AL-HAL: Journal of the Development of Thought and Culture*, *13*(2), 323–340. https://doi.org/10.35316/lisanalhal.v13i2.599

Griffiths, J. (1986). What is legal pluralism? *Journal of Legal Pluralism and Unofficial Law*, *18*(24), 1–55.

Halim, A. (2025). Between legal reform and judicial practice: The paradox of marriage dispensation and child rights protection in Indonesian Religious Courts. *Hakam: Jurnal Kajian Hukum Islam dan Hukum Ekonomi Islam*, *9*(1), 216–236. https://doi.org/10.33650/jhi.v9i1.11753

Hasibuan, M. R. (2010). Age Determination in order to achieve the goal of marriage (Comparison between Law No. 1 of 1974 concerning Marriage and Law No. 23 of 2002 concerning Child

Protection). In *UIN Sunan Kalijaga Yogyakarta*. Taken from https://digilib.uin-suka.ac.id/id/eprint/4066/

Kania, D., & Fatoni, S. N. (2023). Protecting children's rights in marriage dispensation cases: Evidence from religious courts in Indonesia. *Asy-Syari'ah*, *25*(2), 79–98. https://doi.org/10.15575/as.v25i2.43846

Kau, S. A. P. (2013). Islamic Law Research Methods. *Book by IAIN Lecturer Sultan Amai Gorontalo*, *2*(1). Taken from https://journal.iaingorontalo.ac.id/index.php/buku/article/view/3456

Kawakib, K., Syuhud, H., & Yusuf, Y. (2021). Sadd al-Dzari'ah as Islamic Law: A Comparative Study of Ibn al-Qayyim Al-Jauziyah and Ibn Hazm. *Al-Bayan: Journal of Qur'an and Hadith Science*, *4*(1), 78–104. Retrieved from https://doi.org/10.35132/albayan.v4i1.103

Latif, N. (2001). Problems Surrounding Family and Household. *Bandung: Pustaka Hidayah*.

Mahrus, M. (2009). The Application of Al-Dzarã Ah and Al-Hã Lah: The Perspective of Islamic Law. *Journal of Islamic Law Iain Pekalongan*, *12*(1), 37049. Taken from https://www.neliti.com/publications/37049/aplikasi-al-dzaraah-dan-al-halah-perspektif-hukum-islam

Muhyidin, M. (2006). The Prophet Alone Didn't Get Married Early. *Diva Press, Yogyakarta*.

Munawaroh, H. (2018). Sadd al-Dzari'at and Its Application to Contemporary Fiqh Problems. *Journal of Ijtihad*, *12*(1), 69.

Negara, M. O. (2005). Unraveling the problems of women's sexual and reproductive life. *Women's Journal*, *41*, 7–21.

Ramulyo, M. I. (1985). Some issues about the civil procedure law of religious courts and Islamic marriage law. In *Ind-Hill*. Taken from https://books.google.co.id/books?id=yK0OAAAAIAAJ

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

Republic of Indonesia. (1990). Presidential Decree Number 36 of 1990 concerning the Ratification of the Convention on the Rights of the Child.

Republic of Indonesia. (1991). Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law.

Republic of Indonesia. (2009). Law Number 50 of 2009 concerning the Second Amendment to Law Number 7 of 1989 concerning Religious Courts.

Republic of Indonesia. (2014). Law Number 35 of 2014 concerning Amendment to Law Number 23 of 2002 concerning Child Protection.

Republic of Indonesia. (2019). Law Number 16 of 2019 concerning Amendment to Law Number 1 of 1974 concerning Marriage.

Rifiani, D. (2011). Early marriage in the perspective of Islamic law. *De Jure: Journal of Law and Shar'iah*, *3*(2). Taken from http://ejournal.uin-malang.ac.id/index.php/syariah/article/view/2144

Soekanto, S. (2005). Factors influencing law enforcement. *Raja Grafindo Persada*. Taken from https://library.stik-ptik.ac.id/detail?id=26362&lokasi=lokal

Sunarto, H. M. (2007). BKR Counseling Materials on Family Resilience Materials for Brides-to-be. In *Jakarta: National Population and Family Planning Agency (BkkbN).*

Supreme Court of the Republic of Indonesia. (2019). Supreme Court Regulation Number 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation Applications.

Takhim, M. (2019). Saddu al-Dzari'ah in MuamalahIslam. *ACCESS: Journal of Economics and Business*, *14*(1). Retrieved from https://doi.org/10.31942/akses.v14i1.3264

Yanggo, C. T., & Anshary, H. (2002). Contemporary Islamic legal problems. *Jakarta: Pustaka Firdaus*.

Yusuf, M. (2019). Research Methods: Quantitative, Qualitative, and Combined Research. *Media Pretone*. Taken from https://books.google.co.id/books?id=RnA-DwAAQBAJ&dq=Yusuf,+M.+(2019).+Method+Research:+Quantitative,+Qualitative,+and+Research+Combined.&lr=&hl=id&source=gbs_navlinks_s