SYARIAT: Akhwal Syaksiyah, Jinayah, Siyasah and Muamalah,Vol 02, no. 03 (2025): 103-113
Publisher: Yayasan Dermawan Cendikiawan Bersatu
E-ISSN: 3047-8219

Underage Marriage in Islamic Law: A Normative Juridical Analysis from the Perspective of Maqashid Syariah

Della Sakila
Universitas Islam Negeri Kiai Haji Achmad Siddiq Jember, Indonesia

Abstract: Marriage occupies an important position in Islamic law as the foundation of family formation and social stability. However, underage marriage remains debated in Muslim societies, particularly regarding the balance between religious principles, legal regulations, and child protection. This study aims to analyze underage marriage from the perspective of Islamic law, examine its relationship with Indonesian marriage regulations, and evaluate its implications through the five fundamental objectives of Maqashid Syariah. This research employs qualitative library research with a normative juridical design, using statutory, conceptual, comparative, and historical approaches. Primary sources include the Qur'an, Hadith, Islamic jurisprudence, and Indonesian legislation, analyzed through descriptive and normative methods. The analysis highlights differences between classical jurisprudential perspectives and contemporary Indonesian legal provisions, particularly regarding marriage eligibility, maturity, and family responsibilities. It also examines potential implications for the protection of religion, life, intellect, lineage, and property, emphasizing the need to balance maslahah and mafsadah. The study concludes that Maqashid Syariah provides an essential framework for prioritizing human welfare, justice, family stability, and children's protection.

Research Highlights:

- Examines underage marriage through the perspectives of Islamic jurisprudence and Indonesian marriage law.
- Analyzes the minimum marriage age and judicial dispensation under Law No. 16 of 2019.
- Evaluates underage marriage through the five objectives of Maqashid Syariah.
- Explores the balance between maslahah (benefit) and mafsadah (harm) in marriage practices.
- Emphasizes child protection, family welfare, justice, and responsible marriage.

Article history
Submitted 02-07-2025
Revised 29-08-2025
Accepted 30-10-2025

Keywords
Underage Marriage;
Islamic Law;
Maqashid Syariah;
Child Protection;
Indonesian Marriage Law.

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Corresponding Author:
Name: Della Sakila
Email:
dellasakila@gmail.com

INTRODUCTION

Marriage is an important religious and social institution in Islam that serves to establish families, preserve human dignity, maintain moral values, and promote social stability(Meraj, 2018). In Islamic law, marriage (nikah) is not merely a legal relationship between a man and a woman but also a commitment involving mutual rights, responsibilities, affection, and the establishment of a harmonious family. The Qur'an emphasizes that marriage is intended to create tranquility, love, and compassion between spouses, as stated in QS. Ar-Rum (30): 21. Therefore, marriage requires not only the fulfillment of formal legal requirements but also sufficient maturity, responsibility, and readiness to maintain family life.

One issue that continues to attract attention in Islamic family law is underage marriage. This practice remains a concern in various Muslim communities because it involves religious interpretations, social traditions, legal regulations, and the protection of children's rights. Classical Islamic jurisprudence discusses marriage eligibility through concepts such as puberty (baligh), guardianship (wilayah), and maturity(Baugh, 2017). However, contemporary discussions increasingly emphasize psychological

readiness, physical development, educational opportunities, and the ability to fulfill marital responsibilities. These considerations demonstrate the importance of reassessing underage marriage within the context of modern social conditions.

In Indonesia, marriage is regulated by Law No. 1 of 1974 concerning Marriage, as amended by Law No. 16 of 2019. The amended legislation establishes 19 years as the minimum marriage age for both men and women(Mursyid & Yusuf, 2022). Nevertheless, Article 7 allows parents to request marriage dispensation from the court for compelling reasons, accompanied by sufficient supporting evidence. Although this mechanism provides legal flexibility, it also raises questions concerning children's protection, judicial considerations, and the potential consequences of early marriage. These consequences may include reproductive health risks, psychological difficulties, educational interruption, economic vulnerability, and family instability.

The concept of Maqashid Syariah provides an important framework for examining this issue because Islamic law fundamentally aims to achieve human welfare (maslahah) and prevent harm (mafsadah)(Dusuki & Bouheraoua, 2011). Its five fundamental objectives consist of protecting religion (hifz al-din), life (hifz al-nafs), intellect (hifz al-'aql), lineage (hifz al-nasl), and property (hifz al-mal). These principles offer a comprehensive perspective for evaluating whether underage marriage supports or potentially undermines individual, family, and societal welfare. Consequently, underage marriage should be examined not only through formal legal provisions but also through the broader objectives of justice, human dignity, and child protection.

Research on underage marriage has received considerable attention over the past decade, particularly in relation to Islamic family law, minimum marriage-age regulations, child protection, and the application of Maqashid Syariah in contemporary Muslim societies. Roslaili, Idris, and Suhemi (2021), in their study entitled Family Law Reform in Indonesia According to the Maqashid al-Shari'a Perspective (A Case Study of Law No. 16 of 2019), examined the reform of Indonesian family law following the amendment of marriage-age regulations. Their research employed a qualitative library research approach to investigate the relationship between Law No. 16 of 2019 and the objectives of Islamic law. The findings indicated that establishing the minimum marriage age at 19 years for both men and women was consistent with the broader objectives of Sharia, particularly the protection of individuals and the promotion of family welfare. Their study demonstrated that contemporary Islamic family law can adapt to changing social conditions while maintaining its fundamental religious principles.

Furthermore, Malisi (2025), in his research entitled Analisis Batas Usia Pernikahan dalam Perspektif Hukum Islam: Studi Penerapan Teori Maslahat dan Maqashid Al-Syar'iah di Indonesia, analyzed the determination of the minimum marriage age through the theories of maslahah and Maqashid Syariah. Using a systematic literature review, the study examined the relationship between marriage-age regulations, Islamic legal objectives, and the implementation of marriage dispensation. The findings suggested that establishing 19 years as the minimum marriage age represents a contextual legal policy intended to protect individual welfare, reproductive health, educational opportunities, and socioeconomic stability. However, the study also identified challenges in implementing the regulation, particularly the continued occurrence of marriage-dispensation applications. This research is relevant because it demonstrates how the principles of Islamic legal objectives can support contemporary marriage regulations.

Anshori, Abdullah, Arif, and Mukri (2025), in their article entitled Child Marriage in Indonesia Based on Maqasid al-Shariah and the 2019 Marriage Law, specifically examined child marriage through the perspective of Maqashid Syariah and Indonesian marriage legislation. Their research employed qualitative library research by examining classical Islamic literature, scholarly opinions, and applicable Indonesian legal regulations. The findings indicated that although classical Islamic jurisprudence does not establish a universally agreed numerical minimum marriage age, the principles of Maqashid Syariah emphasize physical and psychological readiness, moral responsibility, and the protection of future generations. The authors particularly highlighted hifz al-nasl (protection of lineage) as an important consideration in evaluating underage marriage. Their study provides a direct foundation for understanding the relationship between Islamic legal principles and the contemporary regulation of child marriage.

Another relevant study was conducted by Hariyanto and Yulambangsari (2025), entitled A Measuring Justice and Child Protection: A Juridical Study of Marriage Dispensation After the Enactment of Law Number 16 of 2019. This research examined the legal framework governing marriage dispensation

and assessed whether judicial decisions adequately considered the best interests of children. Using a normative juridical approach, the authors analyzed marriage legislation, child-protection regulations, judicial decisions, and relevant academic literature. Their findings raised concerns that marriage-dispensation decisions may prioritize immediate circumstances, such as premarital pregnancy, over the long-term welfare and rights of children. The study emphasized the importance of strengthening judicial reasoning and ensuring that marriage dispensation remains an exceptional legal mechanism rather than an instrument that weakens child protection.

More recently, Kamba, Thalib, Mustika, and Sarson (2026), in their study entitled From Protection to Justification: Distorting Maqashid al-Shariah in Child Marriage, investigated how the principles of Maqashid Syariah can be misinterpreted in discussions concerning child marriage in Indonesia. Their research highlighted the possibility that a legal framework originally intended to protect human welfare may instead be used to justify practices that expose children to harm. The authors emphasized the importance of maintaining the protective orientation of Islamic legal objectives rather than using religious arguments to legitimize underage marriage without adequately considering children's interests. This study is particularly relevant because it demonstrates the need for critical and contextual interpretations of Maqashid Syariah in contemporary Islamic family law.

Based on these previous studies, it can be observed that research on underage marriage has developed through several important academic directions. Some studies emphasize the harmonization of Islamic law and Indonesian marriage legislation, while others focus on marriage dispensation, judicial considerations, child protection, and the application of Maqashid Syariah. Nevertheless, further analytical integration remains valuable, particularly in examining underage marriage through all five fundamental objectives of Islamic law: hifz al-din (protection of religion), hifz al-nafs (protection of life), hifz al-'aql (protection of intellect), hifz al-nasl (protection of lineage), and hifz al-mal (protection of property).

Therefore, this study addresses four questions: (1) How is underage marriage regulated and understood in Islamic law and Indonesian marriage legislation? (2) How can underage marriage be analyzed through the principles of Maqashid Syariah? (3) What are its implications for the protection of religion, life, intellect, lineage, and property? (4) How can Maqashid Syariah contribute to developing policies concerning underage marriage in contemporary Muslim society?

This research aims to analyze the legal foundations of underage marriage in Islamic law, examine Indonesian marriage regulations concerning minimum marriage age and judicial dispensation, evaluate underage marriage through the five fundamental principles of Maqashid Syariah, identify its potential benefits and harms, and explain how Islamic legal objectives can support marriage policies that prioritize justice, welfare, and children's protection.

Previous scholarly discussions have examined underage marriage from the perspectives of classical Islamic jurisprudence, Indonesian marriage legislation, women's rights, child protection, and family welfare. Other studies have explored Maqashid Syariah as an analytical framework for contemporary Islamic family law. Nevertheless, these discussions provide an opportunity for further integrated analysis connecting Islamic legal foundations, Indonesian marriage regulations, and all five objectives of Maqashid Syariah. This study addresses that analytical gap by examining underage marriage through the interconnected principles of religious protection, human life, intellectual development, family continuity, and economic security. Its contribution lies in integrating these dimensions to provide a comprehensive assessment of the relationship between Islamic legal principles and contemporary marriage regulations.

Theoretically, this research is expected to enrich Islamic family law scholarship by demonstrating the relevance of Maqashid Syariah in evaluating contemporary marriage issues. Practically, it may provide useful considerations for policymakers, judges, Islamic legal scholars, families, and communities in addressing underage marriage. Ultimately, this study seeks to encourage a more comprehensive understanding of marriage that emphasizes maturity, responsibility, justice, family welfare, and the protection of children's rights.

METHOD

This research employs a qualitative research design using library research to examine underage marriage from the perspective of Islamic law and Maqashid Syariah(Faizal et al., 2022). A qualitative approach is considered appropriate because the study focuses on understanding, interpreting, and

analyzing legal concepts, Islamic jurisprudence, statutory regulations, and scholarly perspectives concerning underage marriage. The research adopts a normative juridical method to investigate the legal foundations, principles, and regulations governing marriage in Islam and the Indonesian legal system. Furthermore, this study is descriptive-analytical because it describes the legal position of underage marriage, interprets relevant Islamic legal principles, and critically evaluates its implications for individual and family welfare. The research relies entirely on documentary and literature-based materials, without involving interviews, questionnaires, respondents, or direct field observations. Through this design, the study seeks to develop a comprehensive understanding of the relationship between Islamic legal principles, contemporary marriage regulations, and the objectives of Maqashid Syariah.

This study applies four complementary research approaches: statutory, conceptual, comparative, and historical approaches(Levi-Faur, 2004). First, the statutory approach examines Indonesian legal regulations governing marriage, minimum marriage age, and child protection. The principal legal instruments include Law No. 1 of 1974 concerning Marriage, as amended by Law No. 16 of 2019, Law No. 35 of 2014 concerning Amendments to the Child Protection Law, relevant provisions of the Compilation of Islamic Law (Kompilasi Hukum Islam), and the 1945 Constitution of the Republic of Indonesia, particularly its provisions concerning human rights and children's protection. These regulations are analyzed to understand the legal framework governing underage marriage, including the minimum marriage age and the judicial mechanism for marriage dispensation.

Second, the conceptual approach examines fundamental concepts in Islamic law, particularly Maqashid Syariah, maslahah (welfare or public interest), and mafsadah (harm or damage). It also investigates the concepts of marriage maturity, marital responsibility, women's and children's protection, justice, and family welfare. Particular attention is given to the five fundamental objectives of Islamic law: hifz al-din (protection of religion), hifz al-nafs (protection of life), hifz al-'aql (protection of intellect), hifz al-nasl (protection of lineage), and hifz al-mal (protection of property)(Solikin & Wasik, 2023). These concepts provide the analytical foundation for assessing whether underage marriage is consistent with the broader objectives of Islamic law.

Third, the comparative approach compares classical Islamic jurisprudence concerning marriage eligibility with contemporary Indonesian marriage regulations. This comparison considers the concepts of baligh (puberty), rushd (maturity of judgment), guardianship, marital readiness, and the responsibilities associated with family life(Zaman & Hashmi, 2019). It also examines how contemporary legal regulations establish minimum marriage-age requirements to address changing social conditions and strengthen individual protection. Fourth, the historical approach explores the development of Islamic legal thought concerning marriage eligibility and the evolution of marriage-age regulations in Indonesia. This approach helps explain the relationship between classical Islamic legal interpretations, contemporary legal reform, and the changing understanding of family welfare and children's rights.

The research materials consist of primary and secondary legal and academic sources. Primary sources include the Qur'an and Hadith concerning marriage, responsibility, family relationships, and the prevention of harm(Putra & Acela, 2023). Relevant Qur'anic references include QS. An-Nisa (4): 6, which discusses maturity and sound judgment, and QS. Ar-Rum (30): 21, which emphasizes tranquility, affection, and compassion in marriage. The study also examines classical and contemporary Islamic jurisprudence, particularly the contributions of Imam al-Ghazali and Imam al-Shatibi concerning the objectives of Islamic law. In addition, Indonesian statutory regulations, including the Marriage Law and the Compilation of Islamic Law, serve as essential legal sources for examining the contemporary legal framework governing underage marriage.

Secondary sources consist of academic books on Islamic family law, peer-reviewed journal articles, scholarly publications concerning underage marriage, and research discussing Maqashid Syariah, child protection, and contemporary Islamic legal reform. These materials are selected based on their relevance, academic credibility, and contribution to the research questions. Particular attention is given to scholarly publications from the last ten years to ensure that the discussion reflects contemporary developments in Islamic legal studies and Indonesian marriage legislation. The combination of primary and secondary sources enables the research to connect foundational Islamic legal principles with current legal interpretations and social concerns.

Data collection is conducted through documentation and systematic literature review(Okoli & Schabram, 2015). The process begins with identifying and collecting relevant legal documents, Islamic legal texts, academic books, journal articles, and previous research concerning underage marriage and Maqashid

Syariah. Subsequently, the collected materials are examined to identify legal provisions, theoretical arguments, scholarly interpretations, and relevant findings related to the research objectives. The literature selection process considers the relevance of each source to Islamic marriage law, Indonesian marriage regulations, child protection, and the five fundamental objectives of Maqashid Syariah. The selected materials are then classified according to the research questions and thematic categories, including the legal foundations of underage marriage, minimum marriage-age regulations, marriage dispensation, Islamic legal objectives, and the implications of early marriage for individual and family welfare. This systematic documentation process provides the foundation for the subsequent legal and conceptual analysis.

The collected research materials are analyzed qualitatively through several interconnected procedures(Saldaña & Omasta, 2016). First, data reduction is conducted by selecting relevant legal provisions, Islamic legal opinions, Qur'anic interpretations, Hadith, and scholarly literature that directly address underage marriage and Maqashid Syariah. Irrelevant or repetitive information is excluded to maintain the focus of the analysis. Second, data classification is performed by organizing the selected materials into thematic categories, including Islamic jurisprudence, Indonesian marriage legislation, marriage maturity, child protection, and the five fundamental objectives of Islamic law. This classification facilitates a systematic examination of the research problem.

Third, normative analysis is applied to examine the legal foundations, principles, and provisions governing underage marriage in Islamic law and Indonesian legislation(Jannah & Martini, 2023). This procedure identifies the relationship between formal legal requirements, Islamic legal interpretations, and the principles of justice and welfare. Fourth, comparative analysis is conducted by examining similarities and differences between classical Islamic jurisprudence and contemporary Indonesian marriage regulations, particularly concerning marriage eligibility, maturity, legal responsibility, and minimum marriage-age requirements. Fifth, Maqashid Syariah analysis is employed as the principal analytical framework to evaluate underage marriage through the protection of religion, life, intellect, lineage, and property. This analysis considers both the potential benefits (maslahah) and possible harms (mafsadah) associated with underage marriage, taking into account the importance of physical, psychological, educational, social, and economic welfare. Finally, conclusion drawing is undertaken by integrating the results of the normative, comparative, and Maqashid Syariah analyses to formulate a comprehensive interpretation of the legal position of underage marriage and its relevance to contemporary Islamic family law.

RESULTS AND DISCUSSION

The Concept and Legal Foundations of Underage Marriage in Islamic Law

Underage marriage refers to a marital relationship involving individuals who have not reached the minimum age established by applicable national legislation. In Indonesia, marriage involving individuals below 19 years of age is generally categorized as underage marriage because Law No. 16 of 2019 establishes 19 years as the minimum marriage age for both men and women. However, the concept of underage marriage requires a broader understanding when examined through Islamic jurisprudence because classical Islamic scholars have discussed marriage eligibility through several considerations, including puberty (baligh), guardianship (wilayah), physical development, and the ability to fulfill marital responsibilities. Consequently, the definition of marriage eligibility in classical Islamic jurisprudence is not entirely identical to the contemporary legal concept of minimum marriage age.

In Islamic teachings, marriage (nikah) represents a religious commitment and social institution intended to establish a peaceful, harmonious, and responsible family(Fauzan, 2020). The Qur'an emphasizes the importance of marriage in QS. Ar-Rum (30): 21, which explains that Allah creates affection and mercy between spouses so that they may find tranquility in one another. This verse demonstrates that marriage should provide emotional stability, mutual support, and compassion. Furthermore, QS. An-Nisa (4): 19 emphasizes the importance of treating women with kindness and maintaining respectful relationships within marriage. These principles indicate that marriage involves more than fulfilling formal legal requirements; it also requires ethical conduct, mutual understanding, and responsibility between spouses.

Another important Qur'anic reference is QS. An-Nisa (4): 6, which discusses the examination of orphans until they reach marriageable age and demonstrate sufficient sound judgment (rushd) before their

property is entrusted to them. Although this verse primarily concerns the management of orphans' property, it introduces an important distinction between reaching an age of maturity and possessing the capacity for responsible decision-making. In discussions of underage marriage, this distinction is relevant because physical puberty does not necessarily demonstrate complete psychological, intellectual, or economic readiness for family responsibilities.

Classical Islamic jurisprudence presents different interpretations concerning marriage eligibility(Elmali-Karakaya, 2022). The four major Sunni schools of Islamic jurisprudence, namely Hanafi, Maliki, Shafi'i, and Hanbali, discuss the authority of guardians and the conditions under which marriage may be contracted for individuals who have not reached puberty. Their interpretations differ regarding the scope of guardianship, the validity of certain marriages, and the conditions governing consent. Nevertheless, the existence of classical discussions concerning the legal validity of marriage does not necessarily establish that every marriage involving an individual who has not reached puberty is beneficial or appropriate under all circumstances.

The concept of baligh generally refers to the attainment of puberty, which is traditionally associated with physical and biological signs of maturity. Meanwhile, rushd refers to sound judgment and the ability to make responsible decisions. These concepts should be distinguished from one another because biological development does not automatically guarantee psychological maturity or the capacity to manage marital responsibilities. In this regard, contemporary discussions of Islamic family law increasingly consider emotional readiness, educational development, physical health, financial preparedness, and the ability to establish a stable family.

The role of guardians (wali) is also an important aspect of Islamic marriage jurisprudence. A guardian has responsibilities concerning the protection of the interests of the person under their guardianship(Quinn & Krooks, 2012). However, guardianship should not be interpreted as unrestricted authority to impose marriage without considering the welfare and interests of the prospective spouse. Consent, protection from harm, and the fulfillment of marital responsibilities remain important considerations in evaluating marriage practices.

Underage Marriage in the Indonesian Legal System

The regulation of marriage age in Indonesia has undergone significant development in response to changing social conditions and increasing attention to gender equality and children's rights. Initially, Law No. 1 of 1974 concerning Marriage established different minimum marriage ages for men and women. Under Article 7 of the original legislation, men were permitted to marry at 19 years, whereas women could marry at 16 years. This difference subsequently attracted criticism because it raised concerns about unequal legal treatment and insufficient protection for girls against the potential consequences of early marriage.

Legal reform occurred through Law No. 16 of 2019, which amended the previous Marriage Law by establishing 19 years as the minimum marriage age for both men and women. This amendment represents an important development in Indonesian family law because it promotes equal legal treatment and strengthens the protection of children. The regulation reflects the understanding that marriage involves significant physical, psychological, social, and economic responsibilities that require an appropriate level of maturity.

Nevertheless, Indonesian marriage legislation provides a mechanism for marriage dispensation. Article 7 paragraph (2) of Law No. 16 of 2019 states that parents may request dispensation from the court for compelling reasons, accompanied by sufficient supporting evidence(Mansari et al., 2020). This provision indicates that marriage below the established minimum age is not automatically permitted but may be considered through a judicial process. For Muslim applicants, marriage-dispensation applications fall under the jurisdiction of the Religious Court, whereas applications involving non-Muslims fall under the jurisdiction of the District Court, in accordance with the applicable legal framework.

Judges have an important responsibility in evaluating marriage-dispensation applications. Their decisions should not merely consider the formal arguments presented by parents but must also examine the circumstances and potential consequences for the prospective spouses. Relevant considerations include the consent of the individuals concerned, their physical and psychological readiness, educational circumstances, reproductive health, family conditions, and the potential risks associated with the proposed marriage. Supreme Court Regulation No. 5 of 2019 concerning Guidelines for Adjudicating Applications for Marriage Dispensation provides procedural guidance for judges in examining these applications, including attention to the principles of children's best interests and protection from discrimination, coercion, violence, and other harmful consequences.

The relationship between marriage-age regulation and child protection is also reflected in Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 on Child Protection, as subsequently amended by Law No. 17 of 2016. These regulations establish the importance of protecting children's rights, development, dignity, and welfare. Furthermore, the 1945 Constitution of the Republic of Indonesia recognizes the right to protection from discrimination and violence and the right of children to survive, grow, and develop.

From the perspective of Islamic law, the Indonesian minimum marriage-age regulation can be understood as an effort to realize public welfare (maslahah) and prevent potential harm (mafsadah). Although classical Islamic jurisprudence contains different discussions concerning marriage eligibility, contemporary legal regulations seek to establish standards that respond to current social realities. Therefore, the existence of marriage dispensation should be evaluated carefully to ensure that exceptional circumstances do not undermine the fundamental objective of protecting children and maintaining family welfare.

The Concept of Maqashid Syariah in Islamic Law

Maqashid Syariah refers to the fundamental objectives and purposes of Islamic law in establishing justice, protecting human interests, promoting welfare, and preventing harm. It provides a comprehensive framework for understanding Islamic legal provisions beyond their literal formulations by considering the wisdom, purposes, and consequences of legal implementation. In this context, Islamic law is directed toward realizing human welfare in religious, social, economic, and moral dimensions. The application of Maqashid Syariah is therefore relevant to contemporary legal issues, including underage marriage, because it allows legal practices to be evaluated according to their implications for individuals, families, and society.

The development of Maqashid Syariah is closely associated with the contributions of prominent Islamic legal scholars, particularly Imam al-Ghazali and Imam al-Shatibi(Delagic & Ghalia, 2018). Imam al-Ghazali, in his work Al-Mustasfa min 'Ilm al-Usul, explained the importance of protecting five fundamental necessities: religion, life, intellect, lineage, and property. He emphasized that Islamic law seeks to preserve these essential interests because their protection is fundamental to human welfare. Imam al-Shatibi subsequently developed a more systematic understanding of Maqashid Syariah in Al-Muwafaqat, explaining the relationship between Islamic legal provisions and the realization of human interests. His contributions strengthened the understanding that Islamic law must be interpreted in accordance with its fundamental purposes and the welfare of society.

Maqashid Syariah is commonly classified into three levels of human interests: daruriyyat, hajiyyat, and tahsiniyyat. First, daruriyyat refers to essential necessities that must be protected to maintain human life and social order. The five fundamental objectives of Islamic law belong to this category. Second, hajiyyat refers to complementary needs that facilitate human life and reduce difficulties, although their absence does not necessarily destroy the basic structure of society. Third, tahsiniyyat refers to refinements and improvements associated with moral values, ethical conduct, dignity, and social appropriateness. These three levels demonstrate that Islamic law considers human welfare comprehensively, ranging from essential protection to the improvement of individual and social life.

In relation to underage marriage, the five fundamental objectives provide an analytical framework for evaluating the legal, social, physical, psychological, and economic implications of early marriage(Gunawan & Bahri, 2023). The protection of religion (hifz al-din) emphasizes the importance of maintaining religious values and fulfilling marital responsibilities. The protection of life (hifz al-nafs) concerns physical safety, reproductive health, and psychological well-being. The protection of intellect (hifz al-'aql) emphasizes educational opportunities, intellectual development, and sound decision-making. The protection of lineage (hifz al-nasl) concerns responsible parenthood, children's rights, and family stability. Finally, the protection of property (hifz al-mal) emphasizes economic security, financial responsibility, and the ability to maintain family welfare. These objectives demonstrate that the assessment of underage marriage should consider the overall consequences of marriage rather than focusing exclusively on its formal legal validity.

Analysis of Underage Marriage Based on the Five Principles of Maqashid Syariah

The protection of religion (hifz al-din) represents one of the fundamental objectives of Islamic law and concerns the preservation of religious beliefs, values, worship, and moral responsibilities(March, 2011). In Islamic teachings, marriage is considered an important institution for maintaining moral conduct,

establishing a legitimate family relationship, and fulfilling religious responsibilities. Marriage can provide a framework for spouses to support one another in religious observance and develop a household based on Islamic ethical principles.

However, the relationship between marriage and religious protection should not be interpreted as an automatic justification for underage marriage. Although marriage may contribute to moral development and religious commitment, these objectives require sufficient understanding, consent, and responsibility from both spouses. Individuals who lack the necessary maturity may experience difficulties in fulfilling marital obligations and maintaining harmonious relationships(Indra et al., 2023). Therefore, hifz al-din requires that marriage be evaluated not only through its religious status but also through its capacity to promote moral responsibility, mutual respect, and family welfare. From this perspective, preventing harmful underage marriage is consistent with Islamic religious objectives because the preservation of religion also involves maintaining justice, compassion, and the dignity of individuals.

The protection of life (hifz al-nafs) emphasizes the preservation of human life, physical safety, health, and psychological well-being. This principle is particularly relevant to underage marriage because individuals who marry at a young age may face health and social challenges associated with insufficient physical and emotional development. Early pregnancy, for example, may involve increased reproductive and maternal health risks, particularly among adolescents whose bodies are still developing. The possibility of pregnancy-related complications makes reproductive health an important consideration when evaluating underage marriage.

In addition to physical health, early marriage may create psychological pressures arising from marital responsibilities, household management, pregnancy, and family expectations. Young individuals may not possess sufficient emotional maturity to manage conflicts, communicate effectively, or respond to complex family circumstances(Steele & Steele, 2005). In certain situations, unequal relationships and economic dependency may also increase vulnerability to domestic violence and psychological distress. Nevertheless, these risks should be understood as potential consequences rather than inevitable outcomes of every underage marriage.

The protection of intellect (hifz al-'aql) concerns the preservation and development of human intellectual capacity, knowledge, education, and sound judgment. Education plays an essential role in preparing individuals to make responsible decisions and participate productively in family and social life. However, underage marriage may interrupt educational opportunities, particularly when young spouses are expected to assume household responsibilities, employment obligations, or parental duties before completing their education.

Educational interruption may limit future employment opportunities and reduce the ability of individuals to achieve economic independence. Furthermore, psychological maturity and decision-making capacity are important elements of marital readiness because marriage requires communication, conflict resolution, financial planning, and responsible judgment. Individuals who have not developed these capacities may encounter difficulties in maintaining healthy marital relationships.

The protection of lineage (hifz al-nasl) is concerned with maintaining family relationships, protecting children's rights, ensuring responsible parenthood, and preserving future generations(Nurjanah et al., 2022). In Islamic law, marriage provides a legitimate framework for establishing a family and fulfilling responsibilities toward children. However, the protection of lineage should not be understood merely as the continuation of biological generations. It also involves ensuring that children are born, raised, educated, and protected within a safe and supportive family environment.

Underage marriage may create challenges for responsible parenthood when young spouses lack sufficient psychological, social, and economic preparation to raise children. Parenting requires emotional stability, knowledge of child development, financial responsibility, and the ability to provide a secure environment. When these capacities are insufficient, children may experience difficulties related to health, education, emotional development, and family stability.

The Benefits and Potential Harms of Underage Marriage from the Perspective of Maslahah and Mafsadah

The concepts of maslahah and mafsadah provide an important foundation for evaluating underage marriage in Islamic law. Maslahah refers to benefits or interests that contribute to human welfare, whereas mafsadah refers to conditions that produce harm or undermine individual and social well-being(Ibrahim et al., 2019). In classical Islamic legal discussions, marriage is recognized as an institution that can protect morality, establish legitimate family relationships, and provide mutual support between spouses. Some

traditional arguments supporting early marriage emphasize the prevention of prohibited sexual relationships, the preservation of moral conduct, and the establishment of family life. These considerations demonstrate the potential religious and social benefits associated with marriage.

However, the existence of potential benefits does not mean that every underage marriage necessarily produces maslahah. The evaluation must consider the actual circumstances, maturity, consent, health, educational opportunities, and economic conditions of the individuals involved. A marriage that is formally valid under a particular interpretation of Islamic jurisprudence may still produce harmful consequences when the prospective spouses lack the necessary readiness to fulfill their responsibilities. Therefore, the distinction between formal legal validity and the realization of substantive welfare is essential in contemporary Islamic legal analysis.

The potential mafsadah associated with underage marriage includes reproductive health complications, psychological pressure, interrupted education, economic dependency, family conflict, and vulnerability to violence(Irawan, 2017). These consequences may affect not only the individuals involved but also their children and wider family relationships. From the perspective of Maqashid Syariah, such risks must be evaluated according to the five fundamental objectives of Islamic law. If underage marriage threatens the protection of life, intellect, lineage, or property, its claimed benefits must be reconsidered in light of the broader objectives of Sharia.

An important legal principle in this discussion is dar'u al-mafasid (preventing harm), which emphasizes the importance of avoiding conditions that may undermine human welfare. This principle is closely related to the legal maxim la darar wa la dirar, meaning that harm should neither be inflicted nor reciprocated. These principles demonstrate that Islamic law does not merely recognize the permissibility of certain legal actions but also considers their consequences for human beings.

The Relevance of Maqashid Syariah to Contemporary Marriage Regulation and Policy

The application of Maqashid Syariah is highly relevant to contemporary Indonesian marriage regulations because it provides a broader Islamic legal justification for policies that prioritize maturity, equality, and child protection. The establishment of 19 years as the minimum marriage age for both men and women under Law No. 16 of 2019 can be understood as a legal effort to promote individual welfare and prevent potential harm. From the perspective of Islamic law, such regulation does not necessarily contradict classical jurisprudence because contemporary legal policies may consider changing social conditions and the broader objectives of Sharia. The fundamental concern is whether the regulation contributes to the protection of human dignity, family stability, and public welfare.

Furthermore, Maqashid Syariah provides an important framework for evaluating marriage-dispensation applications. Although Indonesian legislation permits courts to grant dispensation under compelling circumstances, judicial decisions should carefully consider the best interests of the prospective spouses. Judges should examine relevant factors, including consent, physical and psychological readiness, educational circumstances, reproductive health, family conditions, and the possibility of harm(Melton et al., 2017). Marriage dispensation should therefore remain an exceptional legal mechanism rather than a routine alternative to the statutory minimum marriage age. The objective is to ensure that judicial decisions promote substantive justice and do not unintentionally weaken the protection of children.

The role of families and communities is equally important in preventing harmful underage marriage(UNICEF., 2005). Parents should provide guidance concerning education, personal development, religious values, and responsible decision-making. Communities and religious institutions can contribute by promoting awareness of marriage readiness and explaining the relationship between Islamic teachings and children's rights. Educational institutions and health professionals also have important responsibilities in providing information concerning reproductive health, psychological development, and the consequences of early marriage.

In addition, contemporary marriage policies should consider the economic and social circumstances that contribute to underage marriage. Poverty, limited educational access, cultural expectations, and insufficient awareness of legal protections may influence family decisions concerning early marriage(Parsons et al., 2015). Therefore, preventive strategies should not rely exclusively on legal restrictions but should also include educational support, social protection, reproductive health awareness, and economic empowerment. These measures are consistent with the objectives of hifz al-'aql, hifz al-nafs, and hifz al-mal, while also strengthening the protection of lineage and family welfare.

CONCLUSION

This study concludes that underage marriage remains a complex issue in Islamic jurisprudence and Indonesian marriage law. Classical Islamic jurisprudence discusses marriage eligibility through concepts such as baligh, guardianship, and legal capacity, whereas contemporary perspectives increasingly emphasize psychological maturity, physical readiness, and the ability to fulfill marital responsibilities. In Indonesia, Law No. 16 of 2019 establishes 19 years as the minimum marriage age for both men and women, while allowing judicial dispensation under compelling circumstances. The application of Maqashid Syariah provides a comprehensive framework for evaluating underage marriage through the protection of religion, life, intellect, lineage, and property. These principles demonstrate that marriage should promote individual welfare, family stability, justice, and the prevention of harm rather than merely fulfill formal legal requirements. Practically, this study highlights the importance of strengthening child protection, carefully assessing marriage-dispensation applications, promoting educational opportunities, and increasing public awareness of marriage readiness. Islamic legal scholars, judges, policymakers, and families should prioritize children's welfare and responsible family formation. Future researchers are encouraged to conduct further normative and empirical studies examining the implementation of Maqashid Syariah in contemporary Islamic family law.

AUTHORS' DECLARATION

Authors' Contributions and Responsibilities

The author was responsible for conceptualizing the research, formulating the research questions and objectives, conducting the literature review, collecting and examining primary and secondary legal sources, and analyzing the findings using normative juridical and Maqashid Syariah approaches.

Competing Interests

The author declares that there are no competing interests related to the research, authorship, or publication of this article. The research was conducted independently, and no financial or personal relationships influenced the analysis, interpretation, or presentation of the findings.

Acknowledgments

The author would like to express sincere appreciation to all individuals and institutions that supported the completion of this research. Special thanks are extended to academic colleagues and scholarly contributors whose publications provided valuable insights into Islamic law, Indonesian marriage regulations, child protection, and Maqashid Syariah.

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