



FIQH REVIEW OF MARRIAGE DISPENSATION AT THE MAROS RELIGIOUS COURT

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ABSTRACT

This study aims to examine the perspective of Islamic law on granting marriage dispensation and to examine cases of marriage dispensation at the Maros Religious Court. In addition, this study also aims to understand marriage dispensation from the perspective of ushul fiqh. This study uses a qualitative field research methodology with a juridical-empirical approach. Data sources include primary data collected from six judges at the Maros Religious Court and secondary data from three people who support this study. The data collection methods used are observation, interviews, documentation, and literature review. Data processing and analysis are carried out through four stages, namely data reduction, data presentation, data verification, and drawing conclusions. From an Islamic law perspective, there are no strict provisions regarding underage marriage. However, this does not mean that Islamic law does not regulate further. Underage marriage, the need to explore Islamic law such as *ijtihad*. The judge's decision to grant or reject marriage dispensation is based on the urgency of each case. From the perspective of ushul fiqh, marriage dispensation cannot be viewed from only one side of *maqasid al-syariah*, such as the aim of preventing immoral behavior such as adultery. The aim is to create a family like the example of the Prophet Muhammad. Underage marriage requires careful consideration. One way to respond is to realize that the Religious Court is not the only authority in this matter. The main role lies in the hands of parents, society, and various other legal entities. This is to ensure a sense of security and harmony.

Keywords: Family law; marriage dispensation; jurisprudence review

1. INTRODUCTION

In Islamic tradition, mediation is regarded as an *islah* (reconciliation) effort aimed at resolving marital disputes, grounded in compassion (*mawaddah wa rahmah*) and justice (*'adl*). It is considered essential for maintaining household integrity and preventing divorce (*thalak*). The Qur'an underscores the importance of third-party involvement in marital conflict resolution, as reflected in Surah An-Nisa (4:35):

"If you fear dissension between the two, send an arbitrator from his family and an arbitrator from her family. If they desire reconciliation, Allah will cause it between them. Indeed, Allah is All-Knowing and Acquainted with all things."

Marital conflict frequently serves as a catalyst for household dissolution, culminating in divorce. In Indonesia, particularly in Gorontalo City, marriage mediation has emerged as a strategic measure to curb the rising divorce rate. Mediation provides a forum for couples to engage in open communication and collaboratively seek solutions, either to repair their relationship or to amicably resolve their disputes. Furthermore, the Gorontalo culture's high regard for family values provides a strong foundation for the practice of mediation.

This research aims to:

- 1) Analyze the process of marriage mediation in Gorontalo City.
- 2) Identify the role of local wisdom in shaping mediation practices.

Evaluate the challenges and success factors of mediation in marital conflict resolution.

2. METHODS

The type of research used by the author is qualitative research which is better known as naturalistic inquiry.¹ This research model is descriptive qualitative. Descriptive method is a method used to examine the status of a group of people, an object, a set of conditions, a system of thought, or a class of events in the present.² While qualitative research is a research approach that reveals certain social situations by describing reality correctly, formed by words based on relevant data collection and analysis techniques obtained from natural situations.³ Qualitative research is research that does not make calculations with numbers, because qualitative research is research that provides a factual and systematic description of conditions regarding factors, characteristics and relationships between phenomena that are owned to accumulate the basics only.⁴ Another view states that qualitative research is research to explore and strengthen predictions of a symptom that applies based on data obtained in the field.⁵ Based on several views above, qualitative research in this paper is intended to explore a fact, then provide an explanation related to the various realities found. Therefore, the researcher directly observed the events in the field that were directly related to the review of Islamic jurisprudence on marriage dispensation at the Maros religious court. This research is a type of field research with a focus on the study of the juridical-empirical approach. The juridical approach is a method used in a study that uses the principles and regulations of legislation to review, see, and analyze problems, while the empirical approach method is a framework of evidence or testing to ensure a truth. The data sources in this study use two forms of data, namely primary and secondary data. Primary data is a source of data obtained from in-depth interviews, so that they can be used as witnesses.

¹Lexy J Moleong, *Metodologi Penelitian Kualitatif*, (Bandung: Remaja Rosdakarya, 2019), h. 80.

²Burhan Bungin, *Penelitian Kualitatif: Komunikasi, Ekonomi, Kebijakan Publik, dan Ilmu Sosial Lainnya*, (Jakarta: Kencana, 2020), h. 90.

³Sugiyono, *Metode Penelitian Kualitatif, Kuantitatif, dan R&D*, (Bandung: Alfabeta, 2018), h. 100.

⁴Lexy J Moleong, *Metodologi Penelitian Kualitatif*, h. 40.

⁵Sugiyono, *Metode Penelitian Kualitatif, Kuantitatif, dan R&D*, h. 150.

Primary data is data that is directly obtained from the first data source at the research location or research object. While secondary data is data obtained to support primary data. The data collection method is through interviews and documentation. While the research instruments are interview guidelines, cameras, recorders, and stationery. The data analysis used by the researcher is the data analysis method according to Miles and Hubberman, namely data collection, data reduction, data display, data verification and drawing conclusions.⁶ This stage includes the process of collecting data in the field, either in the form of interview results or data in the form of documents that will later be processed and led to the next stage. Data condensation, at this stage, data that has been obtained in the field is collected then carefully examined, edited, and sorted into necessary and unnecessary data. Data that is related and relevant to research needs is classified and then coded according to the research objectives. In detail, data reduction carried out in this stage is the process of sorting, focusing attention to simplify, abstract and transform data obtained in the field. Next is organizing/displaying data. At this stage, the edited data is then organized as a whole. Qualitative data is presented in the form of descriptive narratives. This is intended to see the relationship and facilitate further work. Verifying data, at this stage the researcher re-examines the data that has been reduced, examined, edited, and the data that has been organized. This is done to re-check the validity of the data and then draw conclusions. In drawing conclusions on data that has been found and processed carefully and systematically, researchers use inductive analysis. Testing the validity of data Testing the validity of data using triangulation techniques. Triangulation is a technique for checking the validity of data that utilizes something else, outside the data for checking purposes or as a comparison to the data, the technique is by checking the source.⁷

3. RESULTS AND DISCUSSION

Marriage Dispensation Case at the Maros Religious Court. Referring to findings in the field, there were 43 marriage dispensation cases received and decided at the Maros Religious Court from 2016-2017, as in the following table:

Table 1. Number of marriage dispensation cases from 2016-2017

Number	Year	Number of Cases Granted	Number of Cases Rejected	Number of Cases Dismissed	Number of Cases Withdrawn	Amount
1	2016	19	-	-	2	21
2	2017	14	-	-	8	22
Total Cases						43

Data Source: Maros Religious Court

Meanwhile, marriage dispensation cases received and decided at the Maros Religious Court in 2018 from January to October were 57 cases, as in the following table:

⁶Miles, M. B dan Hubberman AM, *An Expenden Source Book, Qualitative Data Analipsis* (London: Sage Publication, 2020), h. 20.

⁷Lexy Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT. Remaja Rosdakarya, 2018), h. 178.

Table 2. Number of marriage dispensation cases from January-October 2018.

Number	Month	Number of Cases Granted	Number of Cases Rejected	Number of Cases Dismissed	Number of Cases Withdrawn	Amount
1	January	2	-	-	1	3
2	February	1	-	-	2	3
3	March	1	-	-	2	3
4	April	4	-	-	2	6
5	May	6	1	-	2	9
6	June	3	-	-	2	5
7	July	4	-	-	2	6
8	August	7	-	-	2	9
9	September	7	-	1	1	9
10	October	3	-	1	-	4
Total Cases						57

Data Source: Maros Religious Court

Based on the table data, it shows that in the last two years, namely 2016 to 2017, the volume of marriage dispensation application cases received and decided by the Maros Religious Court can be categorized as low because when compared to marriage dispensation cases in 2018 from January to October more than doubled from the previous year. As for the factors in which marriage dispensation cases occur at the Maros Religious Court, the majority of applicants who apply for marriage dispensation are due to out-of-wedlock pregnancies, economics, education, and finally cultural factors. However, several of these factors in our decisions vary, there are decisions that we grant, there are those that are rejected, there are also those that are overturned and there are those decisions that we revoke, in this case it depends on the extent of the emergency of the applicant's reason for requesting a marriage dispensation.⁸

The results of the interview above explain that the cause of the request for marriage dispensation at the Maros Religious Court was influenced by the factor of being pregnant out of wedlock, namely due to a lack of control and guidance towards children resulting in promiscuity, starting from going alone with close friends, having a high ego if you don't have friends. close and so on. In the end, one of the consequences of promiscuity is pregnancy out of wedlock. Then there are economic factors, namely the inability of parents to pay for their children to continue their education and ultimately marrying off their children at a young age. The educational factor, namely low levels of education, tends to carry out economic activities from generation to generation without any accountability. As a result, his work productivity was very low so he was unable to meet his daily needs adequately. So the applicant has a reason to marry off his child. Finally, the cultural factor is the feeling of anxiety towards parents if their child does not get married and ends up getting married to their choice, even though the child is still relatively young (underage).

⁸Martina Budiana Mulya, Ketua Pengadilan Agama Maros Provinsi Sulawesi Selatan, *Wawancara*, (31 Oktober 2018).

A person who wants to get married but is not old enough according to Republic of Indonesia Law no. 1 of 1974 concerning marriage must obtain permission from the Court. If someone who is underage registers their marriage at the KUA, the KUA will refuse and issue a notification letter of refusal to carry out the marriage. For this reason, a person must submit a request for marriage dispensation to the Religious Court. Those who act as applicants in submitting applications for marriage dispensation at the Religious Courts are the parents of children who are underage to marry.⁹

Judge's Considerations in Granting, Rejecting, Dismissing and Withdrawing a Marriage Dispensation Application

Based on the findings in the field, the occurrence of marriage dispensation at the Maros Religious Court is divided into four categories, namely as follows:

1. Unwed pregnancy

Marriage dispensation cases are based on the judge's considerations, whether granting, rejecting, aborting and withdrawing requests for marriage dispensation due to out-of-wedlock pregnancy occurring from January to October 2018. As can be seen in the following table:

Number	Month	Number of Cases Granted	Number of Cases Rejected	Number of Cases Dismissed	Number of Cases Withdrawn	Amount
1	January	1	-	-	-	1
2	February	1	-	-	-	1
3	March	1	-	-	-	1
4	April	2	-	-	-	2
5	May	3	-	-	-	3
6	June	2	-	-	-	2
7	July	2	-	-	-	2
8	August	4	-	-	-	4
9	September	3	-	-	-	3
10	October	2	-	-	-	2
Total Cases						21

Data Source: Maros Religious Court

In January there were two cases of pregnancy out of wedlock, in February one, in March one, in April four, in May six, in June three, in July four, in August seven, in September seven and in October there were three cases of pregnancy in out of wedlock. From the several case descriptions above, the emergency level meets the terms and conditions. Therefore, the judge granted the request for marriage dispensation. As Muh. Arief Ridha as one of the judges at the Maros Religious Court who decided the case:

⁹As'ad F, Panitera Pengadilan Agama Maros Provinsi Sulawesi Selatan, *Wawancara*, (12 November 2018).

The issue of marriage dispensation in Maros Regency is very minimal compared to other districts such as Sungguminasa, where there are more than a thousand cases of marriage dispensation per year. Our considerations in deciding this case depend on the extent of the applicant's reasons or level of emergency, and if the applicant is pregnant then there is no other way but to grant the request in order to preserve the environment, family and offspring.¹⁰ The explanation above is one of the reasons the judge granted the request for marriage dispensation, the judge saw from the level of emergency of the applicant such as being pregnant out of wedlock, both parents of the prospective bride and groom had approved of their relationship and the two prospective bride and groom both liked each other, then Based on several considerations like this, the judges at the Maros Religious Court granted the request for marriage dispensation.

According to researchers, the granting of marriage dispensation by the judge, especially applicants who apply for dispensation while pregnant out of wedlock, has no common thread to reject the application. Because if the application is withdrawn it will have an impact on the child she gives birth to. However, this does not mean that this case is just abandoned because there must be observation and control from several parties such as parents, family and other communities so that pregnancy out of wedlock does not occur.

2. Economic Factors

Marriage dispensation cases are based on the judge's considerations, whether granting, rejecting, aborting and withdrawing requests for marriage dispensation due to economic factors in just a few months in 2018. As can be seen in the following table:

Number	Month	Number of Cases Granted	Number of Cases Rejected	Number of Cases Dismissed	Number of Cases Withdrawn	Amount
1	January	1	-	-	-	1
2	February	-	-	-	-	-
3	March	-	-	-	-	-
4	April	1	-	-	-	1
5	May	2	-	-	-	2
6	June	1	-	-	-	1
7	July	2	-	-	-	2
8	August	2	-	-	-	2
9	September	3	-	-	-	3
10	October	1	-	-	-	1
Total Cases						13

Data Source: Maros Religious Court

¹⁰Muh. Arief Ridha, Hakim Pengadilan Agama Maros Provinsi Sulawesi Selatan, *Wawancara* (12 November 2018).

In January there was one marriage dispensation case due to economic factors, in April one, in May two, in June one, in July two, in August two, in September three and in October there was one case. From several descriptions of the case above, the judge granted the request for marriage dispensation due to economic factors.

In the opinion of Irham Riad as one of the judges at the Maros Religious Court who decided the case:

The issue of marriage dispensation, especially in the city of Maros, is mostly due to out-of-wedlock pregnancies and other reasons due to economic factors, this occurs mostly due to environmental factors or remote villages so that certain types of access such as social assistance from the government are difficult to obtain. One of the reasons for the applicant's request to be granted was because his family's finances were minimal and he had quite a lot of siblings, so the person proposing was someone who was established enough to support the child, so as a parent the applicant wanted to marry off their child for the sake of their survival.¹¹

The explanation above is one of the reasons the judge granted the marriage dispensation request, the judge looked at the level of emergency of the applicant, from several reasons, namely because both parents of the prospective bride and groom had approved of their relationship and the two prospective bride and groom both liked each other, So, based on several considerations like this, the judges at the Maros Religious Court granted the request for marriage dispensation.

According to researchers, the judge granted marriage dispensation, especially to applicants who applied for dispensation in very poor economic conditions, so the judge did not withdraw the application. Because if the application is withdrawn it will have an impact on the future of their children. However, this does not mean that this case is simply ignored because there are still other ways to follow up on this case, such as providing free education, free health costs, and the government must take care of all the complaints of its citizens, especially in Maros district. So this early marriage is not done arbitrarily because they are busy with various activities such as learning to work in order to achieve their dreams.

3. Educational Factors

Marriage dispensation cases are based on the judge's considerations, whether granting, rejecting, aborting and withdrawing requests for marriage dispensation due to educational factors, from January to October 2018. As can be seen in the following table:

Number	Month	Number of Cases Granted	Number of Cases Rejected	Number of Cases Dismissed	Number of Cases Withdrawn	Amount
1	January	-	-	-	1	1
2	February	-	-	-	2	2
3	March	-	-	-	2	2
4	April	-	-	-	2	2
5	May	1	-	-	1	2

¹¹Irham Riad, Hakim Pengadilan Agama Maros Provinsi Sulawesi Selatan, *Wawancara* (12 November 2018).

6	June	-	-	-	1	1
7	July	2	-	-	1	3
8	August	2	-	-	1	3
9	September	3	-	1	1	5
10	October	1	-	1	-	2
Total Cases						23

Data Source: Maros Religious Court

In January one case was found, in February two, in March two, in April two, in May two cases but one request for dispensation was granted and the other was withdrawn, in June one, in July and August three cases each but two requests for dispensation was granted and one was revoked, in September there were five cases and in the decision three requests for dispensation were granted, one case was dismissed and one case was revoked, and in October there were two marriage dispensation cases, in the decision one case was granted and the other was dismissed. From several descriptions of marriage dispensation cases, the level of emergency is based on various categories. Therefore, in giving a decision on marriage dispensation the judge looks at the extent of the applicant's reasons for applying for marriage dispensation.

In the opinion of Martina Budiana Mulya as one of the judges at the Maros Religious Court who decided the case:

The issue of marriage dispensation in Maros Regency is very minimal compared to other districts such as Sidrap where there are more than a thousand cases of marriage dispensation per year. Our considerations in deciding the case depend on the extent of the reasons or the level of emergency of the applicant. In marriage dispensation cases which apply for educational factors, there are various reasons, one of which is that there are those who apply for marriage dispensation not only because of educational factors but also because of economic factors, so if the reason is - the reason submitted by the applicant is due to educational and economic factors, so we will grant it. This is different from the applicant who applies for a marriage dispensation because of environmental factors or local residents so he wants to marry off his child but immediately during the trial the child does not want to get married because he still wants to continue his studies, so in this case we as judges revoke the decision on the request for a marriage dispensation in order to achieve his goals. the child's wishes.¹²

The explanation above is one of the reasons why the judge grants, rejects, aborts and withdraws the request for a marriage dispensation depending on the extent of the emergency. In this case, there were several reasons for the applicant, one of which was that he wanted to marry off his child because of educational and economic factors, so the judge granted it. This is different from the applicant who applied for a dispensation because he was worried that his child would not get married, but immediately during the trial when the child was asked by the judge, it turned out that the child did not want to get married because he still wanted to continue his education, so the judge decided to withdraw the marriage dispensation case. In the

¹²Martina Budiana Mulya, Ketua Pengadilan Agama Maros Provinsi Sulawesi Selatan, *Wawancara* (12 November 2018).

table above, in September and October, the decision was annulled because the applicant did not appear at the trial more than twice, so the judge at the Maros Religious Court dismissed the application for dispensation because he was deemed not serious in submitting the application for marriage dispensation.

The judge grants marriage dispensation, according to researchers, especially applicants who apply for marriage dispensation due to educational factors. In the judge's decision there are various forms of decision depending on the applicant's reasons for applying for dispensation at the Maros Religious Court. However, in this case the government needs to pay attention, for example by providing education to all citizens, especially in remote villages, so that ordinary people can understand the sacredness of carrying out a marriage.

4. Cultural Factors

Marriage dispensation cases are based on the judge's considerations, whether in granting, rejecting, aborting and withdrawing requests for marriage dispensation due to cultural factors in just a few months in 2018. As can be seen in the following table:

Number	Month	Number of Cases Granted	Number of Cases Rejected	Number of Cases Dismissed	Number of Cases Withdrawn	Amount
1	January	1	-	-	1	1
2	February	-	-	-	2	-
3	March	-	-	-	2	-
4	April	1	-	-	2	1
5	May	1	1	-	1	3
6	June	1	-	-	1	2
7	July	-	-	-	1	1
8	August	1	-	-	1	2
9	September	1	-	1	-	1
10	October	-	-	1	-	-
Total Cases						11

Data Source: Maros Religious Court

In January there was one marriage dispensation case due to cultural factors, in April one, in May there were three marriage dispensation cases but the decision was different, one case was granted, one case was rejected, and one case was revoked, in June there were two cases, one was granted and one was revoked, in July one, in August two, one was granted and the other was revoked, in September one and in October there were cases but there was no decision yet. From several descriptions of marriage dispensation cases, the level of emergency is based on various categories. Therefore, in giving a decision on marriage dispensation the judge looks at the extent of the applicant's reasons for applying for marriage dispensation.

In the opinion of Irham Riad as one of the judges at the Maros Religious Court who decided the case:

The issue of marriage dispensation, especially in the city of Maros, is that some inland residents apply for marriage dispensation due to cultural factors. This generally occurs due to environmental factors or remote villages and many of the surrounding residents still follow their previous parents who married in their teens. There is another factor, because before submitting the request for marriage dispensation, it turned out that the families of the prospective bride and groom had already discussed the day for the wedding, so we as judges granted the request because according to Makassar Bugis custom, the term *siri' na pace* is known. In this case, we also rejected and withdrew the application for dispensation because during the trial it turned out that the applicant registered was the wrong person, so we rejected the decision. The decision we revoked was due to the parents forcing their child to get married but the child did not want to get married on the grounds that he still wanted to work or continue his studies in order to achieve his dreams, so as judges we withdrew the request for dispensation.¹³

The explanation above is one of the reasons why the judge grants, rejects, aborts and withdraws the request for a marriage dispensation depending on the extent of the emergency. In this case there are several reasons for the applicant, one of which is that there are those who want to marry off their children because of cultural factors or the surrounding environment because in general where they live, many people who have graduated from junior high school immediately get married at an early age, some even marry after graduating from elementary school, so in this case the judge will withdraw his application for marriage dispensation. This is different from a petitioner who submits his petition because he is embarrassed if his child is not married off, because his two prospective brides and grooms always go out together every day, for reasons like this the judge will grant his petition to prevent pregnancy out of wedlock. In the table above there are also decisions that were rejected by the judge, because it turned out that the applicant registered was the wrong person during the trial, so in this case the judge rejected his request for marriage dispensation.

The judge grants marriage dispensation, according to researchers, especially applicants who apply for marriage dispensation due to cultural factors. In formulating a decision to grant or withdraw the case, of course the judge must base it on evidence and strong legal considerations so that the decision made by the judge achieves the ideals of a law, namely providing legal certainty, legal justice and legal benefits to those seeking justice. Therefore, every process in proceedings at the Religious Courts must comply with applicable procedural law.

Marriage Dispensation in Ushul Fiqh Perspective

What we want to analyze from the perspective of *ushul fiqh* regarding marriage dispensations is the provision of marriage dispensations in view of the benefits of *murlah* and *maqasid al-Syari'ah*. The various benefits are based on their levels in the view of Sharia, the postulates of the text and to maintain *maqasid al-Syari'ah*, the *ulama'* classify the benefits into three levels:

¹³Irham Riad, Hakim Pengadilan Agama Maros Provinsi Sulawesi Selatan, *Wawancara* (12 November 2018).

1. Dharuriyyat Benefits, namely benefits that are determined for the survival of humans in the world, if these benefits are not realized then human life in the world will be lost, enjoyment will be lost and torment will befall in the afterlife. This benefit includes five things, namely becoming maqasid al-syari'ah.

2. Benefits of Hajiyyat, namely benefits that humans need only to eliminate difficulties for themselves. If these benefits are not achieved, then human life will experience difficulties and difficulties, not to the point of eliminating their lives. This benefit is found in furu' matters which are mu'amalah in nature, such as buying and selling, as well as various kinds of relief (rukhsah) which have been stipulated by the syar'i, for example joining and menqasr prayers for travelers, breaking the fast for pregnant and breastfeeding people and so on. so on.

3. Benefits of Tahsiniyyat, namely benefits intended to improve customs and glorify human morals. Such as purifying oneself when praying, wearing jewelry, perfume, unclean food is haram and so on.¹⁴

The three benefits above can be concluded that in giving a decision it depends on the extent of the reasons put forward by the applicant, such as someone who wants to get married because they are pregnant out of wedlock, the judge will grant the request on the legal basis of benefit dharuriyyat, because if the marriage dispensation request is revoked it will cause detrimental impact on the unborn child. Meanwhile, if the reasons put forward by the applicant are based on embarrassment if they do not marry their child because the prospective bride and groom are often alone together, then in this case the judge will grant the request on the basis of the benefit of the hajiyyat. In contrast to a person who wants to get married because he is worried that his child will commit adultery, but the child does not want to marry because he still wants to continue his education, in this case the judge will revoke the decision on his petition on the basis of the benefits of tahsiniyyat.

Therefore, laws that contain dharuriyyat benefits are more important to prioritize and maintain than laws that are hajiyyat, let alone tahsiniyyat. Of these three benefits, the marriage dispensation used is the benefit of dharuriyyat because it is a recognized source of law and is a primary need for every human being. In line with this, what is meant by primary needs is something that must be owned because if not, life will be messy or disorderly. And this source of law is one of the considerations taken by the judge in determining or determining the application for marriage dispensation.

In medical science, Mirawati Supardi as head of midwifery at the Rahmat Maternity Clinic said that:

Early marriage will encounter problems when underage women have to go through pregnancy through the process of giving birth and educating children. The pregnancy process requires readiness of the reproductive organs of the mother who undergoes it. As explained above, children under the age of 16 are not ready to have sexual relations, let alone undergo pregnancy and give birth. Pregnancy at a young age can put you at risk of developing cancer and even lead to maternal death. Another risk is the potential for the baby to be born with disabilities because the young woman's pelvic space is not yet large enough, making it difficult

¹⁴Ramli, *Muqaranah Mazahib Fil Ushul* (Jakarta: Gaya Media Pratama, 1999), h. 162.

for the baby to move when it turns around to come out. This kind of condition even carries a risk of infant death¹⁵

The results of the interview above show that every parent must pay attention to the future of their children, especially children who are underage because it will result in death. One of the factors in health science that causes a person to die is because a uterus that is not ready to be fertilized is filled with male sperm. Therefore, every family must pay more attention to the future risks of early marriage to their children. One way to prevent this is to provide education to children until they are adults, to achieve protection for the soul (hifdz al-Nafs).

4. CONCLUSION

The various limitations experienced by young couples above will have a negative impact on the survival of the family, and even have the potential to lead to the collapse of harmony which often also leads to acts of violence against children and wives. Therefore, from several theories and the results of the interviews above, it can be concluded that as a Religious Court Judge, in deciding cases regarding underage marriage dispensation, you must look at the extent of the applicant's emergency level in applying for a marriage dispensation as the judge's consideration in granting the request. One solution to reduce early marriage is that as parents, they must pay more attention to and look after their children both in terms of education, increasing their knowledge of the Islamic religion and so on, to shape children's character with good morals so that children avoid promiscuity, as well as creating generations of young generation to make the Unitary State of the Republic of Indonesia (NKRI) more advanced, high quality, safe and peaceful. Underage marriage is one of every person's rights in determining their life, but considerations need to be taken before making a choice. One way to follow up on underage marriages, the Religious Courts are not the only tool in this case because the main role in paying attention and guarding them is parents, family, society and several other legal entities such as: Civil Service Police Unit (Satpol PP), Indonesian Women's Empowerment and Child Protection (PPPAl), and so on. So that the goal of marriage to realize *sakinah mawaddah warahmah* is achieved safely and peacefully.

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¹⁵Mirawati Supardi, Kepala Kebidanan Klinik Bersalin Rahmat, *Wawancara*, (22 November 2018).

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