



THE IMPACT OF CHILD MARRIAGE IN MAJENE REGENCY: A MAŞLAHAH -BASED PERSPECTIVE

Supriadi¹, Darussalam Syamsuddin², Kurniati³, Darmawati H.⁴

^{1,2}Universitas Islam Negeri Alauddin Makassar, Indonesia

¹STAIN Majene, Indonesia

Correspondence Email: supriadi@stainmajene.ac.id

ABSTRACT

This study aims to analyze in depth the impact of child marriage in the Majene Maslahah Perspective district. This research is a descriptive qualitative research in understanding the impact of child marriage in the Majene Maslahah Perspective district. Primary data, namely data obtained directly from several informants, namely (a) 6 married couples in child marriage, (b) one of the Women's Institutions in Majene Regency, (c) Religious Leaders in Majene Regency. Meanwhile, secondary data comes from documents or literature related to the research object. Data collection techniques include interviews, observations, and documentation studies. Data analysis was carried out thematically through the stages of reduction, presentation, and conclusion. The results of the study show that the perspective of maşlahah on the impact of child marriage in Majene Regency is an important basis for legitimizing the policy of restricting the age of marriage as stipulated in Law Number 16 of 2019. Through the category of maşlahah đarūriyyah, this policy clearly serves to protect the five main principles of the Shari'a, namely: 1) ĥifz ad-dīn (safeguarding religion), 2) ĥifz an-nafs (safeguarding the soul), 3) ĥifz al-'aql (safeguarding the intellect), 4) ĥifz an-nasl (safeguarding offspring), and 5) ĥifz al-māl (Preserving the Treasures). Social reality shows that child marriage has a profound impact, including school dropouts and weak family economic conditions. Therefore, the age restriction of marriage is not only important from a positive legal perspective, but also very urgent according to Islamic law. Thus, the state and society have a shared responsibility to enforce and socialize this policy consistently and sustainably, as a form of protection for the younger generation and as social investment in the creation of a more just, healthy, and prosperous society, in accordance with the framework of maqāşid al-syarī'ah.

Keywords: Child marriage; Maslahah; Marriage law

1. INTRODUCTION

Marriage law in Indonesia has specific procedures or conditions, ranging from marriage to divorce. Marriage under positive law is defined in Law Number 1 of 1974 on Marriage, Article 1, which states that marriage is an innate bond between a man and a woman as husband and wife. As a legal consequence, marriage has been regulated by law. It has become a binding rule of

society, as stated in Law No. 1 of 1974 concerning marriage: first, all matters related to the conditions of marriage that the bride-to-be must fulfil before the marriage; second, matters related to marriage; third, matters related to the conditions of marriage administration (Rosadi, 2021).

One of the marriage requirements in Law Number 16 of 2019, concerning Amendments to Law Number 1 of 1974 concerning Marriage, namely Article seven, paragraph one, can be explained as stating that marriage is only allowed if the prospective bride and groom are 19 years old. (Amri & Khalidi, 2021). Paragraph two also explains that if both parties are not old enough to be nineteen years old, a dispensation must be requested from the court. The application for dispensation is an alternative if the bride and groom wish to marry under the age of nine. The age restriction of marriage in Indonesia is regulated in Law Number 16 of 2019, which is a provision that aims to protect children's rights, reduce the rate of child marriage, and prevent negative impacts in the household.

Globally, child marriage remains a significant problem: about one in five young women (20–24 years old) marry before the age of 18, and 640 million women alive today have experienced child marriage. However, the prevalence has declined in the last decade. (Putri & Silvia, 2024). The main driving factors include poverty, social norms, failure of the civil registration system, conflict, and disasters. Global programs such as the UNFPA–UNICEF initiative are pushing for accelerated action to end this practice before 2030 (Step, n.d.). Multinational efforts, legal policies, and educational programs are considered key to accelerating the decline, as are large-scale social protection programs.

The rate of child marriage in West Sulawesi is still relatively high, even recording itself as the highest in Indonesia, with a percentage of 17.71%. Meanwhile, Majene Regency has a significant child marriage rate, which is 10.56%, while the child marriage rate nationally only reaches 9%. This phenomenon shows that child marriage in this region is a serious problem that not only impacts family welfare but also plays a significant role in the increase in stunting rates, which is a problem of child growth disorders caused by malnutrition. (Siddik & Daraba, 2024).

Based on data on marriage dispensation applications at the Majene Regency Religious Court, there are 211 cases of dispensation applications from 2020 to 2024 (Majene Religious Court, n.d.) Thus, showing that the marriage rate by age 19 is relatively high in Majene Regency, especially among families experiencing social or economic pressure. In this context, many dispensation requests are granted, subject to various legal considerations. This shows that although regulations have undergone progressive changes, law enforcement officials and the public do not have a complete perspective on child protection. In addition, there are limitations to government intervention programs at the village and community levels.

The high number of applications for marriage dispensation at the Majene Religious Court, which is strengthened by the results of observations on the practice of child marriage in the coastal areas of Majene Regency, shows a strong indication that most child marriages are carried out without going through official dispensation procedures as stipulated in the provisions of laws and regulations. This reflects the gap in the implementation of regulations and shows that there is still a weak legal awareness of the public on the importance of legal procedures in the implementation of child marriage.

The urgency of restricting the age of marriage in Indonesia is critical and grounded in several key considerations, including health, social, economic, and legal factors. Socially, child marriage can cut off access to education, especially for girls, which in turn has an impact on low literacy and skills levels. This, in turn, exacerbates the cycle of poverty, as limited education limits

employment opportunities and productive participation in society, as well as economic perspectives. Child marriage often leads to high economic dependence, as young couples generally do not have financial stability. Without adequate preparation, they struggle to meet basic household needs, which ultimately impacts the well-being of their families and children.

Given the high prevalence of child marriage in Majene Regency, which runs counter to the spirit of Law Number 16 of 2019, there remains a need for a legal study that offers a normative analysis, considering the social, cultural, and economic context of the community and its impact. Thus, the research will highlight the impact of child marriage in Majene Regency from *the perspective of maṣlahah*.

2. METHODS

This research is a descriptive qualitative field research that will provide an in-depth picture of the phenomenon being studied. Through this type of research, data are collected and analyzed systematically to describe empirical reality as it is, without manipulation, and to emphasize a contextual understanding of the research object.(Sulistiyo, 2023). This research aims to gain an in-depth understanding of the impact of child marriage in Majene Regency from a *maslahah* perspective by exploring the experiences, perceptions, and social realities of the parties involved. The research was conducted in Majene Regency, West Sulawesi Province, with a focus on coastal areas with child marriage practices, such as sub-districts or rural areas that uphold local wisdom and conservative religion. The research employs an *uṣūl al-fiqh* approach, along with juridical and sociological approaches. Research data source (Sulung & Muspawi, 2024) Consists of: 1) Primary data is data collected directly from informants through the interview process and field information exploration. This data source provides an authentic picture of the experiences, views, and factual conditions that are the focus of the research to support a more accurate and in-depth analysis, namely (a) 6 married couples in child marriage, (b) one of the institutions in the field of women in Majene Regency, and (c) Religious Leaders in Majene Regency. 2) Secondary data, namely data obtained from documents, such as official documents related to research objects, academic literature, and previous research results. Data collection techniques(Achjar et al., 2023) Is done through several methods: (a) Structured and in-depth interviews with four informants, including married couples under 19 years old; One of the Women's Institutions in Majene Regency, and one person from the Majene Regency Religious Leaders. (b) Non-participatory observation of the social situation in the community in polygamous marriage, to see firsthand the context of their lives. (c) This study uses a method of documentation of various legal data and relevant research findings related to the practice of child marriage in Majene Regency. The analysis process involves studying, compiling, and interpreting the main themes that emerge from the field data. The data obtained were processed through the stages of reduction, presentation, and formulation of conclusions in a structured manner to produce a clear picture of the patterns and central issues in this study.(Rozali, 2022) That is, the analysis is carried out by tracing, rearranging, and interpreting the main themes that arise from field data. This process involves systematically organizing information to uncover relevant patterns and meanings, thereby producing a deeper understanding of the phenomenon being studied. The data obtained is then processed through the stages of reduction, presentation, and formulation of conclusions in a structured and systematic manner.(Susanto & Jailani, 2023) The analysis was focused on obtaining answers to research questions regarding the impact of child marriage in Majene Regency from the perspective of *maslahah*. This approach ensures that the findings are relevant, well-defined, and aligned with the study's main objectives.

3. RESULTS AND DISCUSSION

Marriage Age Limit in Laws and Regulations

The age limit for marriage is a crucial aspect of the Indonesian legal system, which aims to protect children's rights and ensure the bride-to-be's physical and mental readiness. Significant changes were made by Law No. 16 of 2019, which revised Law No. 1 of 1974 on Marriage. The revision stipulates that the minimum age of marriage for men and women is 19 years, replacing the previous provision that set a minimum age of 16 years for women and 19 years for men. (Andriati et al., 2022).

This change was prompted by the Constitutional Court Decision Number 22/PUU-XV/2017, which stated that the difference in the age limit for marriage between men and women is contrary to the principles of gender equality and child protection. The Constitutional Court considers the previous provisions discriminatory and inconsistent with the spirit of the Constitution and the international conventions ratified by Indonesia (Adawiyah, 2021).

The implementation of this change to the marriage age limit faces practical challenges. Even though it has been legally established, the practice of underage marriage still occurs, primarily through the marriage dispensation mechanism regulated in Article 7, paragraph (2) of the Marriage Law. This dispensation can be granted by the court on the grounds of urgency and accompanied by supporting evidence. (Fauziah & Amanita, 2020).

The age limit on marriage is an effort by the government to prevent child marriage, in other words, a marriage that is carried out too quickly or a marriage that is carried out by an immature man and woman, and has not been maximized regarding physical and mental preparation, including economic preparation, because there has been no careful planning. Child marriage is also a marriage that is associated with various risks, both in terms of economy and in terms of fetal health, when the wife is pregnant at a young age.

Age Limit for Marriage in Islam

Marriage is also a *fitrah* and *tarbiyah*, and the most excellent means of maintaining offspring and strengthening relationships between human beings, which helps ensure calm, love, and affection. Therefore, Islamic sharia pays excellent attention to all problems in it, which are called *Aḥwāl Syakhṣiyyah* (Laws relating to marriage) (Atabik & Mudhiyah, 2016). Similarly, marriage is a form of family bond that aims to maintain honor and protect it from harm, creating peace both physically and mentally, because within it, tenderness, affection, and love can be found between husband and wife.

Basically, scholars have given a general overview of the age of marriage as stated by Allah in QS *al-Nisā* /4:6.

وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ ۖ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَن يَكْبَرُوا ۚ وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ ۚ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ ۚ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهِدُوا عَلَيْهِمْ ۚ وَكَفَىٰ بِاللَّهِ حَسِيبًا

Translation: "And test the orphans until they are old enough to marry. Then, if, in your opinion, they are intelligent (good at maintaining wealth), give them their wealth. Moreover, please do not eat them (orphans' property) beyond the limits of propriety,

and do not haste (give them up) before they are grown. Whoever is able, let him refrain from eating the orphan's property, and whoever is poor, let him properly eat the treasure. Then, when you hand over the property to them, you shall have witnesses. Moreover, Allah is sufficient as a guard."

In the tafsir of the Qur'an ṭubī, it is explained that the verse contains 17 important issues, but this discussion focuses on the age limit for marriage, especially the words of Allah swt. *"Until they are old enough to mate,"* which is understood to mean they have reached puberty. The phrase *"wa idzā balagha al-aṭfāl minkum"* also indicates that when children reach puberty, they may marry according to the provisions of the Shari'a, as Allah says in QS an-Nur/ 24:59.

وَإِذَا بَلَغَ الْأَطْفَالُ مِنْكُمُ الْحُلُمَ فَلْيَسْتَأْذِنُوا كَمَا اسْتَأْذَنَ الَّذِينَ مِنْ قَبْلِهِمْ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ

Translation: *"And when your children have reached puberty, then they should ask permission, just as the older ones ask permission. Thus Allah explains His verses to you. Allah is All-Knowing, All-Wise."*

In the perspective of Islamic jurisprudence, a person is stated to have attained the status of puberty if certain signs in him show biological maturity and readiness to bear the burden of sharia law (*Taklīf*). There are five main signs of maturity. Three of them apply to both men and women, namely wet dreams or semen discharge as a sign of reproductive maturity, hair growth around the genitals as an indication of hormonal changes, and the attainment of a certain age, which, in many scholars' opinion, ranges from 15 years according to the hijri calendar. The other two signs are specific to women: the onset of menstruation, a sign of the maturity of the reproductive organs, and pregnancy, which clearly demonstrates the biological ability to reproduce. Understanding of the signs of *puberty*. This is important because it is the basis for the initial determination of shari'a obligations, such as prayer, fasting, and other legal responsibilities in Islam (KHAIRIYAH, 2024).

The scholars agree that a person who has reached the age of puberty is obligated to carry out the obligations and laws of the Shari'ah, but they differ on the three conditions. As for the matter of growth and age, al-Auza'i, asy-Shafi'i, and Ibn Hanbal said, "A person is said to be puberty-born if he has reached the age of fifteen years even though he has not dreamed." This is the opinion of Ibn Wahab, Asbagh, Abdul Malik bin al-Majisyun, Umar bin Abdul Aziz, and several scholars of Medina. This opinion is also the choice of Ibn Al Arabi. (Al-Qurthubi, 2022).

A person who has reached puberty is obliged to obey the law and carry out his obligations as a Muslim. Asbagh bin al-Faraj said, "It is our opinion that a person who has reached the age of puberty, which is the age of fifteen, is obliged to carry out his duties and obey the applicable laws, because at the age of fifteen a Muslim is allowed to participate in jihad and fight." He argued with the hadith of Ibn Umar when he took part in the battle of Handaq (Ditch) and at that time he reached the age of fifteen years later the Prophet (peace be upon him), allowed him to take part in the war, while when he was fourteen years old he was not allowed to participate in the battle of Uhud, as narrated by Muslim hadith (Al-Qurthubi, 2022).

Imam Malik, Imam Abu Hanifah, and other scholars said that a person who has not experienced a dream until the age of understanding that he has dreamed, which is 17 years old. At that time, he is obliged to obey the law. The views of Imam Malik and Imam Abu Hanifah on the age of taklif, when a person begins to be burdened by sharia law, provide an important basis for the discourse on the age limit for marriage in Islamic law. They state that if a person has not had a dream (*São Paulo*) as a sign of puberty, the age of 17 years can be used as the maximum age at which a person is considered to have reached puberty legally. (Al-Qurthubi, 2022).

This opinion has significant implications for the formation of favorable legal policies, especially regarding the minimum age for marriage. In the Indonesian context, the amendment of Law Number 1 of 1974 to Law Number 16 of 2019 sets the minimum age for marriage at 19 years for both men and women, in line with the principles of protecting and benefiting children. This approach considers not only biological aspects, but also social, psychological, and emotional readiness factors in forming a family.

The Dynamics of Child Marriage in Islam

In the view of classical jurisprudence, the earlier scholars developed the law based on the social realities of their time. The majority of scholars from the four main sects (Hanafi, Maliki, Shafi'i, and Hanbali) allow the marriage of children who have not yet reached puberty, especially women, with the note that the guardian carries out the marriage, and biological relations are only allowed after the child reaches the age of tamyiz or puberty. (Faizah, 2024). This opinion is based on several hadiths and practices of the Prophet Muhammad (peace be upon him), who married Aisha when she was a child, despite living together after puberty. However, it is important to note that social conditions at the time were very different from those today, in which the age of puberty was often the only indicator of maturity. Meanwhile, modern times demand a more comprehensive approach that includes psychological, educational, and economic readiness factors. In traditional Islamic societies, early marriage is often used as a solution to protect women's honor and avoid promiscuity. However, over time, this practice has often been criticized for risking harm to children, especially in terms of reproductive health and the right to education. Therefore, some contemporary scholars have begun to review the classic opinion through the lens of maqashid sharia, prioritizing the welfare and protection of children. This argument opens up space for the reinterpretation of Islamic law that is more responsive to the challenges of the times, including the issue of the marriage age limit. (Husain Muhammad, 2021).

Views in favor of child marriage in Islam

In classical Islamic law, child marriage (i.e., when one or both brides have not reached the age of puberty according to modern standards) is permissible fiqh as long as the conditions and pillars of marriage are met, especially the presence of a guardian and the absence of an element of coercion. One of the legal bases argued by some scholars is that Islam does not explicitly set a minimum age limit for marriage, but instead emphasizes physical maturity (puberty) and biological and social readiness. This opens the space for early marriage, especially when viewed from the perspective of previous societies that prioritized the protection of honor and offspring. The primary evidence often cited to support this view is QS al-Nur 24:32.

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ

Translation: *"Marry those who are still single among you and also those who are worthy (to marry) from your servants, both male and female ..."*

The word "al-ayyām" includes adult women and young women; the verse introduces and even encourages guardians to marry her.

QS At-Talaq/65: 4.

وَالَّذِي يَبَسِّنَ مِنَ الْمَحِيضِ مَنْ نَسَأَكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَالَّذِي لَمْ يَحْضَنْ وَأُولَتْ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا

Translation: *"Women who are unable to menstruate again (menopause) among your wives, if you are in doubt (about the period of the idah), then the idah is three months. Likewise, women who are not menstruating (immature). As for pregnant women, the ideal time is until they give birth. Whoever fears Allah, He will make it easy for him in his affairs."*

In the Qur'anic verse, the Iddah for women who have not had their period is three months. Some scholars understand the explanation of this verse as an indication that women who have not experienced menstruation may have lived a married life and then been divorced, because the provisions of the Iddah only apply to those who have been married. From the point of view of interpretation, the verse is often used as a postulate for the ability to marry a child who has not yet reached puberty, as long as certain conditions are met. This understanding departs from the social reality of the time of revelation, in which early marriage was considered prevalent to maintain honor and preserve posterity. (Mustamin, Malkan, 2022). Nevertheless, this interpretation still raises debate, especially in a contemporary context that emphasizes the need for physical, psychological, and social readiness in building a household. Therefore, this verse requires a comprehensive interpretation approach so that it is not understood narrowly and textually. Therefore, this verse is indirectly used as a postulate for the ability to marry a child who has not yet reached puberty, as long as he meets certain conditions.

The most popular hadith that supports the practice of child marriage is the hadith narrated by Muslims about the marriage of the Prophet Muhammad (saw) with Aisha, as follows:

وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى، وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ، وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَ يَحْيَى وَإِسْحَاقُ أَخْبَرَنَا وَقَالَ الْآخَرَانِ، حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ، قَالَتْ تَزَوَّجَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَهِيَ بِنْتُ سِتٍّ وَبَنَى بِهَا وَهِيَ بِنْتُ تِسْعٍ وَمَاتَ عَنْهَا وَهِيَ بِنْتُ ثَمَانَ عَشْرَةَ.

Meaning: Yahya bin Yahya, Ishaq bin Ibrahim, Abu Bakr bin Abi Shaybah, and Abu Kuraib narrated to us. Yahya and Ishaq said, "Abu Mu'awiyah told us," while others said, "Abu Mu'awiyah narrated to us, from Al-A'masy, from Abraham, from Al-Aswad, from Aisha." Aisyah says: *"The Prophet (peace and blessings of Allaah be upon him) married me when I was 6 years old, and he started living with me when I was 9 years old. He died leaving me when I was 18."* (HR. Muslim No. 1422) (Hadith of Musllim, n.d.).

Some scholars think that if a practice has been carried out by the Prophet (saw) and there is no explicit prohibition from it, then it can be understood as a form of shari'i ability. This view is based on the principle that the Prophet's actions serve as a legal example for Muslims, provided the practice is carried out within the confines of the sharia and yields benefits. Thus, something that is not expressly prohibited and has been exemplified by the Prophet (saw) can be used as a legal basis, as long as it still pays attention to the limits of the Shari'ah and considers its benefits and harms. (bin Ismail Bukhari, 1987).

Views that reject Child Marriage in Islam

The view that rejects the practice of child marriage in Islam is based on the principle of *Maqāṣid al-syaṭī'ah*, especially in preserving the soul (*ḥifẓ Al-nafs*), Sense (*ḥifẓ al-'aql*), and descendants (*ḥifẓ Al-Nas*). Contemporary scholars affirm that child marriage often brings greater physical, psychological, and social harm than its benefits, thus contradicting the purpose of sharia. (Marzuki, 2024). Therefore, in the modern context, the age restriction on marriage is considered a form of protection for children and is consistent with the principle of *Maslahah Mursalah* in Islamic law.

One of the verses that is often quoted in the counterargument is QS. *al-Nisa*/4:6.

وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ ۖ

Translation: “Test the orphans (in terms of arranging property) until they are old enough to marry. Then, if according to your judgment they are good (in arranging wealth), give them their wealth ...”

The above verse states that orphans are tested until they reach the age of puberty and have *Rushed* (adult thinking ability) before being handed over their property. This verse shows that physical maturity (puberty) is not enough, because the requirements of intellectual and emotional maturity (*rushd*) are also necessary. Thus, this verse posits that maturity before assuming legal responsibilities, including marriage, is significant. Therefore, marrying a child who has not reached the age of reason is contrary to the spirit of this verse. (Mu'alim et al., 2021).

In the hadith of the Prophet PBUH, there is a general rule that reads: “there should be no danger, and there should be no harm to each other” *date qarar wa la SwordIris*. “There should be no danger, and there should be no harm to each other,” narrated by Ibn Majah and Malik. This hadith is an important foundation that all forms of practices that bring danger must be avoided, including child marriage if proven to cause physical and mental damage. This rule is also strengthened by the principle of *Al-qarar Yuzālu* (harm should be eliminated) in fiqh. (Djazuli, 2019). With much scientific evidence that child marriage has a negative impact, rejecting it is part of maintaining *maslahat* and keeping away *mafsadah*.

The history of the marriage of the Prophet Muhammad (saw) with Aisha (ra), which is often used as a theological justification for the practice of child marriage, has been the subject of critical study among contemporary Muslim scholars and academics. In various hadith literature, it is stated that the Prophet married Aisha when she was six years old and began living together when she was nine years old (HR. Bukhari and Muslim). Although this hadith has a degree of *sahih* in the discipline of classical hadith, many contemporary scholars argue that its historical validity and normative understanding warrant revisiting in a contextual framework. This is important, considering that not all of the Prophet's actions are *tasyri'i* (law-enactment). However, some are responses to local social and cultural conditions (*al-'urf wa al-'São Paulo*) that arose in his time. (Anwar, 2025).

In the study of *ushul fiqh*, it is important to distinguish between *sunnah* that is of the nature of *tasyri'iyah* (function as a source of law) and the *sunnah* of the nature of *Ghayr Tasyri'iyah*, like the personal habits of the Prophet, which are not intended as normative decrees. This approach underscores that not all of the Prophet's actions should be taken literally, especially if they relate to the specific socio-cultural context of his time. Contemporary scholars also emphasize the importance of the *Maqāṣid al-syaṁ'ah* as a normative framework for responding to such hadiths. The purposes of the sharia, such as the protection of the soul (*hifz Al-nafs*), mind (*hifz al-'aql*), and descendants (*hifz al-nasl*), are the primary considerations in determining the relevance of a postulate to the current conditions. (Herdiansyah, 2019). Therefore, the interpretation of the hadith on Aisha's marriage must be directed toward a more ethical understanding and orientation toward *maslahat*. This approach reflects the spirit of Islam as a dynamic and solutive religion in the face of changing times. It shows that the authority of Islamic law cannot be separated from the principle of *ijtihad* and moral responsibility for the protection of vulnerable groups, including children.

The Concept of *Maṣlaḥah*

Maṣlaḥah is derived from the word *maṣlaḥah*. According to the language, it means "benefit", which means taking the law of a problem based on the general problem (good), that is, the problem that is not determined or eliminated by the Shari'a. The purpose of entering the problem is to avoid damage to either the individual or the community. (Farih, 2015). Example of *maṣlaḥah*. It was Umar bin Khatab during his caliphate that he created an agency to handle the salaries of the Muslim troops. Then other agencies emerged to handle other problems.

According to scholars of *usul fiqh*, some use the term *maṣlaḥah* in the words of al-MunSāo Paulo al-Mursal. Some use the term *al-istidhal al-mursal*. These terms, although they seem to have the same purpose, each has a different view. Every law set by Allah, swt, in the Qur'an, as well as those set by the Prophet in the *hadith*, contains an element of benefit in the review of reason, either by bringing benefits or by avoiding harm to humans. The benefit is related to the desires of human life, both in the form of religion, soul, intellect, descent, self-esteem, and property. (Rusdi, 2017). Therefore, if the law is not found in the Qur'an or *hadith*, the law of *fiqh* is determined with the consideration of the benefit.

Al-maṣlaḥah. As a legal postulate, it means that *al-maṣlaḥah* serves as the foundation and benchmark in determining the law. In other words, the law of a particular matter is determined in such a way because the benefit requires that the law be determined on the matter. Several scholars think that *nash* or *ijmā* sets every law, based on wisdom in the form of obtaining benefits or avoiding *mafsadat* (Farih, 2015). Therefore, every *illat* that is the basis of the law boils down to the interests of human welfare (*al-maṣlaḥah*). They believe that there is no legal provision set by the *nash* in which there is no benefit to man, either the benefit in this world or in the hereafter.

Every *maṣlaḥah* that returns to the maintenance of the meaning of *sharia*, which is known from the Qur'an, *sunnah*, and *ijmā'*, but is not viewed from the three bases specifically and not through the method of *qiyās*, so *al-maṣlaḥah* is used if it uses *qiyās*, there must be an original evidence (*al-maqis' alaih*). The way to know the *maṣlaḥah* that is in accordance with that purpose is from an infinite number of postulates, both from the Qur'an and *hadith*. Therefore, such a method of excavation of *maṣlaḥah* is called *al-maṣlaḥah al-mursalah*. It means that, apart from specific postulations, it includes the general indications of some of the Shari'ah's postulates.

Experts in jurisprudence have proposed various classifications of *maslahah* (benefits) based on methodological considerations. One of the most well-known classification approaches is dividing *maṣlaḥah* into levels based on the quality and urgency of its importance to human life. Within this framework, the scholars of *usul fiqh* divide it into three main levels, namely: *maṣlaḥah dharuriyyah* (primary), *maṣlaḥah hajiyyah* (secondary), and *maṣlaḥah tahsiniyyah* (tertiary). This division reflects the level of human need for certain benefits to achieve ideal stability in life, both individually and collectively. This approach also shows the foresight of scholars in measuring the relevance and weight of a *maslahat* in the context of the application of Islamic law, so that not all *maslahat* can be used as the basis for the determination of absolute law, but must be tested for the level of need and impact on *maqāṣid al-syañ'ah*. Thus, this classification has a strategic role in the process of legal *istinbat*, especially in responding to contemporary issues that are not explicitly mentioned in *the nash*, as for the various *maṣlaḥah* in terms of their levels as follows:

Maṣlaḥah al-Dharuriyyah

Al-ṣlaḥah Al-Dharuriyyah refers to the form of benefits that are directly related to the basic and essential needs of humanity, both in the life of the world and for salvation in the hereafter. The benefits in this category are considered essential because they concern survival, social

stability, and the achievement of the main goals of Islamic sharia (*Maqāṣid al-syaṅ'ah*). The scholars of the fiqh propose that five main elements are included in the category *Al-Maṣlaḥah Adh-Dharuriyyah*, namely: (1) Maintaining religion (*ḥifẓ ad-dīn*), (2) preserving the soul (*ḥifẓ An-nafs*), (3) preserving the intellect (*ḥifẓ al-'aql*), (4) nurturing offspring (*ḥifẓ AN-NASL*), and (5) preserving property (*ḥifẓ al-māl*). These five elements are known collectively as *Al-Maṣalih Al-Khamsah* or *Al-Dharuriyyat al-Khamsah*. The protection of these five aspects serves as the normative basis for determining Islamic law and is used as a reference in addressing various social problems. If one of these five benefits is threatened or ignored, Islamic law provides legitimacy for the establishment of laws to protect them. (Nasution & Bahar, 2024). Therefore, *Al-Maṣlaḥah Al-Dharuriyyah* occupies the highest position in the hierarchy of benefits.

Maṣlaḥah al-Hajiyah

Al-maṣlaḥah Al-Hajiyah is a form of benefit that functions to improve and support the achievement of the main benefit (*Al-Maṣlaḥah Al-Dharuriyyah*). Benefits at this level are not essential in the sense that they are necessary for human survival, but their absence can cause difficulties, limitations, or imbalances in living life. (Nasution & Bahar, 2024). Therefore, *Al-Maṣlaḥah al-Hajiyah* is considered important as a form of *Takhfif* (relief) or *Rukhsah* (dispensation) that provides convenience in implementing sharia, while maintaining the stability of human life in various aspects.

Maṣlaḥah al-Taḥṣiniyyah

Al-maṣlaḥah Al-Taḥṣiniyyah is a type of benefit that is complementary to, or perfect for, the basic human needs described in the categories *ḍarūriyyah* and *ḥājīyyah*. This benefit is not urgent but provides aesthetic value, comfort, and the perfection of living a life in accordance with the guidance of Sharia. Examples of *Maṣlaḥah taḥṣiniyyah*, among others, include the recommendation to eat nutritious food, wear clean and decent clothes, and carry out sunnah worship such as rawatib prayer and sunnah fasting as a more optimal approach to self-approach to Allah. It also includes provisions regarding the procedure for self-purification from uncleanness that not only uphold physical cleanliness but also reflect the values of beauty, order, and human honor in social life. Thus, *Maṣlaḥah taḥṣiniyyah* plays an important role in maintaining the dignity and quality of life of humanity holistically in accordance with the goals of sharia (*Maqāṣid asy-syaṅ'ah*) (Nasution & Bahar, 2024).

Maṣlaḥah is an important concept in the formation of Islamic law that emphasizes the benefit of the ummah. Ushul fiqh scholars realize that Islamic law is not only normative but also responsive to evolving social needs. Although some schools, such as Hanafiyah and Shafi'iyah, impose strict restrictions on *maṣlaḥah*, they remain within the framework of QiYes. The basic principle is that *maṣlaḥah* can be used as a legal basis as long as it does not contradict the Qur'an, Sunnah, or *ijmā'*. The history of Islam records various important decisions taken by the Companions. However, they are not explicitly recorded in the text but are based on the urgency of safeguarding public interest. Examples include the policy of collecting the Qur'an mushaf, the establishment of a state administrative system, and the regulation of zakat. This practice shows how *maṣlaḥah* serves as an adaptive means of sharia to maintain the order and sustainability of the ummah (Assaiq, 2025).

In order to realize the essence of *Maqāṣid al-syaṅ'ah*, for every mukallaf, every human action must essentially be based on the primary sources of Islamic law, namely the Qur'an and Hadith (*Al-Maṣādir al-Aṣliyyah*). However, as social dynamics continue to evolve, various legal issues and events arise that are not explicitly explained in these two primary sources. Therefore,

it is necessary to establish other methods of determining derivative laws (*Al-Maṣādir Al-Far'īyyah*) in order to provide solutions that are relevant to the needs of the times. Among these methods are *Al-Istihṣān*, *al-'Urf*, madhhab *Al-Ṣaḥābī* and, and *maṣlaḥah*, which function as instruments of *ijtihād* to maintain the sustainability of the goals of sharia and respond to dynamic social challenges (Djafri et al., 2022).

Thus, *maṣlaḥah* is not just an instrument of *ijtihād* but a reflection of the spirit of sharia, which always emphasizes justice, protection, and the welfare of humanity across times and contexts. The flexibility of Islamic law in responding to social realities proves that sharia is not static but dynamic, adapting to the needs of the times. This shows that Islam has a far-reaching vision, which is to maintain the existence and quality of human life without ignoring the basic principles of revelation. According to the author, affirming the role of *maṣlaḥah* in Islamic law is important so that the ummah understands that the sharia is present not only as a normative rule, but also as a guideline for life that is solutive, progressive, and always relevant to the development of society.

The Impact of Child Marriage in Majene District

Based on empirical data obtained directly from several sources of information about husband-wife couples in the practice of child marriage in the community of Majene Regency. The phenomenon of child marriage in Majene Regency has a significant impact that has a widespread impact, not only on individual child marriage perpetrators but also on the social structure of society as a whole. Based on data from several married couples, direct interviews with several informants, and documentation in the existing literature, it was found that the most dominant impacts were those of education and the economy.

One of the informants of a religious leader in Majene Regency, with the initials HS, stated that the most real consequence of child marriage in Majene Regency is education. Teenagers, especially women, who marry under the age of 19 generally stop their education. This happens because they have to take on new roles as wives and mothers, which demand time, energy, and full attention, so that education becomes a second priority or even stops altogether. This condition prevents them from developing the life skills, academic competence, and knowledge needed in the modern world of work. As a result, their opportunities to obtain decent work become very limited, directly impacting household economic resilience.

Based on the data above, the next striking impact of the phenomenon of child marriage in Majene Regency is the economic impact, as data obtained from an informant with the initials RS from one of the institutions in the field of marriage in Majene Regency explains that in child marriage, economic insecurity arises so that it gives birth to a weak economy in the family itself, couples who marry at a young age generally do not have the financial readiness or skills to generate a decent income. Based on empirical data obtained directly from several husband-wife couples in the practice of child marriage in the community in Majene Regency, the impact of child marriage is as follows:

Table 1. The impact of the phenomenon of child marriage in Majene Regency

Yes	Initials of Husband and Wife Couple	Impact
1	RJ, 17 years old, and Ab, 16 years old	School dropouts and a weak economy
2	AN, 17 years old and LD. Age 16	School dropouts and a weak economy
3	KC is 17 years old, and S is 17 years old	Divorce, Dropping Out of School, Weak Economy
4	G, age 16, and DW, age 16	School dropouts and a weak economy
5	KD, 17 years old, and IT, 16 years old	School dropouts and a weak economy
6	JN, 17 years old, and NB, 16 years old	School dropouts and a weak economy

This condition leads them to rely on their parents or unstable, informal jobs. The cycle of poverty begins to form when the children of these young couples grow up in a limited economic environment, with minimal access to adequate education and health services. This situation also causes the birth of a generation that experiences malnutrition, which ultimately triggers cases of stunting, a chronic growth disorder in children due to a lack of nutritional intake for a long time.

Based on the results of interviews with married couples under 19 years old, the impact of the phenomenon of child marriage in Majene Regency shows significant educational and economic consequences, as told by the results of interviews with informants, including informants from women's institutions in Majene Regency and religious leaders. The speakers revealed that child marriage not only disrupts the future of the individuals involved but also creates structural problems that affect the community at large in Majene Regency.

Maṣlaḥah Analysis on the Impact of Child Marriage in Majene Regency

The impact of school dropouts due to child marriage is an important indicator to assess the urgency of restricting the age of marriage. In Majene, many girls have to drop out of school because they are married and supported by their parents, both for economic reasons and social pressures. This directly affects their loss of opportunities to improve their quality of life through education. In the *review of maṣlaḥah*, the benefits of maintaining access to education can serve as a basis for supporting this policy, as education is the path to the maturation of thinking and acting in domestic life. The absence of specific evidence regarding the age of education in the sharia does not deny the importance of this value, because Islam itself highly upholds knowledge. Therefore, the marriage age limit is a protective measure to ensure the educational continuity of children who are not yet mentally or academically ready to form a family.

The review *of maṣlaḥah* in the category *of dharuriyyah* provides a normative justification for the importance of preventing child marriage, especially in the context of the impact of school dropouts. First, *ḥifẓ ad-din* (maintaining religion) is threatened because children who drop out of school are deprived of formal religious instruction, which is the foundation of morality and piety. Second, *ḥifẓ an-nafs* (nurturing the soul) is disrupted because school dropouts increase the risk of pregnancy in childhood, domestic violence, and inability to access health services. Third, *ḥifẓ al-'aql* (maintaining the intellect) is hampered because education is the primary means of developing thinking and critical skills. Fourth, *ḥifẓ an-nasl* (raising offspring) is risky because children who marry and drop out of school are not physically and psychologically ready to raise families and educate children. Lastly, *ḥifẓ al-mal* (maintaining wealth) is threatened because limited education reduces economic opportunities, thus triggering structural poverty.

The impact of child marriage is also correlated with Majene's weak economy. Children who marry at a young age generally do not have adequate job skills, and because their education is stalled, they find it difficult to get decent work. This causes the young family to live in poverty,

which eventually affects their children. From the perspective of *maṣlahah*, this condition reflects the occurrence of social and economic damage that is collective in nature and, therefore, must be prevented. The principle of *dar'u al-mafāsid muqaddam 'alā jalb al-maṣāliḥ* (preventing harm takes precedence over gaining benefit) can be applied in this context. Limiting the age of marriage aims to break the cycle of structural poverty by encouraging education and upskilling before a person marries.

From the perspective of *maṣlahah* in the *dharuriyyah* category, the prevention of child marriage that leads to the cycle of poverty is a necessity for the protection of the five main principles of sharia. First, *ḥifẓ ad-dīn* (maintaining religion) can be disrupted by poverty, which hinders access to religious education and weakens the implementation of spiritual values. Second, *ḥifẓ an-nafs* (preserving the soul) is threatened because poverty has an impact on quality of life, malnutrition, mental health, and an increased risk of domestic violence. Third, *ḥifẓ al-'aql* (nurturing the intellect) is difficult to realize because poverty limits the education and intellectual development of the younger generation. Fourth, *ḥifẓ an-nasl* (nurturing offspring) is neglected because poor and immature parents often fail to raise their families and fulfill children's rights. Lastly, *ḥifẓ al-māl* (maintaining wealth) becomes corrupt because the cycle of poverty decreases productivity, increases dependence, and exacerbates economic inequality between generations.

4. CONCLUSION

The perspective of *maṣlahah* on the impact of child marriage in Majene Regency shows that *maṣlahah* is an important basis for legitimizing the policy of restricting the age of marriage as stipulated in Law Number 16 of 2019. Through the category of *maṣlahah dharuriyyah*, this policy clearly serves to protect the five main principles of the Shari'a, namely: 1) *ḥifẓ ad-dīn* (safeguarding religion), 2) *ḥifẓ an-nafs* (safeguarding the soul), 3) *ḥifẓ al-'aql* (safeguarding the intellect), 4) *ḥifẓ an-nasl* (safeguarding offspring), and 5) *ḥifẓ al-māl* (Preserving the Treasures). Social reality shows that child marriage has a profound impact, including school dropouts and weak family economic conditions. This confirms that child marriage causes a broad and systemic *mafsadah*. Therefore, the age restriction of marriage is not only important from a positive legal perspective, but also very urgent according to Islamic law. Thus, the state and society have a shared responsibility to enforce and socialize this policy consistently and sustainably, as a form of protection for the younger generation and as social investment in the creation of a more just, healthy, and prosperous society, in accordance with the framework of *maqāṣid al-syaṁ'ah*.

REFERENCES

- Achjar, K. A. H., Rusliyadi, M., Zaenurrosyid, A., Rumata, N. A., Nirwana, I., & Abadi, A. (2023). *Metode penelitian kualitatif: Panduan praktis untuk analisis data kualitatif dan studi kasus*. PT. Sonpedia Publishing Indonesia.
- Adawiyah, R. (2021). Analisis Batas Usia Perkawinan Pada UU No. 16 Tahun 2019 atas Perubahan UU No. 1 Tahun 1974 Tentang Perkawinan (Studi Terhadap Pandangan Ilmuan Kota Padang tentang Perubahan Batas Usia Perkawinan). *Hukum Islam*, 21(2), 256–278.
- Al-Qurthubi, S. I. (2022). *Tafsir Al Qurthubi Jilid 5*. Pustaka Azam.

- Amri, A., & Khalidi, M. (2021). Efektivitas Undang-Undang Nomor 16 Tahun 2019 Terhadap Pernikahan Di Bawah Umur. *Jurnal Justisia: Jurnal Ilmu Hukum, Perundang-Undangan Dan Pranata Sosial*, 6(1), 85–101.
- Andriati, S. L., Sari, M., & Wulandari, W. (2022). Implementasi perubahan batas usia perkawinan menurut uu no. 16 tahun 2019 tentang perubahan atas uu no. 1 tahun 1974 tentang perkawinan. *Binamulia Hukum*, 11(1), 59–68.
- Anwar, S. S. (2025). *Studi Hadis: Sejarah, Metodologi & Perkembangannya*. Yayasan Doa Para Wali.
- Assaiq, M. R. (2025). Maṣlaḥah Mursalah Sebagai Metode Pendekatan Dalam Studi Hukum Islam. *Educatia: Jurnal Pendidikan Dan Agama Islam*, 15(1), 91–109.
- Atabik, A., & Mudhiyah, K. (2016). Pernikahan dan hikmahnya perspektif hukum Islam. *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam*, 5(2).
- bin Ismail Bukhari, I. M. (1987). Sahih Bukhari. *Dar Al-Fikr: At-Thabaah Wa Al-Nasr Wa Al-Taujiā*.
- Djafri, M. T., Syamsuddin, D., & Syatar, A. (2022). Masalah Dalam Hukuman Mati Bagi Pelaku Lgbt. *Bilancia: Jurnal Studi Ilmu Syariah Dan Hukum*, 16(2), 225–248.
- Djazuli, H. A. (2019). *Kaidah-kaidah fikih*. Prenada Media.
- Faizah, N. (2024). Konsep wali nikah dalam perspektif ulama klasik dan modern. *Al-Muqaranah: Jurnal Perbandingan Mazhab Dan Hukum*, 2(2), 57–64.
- Farih, A. (2015). Reinterpretasi Maṣlaḥah Sebagai Metode Istinbāt Hukum Islam: Studi Pemikiran Hukum Islam Abū Ishāq Ibrāhīm Al-Shāṭibī. *Al-Ahkam*, 43–66.
- Fauziah, N. P. N., & Amanita, A. (2020). Pelaksanaan Undang-Undang Nomor 16 Tahun 2019 Tentang Perubahan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Terkait Perkawinan Di Bawah Umur Di Kantor Urusan Agama Kecamatan Cipatat, Kabupaten Bandung Barat. *Jurnal Dialektika Hukum: Jurnal Ilmu Hukum*, 2(2), 129–147.
- Hadis Muslim. (n.d.). *sunnah.com*. <https://sunnah.com/muslim/16>
- Herdiansyah, H. (2019). Al Muwafaqat Karya Masterpiece Imam Asy-Syatibi (w: 790 H/1388 M)(kajian Historis, Dan Kandungan Isi Kitab). *JURNAL HUKUM DAS SOLLEN*, 3(1).
- Husain Muhammad. (2021). *Fiqhi Perempuan* (Cet. IV). RCISoD.
- KHAIRIYAH, A. (2024). *Batasan Usia Untuk Menikah Dalam Pendewasaan Usia Perkawinan Bkkbn Ditinjau Hukum Islam*. Universitas Islam Negeri Sultan Syarif Kasim Riau.
- Marzuki, M. (2024). Pernikahan Dini dalam Wacana Mufasir Kontemporer dan Ulama Fiqh. *AL-QOLAM: Jurnal Dakwah Dan Pemberdayaan Masyarakat*, 8(1), 14–30.
- Mu'alim, M., Idri, I., & Dimyathi, A. (2021). Book Review: Rawai Al Bayan Fi Tafsir Ayat Al Ahkam Min Al Qur'an (Haste of Tarjih Muhammad Ali Al Shabuni). In *PERSPECTIVE* (Vol. 3, Issue 5).
- Mustamin, Malkan, G. J. (2022). Pernikahan Dini Dan Upaya Perlindungan Anak Di Indonesia. *Prosiding Kajian Islam Dan Integrasi Ilmu Di Era Society 5.0 (KIIIES 5.0) Pascasarjana Universitas Islam Negeri Datokarama Palu, Vol.1 No.* https://jurnal.uindatokarama.ac.id/index.php/kiies50/article/view/1088?utm_source=chatgpt.com
- Nasution, A., & Bahar, M. (2024). Tingkatan al-Maqashid al-Khamsah dan Penerapannya. *Jurnal Kolaboratif Sains*, 7(12), 4656–4670.
- Pengadilan Agama Majene. (n.d.). *Sistem Penulisan Perkara*. https://sipp.pamajene.go.id/list_perkara/search_detail/page/11/Wi9EZ3o3dXc0QjN3cUpGRUZjc2E5K25mOHQ1VlpOU0ZHRUtONU9DK2tNa283M0ZhekRydVY3ZDJPRXNNL2tUdkdiaWltUmlSTGc5RmpoT2x6QjY3c2c9PQ==/key/col/2
- Putri, R. A., & Silvia, T. (2024). Redesain Kebijakan Perkawinan Anak: Menjembatani Berbagai Perspektif Untuk Solusi Efektif. *Majalah Ilmiah Dinamika Administrasi (Mida)*, 21(2), 1–17.
- Rosadi, A. (2021). *Hukum Dan Administrasi Perkawinan*. Simbiosis Rekatama Media.

- Rozali, Y. A. (2022). Penggunaan analisis konten dan analisis tematik. *Penggunaan Analisis Konten Dan Analisis Tematik Forum Ilmiah*, 19, 68.
- Rusdi, M. A. (2017). Masalah sebagai metode ijtihad dan tujuan utama hukum Islam. *Diktum*, 151–168.
- Siddik, F., & Daraba, D. (2024). *Optimalisasi Program Penanganan Stunting Oleh Dinas Kesehatan Kabupaten Majene Provinsi Sulawesi Barat*. Ipdn.
- Sitepu, M. H. (n.d.). *Peran UNICEF Melalui Child Friendly Cities Initiative (CFCI) Dalam Menangani Pernikahan Anak Di Indonesia Periode 2016-2021*. Program Studi Ilmu Hubungan Internasional Fakultas Ilmu Sosial Dan Ilmu.
- Sulistiyo, U. (2023). *Metode penelitian kualitatif*. PT Salim Media Indonesia.
- Sulung, U., & Muspawi, M. (2024). Memahami sumber data penelitian: Primer, sekunder, dan tersier. *Edu Research*, 5(3), 110–116.
- Susanto, D., & Jailani, M. S. (2023). Teknik pemeriksaan keabsahan data dalam penelitian ilmiah. *QOSIM: Jurnal Pendidikan, Sosial & Humaniora*, 1(1), 53–61.