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Underage Marriage According To Conventional Law And Islamic Law

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Abstract

Child marriage remains a common problem in Indonesia and has various consequences in the legal, social, educational, and protection of children's rights sectors. The occurrence of early marriage is generally influenced by several factors, including family economic conditions and low levels of education, cultural traditions that develop in society, and the influence of the social environment. This phenomenon encourages the need for an in-depth study of the status and regulation of underage marriage from a national legal perspective, including Islamic law. This study aims to examine the regulation of early marriage according to conventional law and Islamic law, while also comparing the similarities and differences between the two. This study applies a normative juridical method by combining several approaches, namely the statutory regulatory approach, a conceptual approach, and a comparative approach. Data collection was conducted through a literature review by reviewing various sources, such as applicable legal regulations, reference books, scientific articles, and Islamic legal literature relevant to the focus of this study. This study found that Indonesian national law regulates the minimum age for marriage through Law Number 16 of 2019, which is 19 years for both men and women. These provisions are established as a more effective form of protection for children and to mitigate the various risks that can arise from marriage at an age that has not yet reached maturity. Meanwhile, Islamic law does not stipulate a fixed age for marriage. Determining eligibility for marriage is more focused on achieving puberty and rusyd, which reflect physical and mental maturity and readiness to shoulder the responsibilities of married life. Despite differences in determining the minimum age for marriage, both conventional and Islamic law fundamentally share the same orientation: building a harmonious family, maintaining the continuity of the family line, and protecting the interests of children and all family members. Therefore, the regulation of the minimum age for marriage in

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national law can be understood as a form of legal ijtihad aimed at achieving public welfare while simultaneously aligning with the basic principles of Islamic law.

Keywords: Child Marriage, Conventional Law, Islamic Law, Marriage Age, Child Protection.

INTRODUCTION

Marriage is one of the important social institutions in society. It is also a legal institution that plays a vital role in the structure of social life. Through marriage, the relationship between a man and a woman gains legitimacy recognized by both religion and state law, thus enabling the formation of a harmonious, prosperous, and sustainable family. Within the Indonesian legal framework, marriage is not only viewed as a private relationship between two individuals, but also as a legal event that gives rise to consequences in the form of rights and obligations for the husband, wife, and other parties involved in the family. Therefore, the implementation of marriage requires comprehensive preparation, encompassing physical, psychological, social, and economic aspects, so that the goal of forming a quality family can be optimally achieved .[1]

As society evolves, the issue of child marriage remains a topic of widespread concern in various countries, including Indonesia. This phenomenon is not only related to legal regulations but also impacts health, education, social welfare, and the fulfillment of children's rights. Various reports from relevant institutions indicate that the practice of child marriage continues despite the government's various preventive and mitigation measures. Marriage at an age before maturity is generally influenced by various factors, such as family economic conditions , low access to and levels of education, strong traditions or culture prevailing in the community, the influence of the social environment, and cases of premarital pregnancy. These factors often encourage children to enter married life before they are adequately prepared physically, mentally, and socially.[2]

The regulation of the marriage age in the Indonesian national legal system has shifted through the enactment of Law Number 16 of 2019 as a revision of Law Number 1 of 1974 concerning Marriage. This regulation requires a minimum age of 19 years for men and women who will marry. The determination of this age limit is a legal step taken by the state to provide more optimal protection to children while preventing various detrimental impacts that can arise

[1]M. Anwar Rachman, Prawitra Thalib, and Saepudin Muhtar, *Indonesian Marriage Law from the Perspective of Civil Law, Islamic Law, and Administrative Law* (Jakarta: Kencana, 2022), 3–5 .

[2]Sabki Ati Murtafi'ah, "The Phenomenon of Underage Marriage Among Generation Z: Perspectives of Islamic Law and Positive Law," *Al-Wathan: Jurnal Ilmu Syariah* 4, no. 2 (2023): 122–124.

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from early marriage , such as dropping out of school, increased likelihood of divorce, reproductive health problems, and emotional and financial unpreparedness in building a family. However, the existence of a marriage dispensation mechanism that is the authority of the court shows that marriage below the age limit is still possible in certain situations, as long as it is based on legal considerations and circumstances that are deemed urgent.[3]

Unlike national laws that clearly and definitively stipulate a minimum age for marriage , Islamic law does not specify a specific minimum age. The primary sources of Islamic law, the Qur'an and the Hadith , place greater emphasis on individual readiness, characterized by reaching *puberty* and the ability to exercise the rights and obligations of a husband or wife in married life. Therefore, the concept of maturity in Islamic law is understood more substantively, taking into account a person's biological, psychological, and social maturity, rather than solely based on chronological age. This approach has given rise to various opinions among jurists regarding the criteria and ideal limits for marriage in accordance with the goals and benefits to be achieved .[4]

The differences in approaches to determining the age of marriage between conventional and Islamic law are often the subject of study in the realm of family law. Conventional law tends to use a fixed and measurable age limit as an instrument to guarantee child protection and provide legal certainty for society. Meanwhile, Islamic law places greater emphasis on the aspect of personal readiness, reflected in a person's biological and psychological maturity and ability to shoulder the responsibilities of family life. Despite differences in the methods used to determine eligibility for marriage, both legal systems share a common orientation: realizing the welfare of the individual and society, maintaining the continuity of the lineage (*hifz al-nasl*), and establishing a strong, harmonious family capable of optimally fulfilling its social functions .[5]

Previous studies have generally focused on the social impact of child marriage, the factors underlying its occurrence, and the effectiveness of the implementation of the Marriage Law following its amendment through Law Number 16 of 2019. Meanwhile, research that comprehensively examines the comparative concept and regulation of underage marriage from a conventional and Islamic legal perspective remains limited. This gap is further evident in studies that have not yet linked the two legal systems to child protection issues and the dynamics of

[3]Heppy Hyma Puspytasari, "Underage Marriage According to Islamic Law and Positive Law in Indonesia," *Jurnal Jendela Hukum* 8, no. 1 (2021): 30–32

[4]Asman, Syarifuddin, and Muhammadong, *Introduction to Indonesian Islamic Marriage Law* (West Sumatra: Sonpedia Publishing Indonesia, 2023), 67–70.

[5]Habib Shulton Asnawi and M. Anwar Nawawi, *Dynamics of Marriage Law in Indonesia* (Yogyakarta: Bildung, 2022), 95–99.

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contemporary family law developments in Indonesia. Based on this, this research is considered relevant to be conducted as an effort to expand the scientific knowledge of family law, while providing a more comprehensive understanding of the similarities, fundamental differences, and relevance between conventional and Islamic law in responding to the practice of underage marriage.

Based on the description, this study aims to examine underage marriage according to conventional law and Islamic law, identify the similarities and differences between the two in determining the age limit for marriage, and examine the relevance of both perspectives in efforts to protect children and form quality families in Indonesia.

RESEARCH METHODS

1. Types and Nature of Research

This research employs a normative legal approach, a research method focused on examining legal regulations, legal principles, and the various norms that underpin the legal system. The primary focus of this research is the examination of legal materials derived from legal sources relevant to the problem under study. These sources include legislation, doctrines or views of legal scholars, court decisions, and Islamic legal literature relevant to the issue of child marriage.

Normative legal research is conducted to examine, interpret, and evaluate the legal principles governing a specific legal issue. In this research, the discussion focuses on examining the regulation of child marriage from the perspective of conventional law and Islamic law. This study aims to gain a deeper understanding of the legal basis, conceptual construction, and implementation of these regulations within the applicable legal system.[6]

This research is descriptive-analytical in nature, meaning it not only presents in a structured manner the various legal provisions related to underage marriage but also conducts an in-depth examination of the substance of these regulations. Through this approach, this research seeks to identify common ground, fundamental differences, and the relevance of conventional and Islamic law in responding to and regulating the practice of underage marriage.

2. Research Approach

This research uses several approaches, namely:

a. Statute *Approach*

[6] Peter Mahmud Marzuki , *Legal Research* , Revised Edition (Jakarta: Kencana, 2021), 55.

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To understand the regulations regarding child marriage, this study utilizes a statutory approach by examining a number of relevant regulations. Some of the legal instruments analyzed include Law No. 16 of 2019, Law No. 35 of 2014 concerning Child Protection, and the Compilation of Islamic Law. The review of these regulations was conducted to gain an understanding of the legal structure governing the minimum age for marriage and to assess the extent to which the Indonesian legal system protects children's interests and rights.[7]

b. Conceptual *Approach*

In this research, this approach is applied by examining various ideas, doctrines, and legal constructs relevant to the issue of underage marriage. This approach is used to better understand the concepts underlying marriage regulations and the development of legal thought related to the minimum age for marriage.

Such concepts include the concepts of maturity, *puberty* , *rusyd* , child protection, and the purpose of marriage. This approach is conducted through a study of the thinking of legal scholars, academics, and religious scholars to gain a more comprehensive understanding of the age limits for marriage from both Islamic and conventional legal perspectives. This allows for a better understanding of the philosophical and legal foundations underlying each legal system.[8]

c. Comparative *Approach*

In this study, a comparative approach is applied as a means to examine and compare the provisions on underage marriage that have developed in conventional law and Islamic law. The analysis is conducted by examining key aspects that form the basis of the regulations, including the normative basis, marriage age parameters, and the policy directions behind them. Through this comparison, the study seeks to gain a deeper understanding of the uniqueness, similarities, and differences of each legal system in regulating child marriage.[9]

RESULTS AND DISCUSSION

a. Underage Marriage According to Conventional Law in Indonesia

1. The Concept of Underage Marriage in Conventional Law

According to conventional legal concepts, marriage is a legal event that binds a man and a woman into a relationship recognized by the state and gives rise to rights and

[7]Marzuki, *Legal Research* , 133.
[8]Soekanto and Mamudji, *Normative Legal Research* , 15.
[9]Marzuki, *Legal Research* , 172.

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obligations that must be fulfilled and carried out by each party. In this regard, the state establishes a number of legal requirements as prerequisites for marriage, one of which relates to the age of the prospective bride and groom. Regulations regarding the age limit for marriage aim to ensure the individual's readiness to face various family responsibilities, both related to physical, emotional, and social aspects, so that the goal of forming a harmonious and sustainable family can be optimally achieved.[10]

The updated marriage age provisions in Law Number 16 of 2019 demonstrate the state's commitment to improving child protection. Prior to the amendment, Indonesian marriage law differentiated the minimum marriage age for women, at 16, and for men, at 19. Through the revised law, the minimum marriage age is set at 19 for both prospective brides and grooms. This policy adjustment was made in an effort to address the high rate of child marriage, which has the potential to negatively impact reproductive health, access to education, and the quality of children's social welfare.

From a child protection law perspective, marriage before adulthood can hinder the fulfillment of children's essential rights. The impact is not only related to the disruption of access to education but can also affect the child's health and physical, mental, and social development. Therefore, setting a minimum age for marriage is part of a legal policy designed to safeguard the best interests of children while ensuring the continued fulfillment of their rights.[11]

2. Marriage Dispensation as an Exception

Despite existing legal provisions governing the minimum age for marriage, the Indonesian legal system still provides a dispensation as an exception to this rule. A request for dispensation is submitted to the court and can only be granted after a judge has examined and assessed the underlying reasons. In making a decision, the judge considers not only legal aspects but also the protection and best interests of the child as primary considerations.[12]

Various requests for marriage dispensation submitted to the courts are generally

[10]M. Anwar Rachman, Prawitra Thalib, and Saepudin Muhtar, *Indonesian Marriage Law from the Perspective of Civil Law, Islamic Law, and Administrative Law* (Jakarta: Kencana, 2022), 87.

[11]Habib Shulton Asnawi and M. Anwar Nawawi, *Dynamics of Marriage Law in Indonesia* (Yogyakarta: Bildung, 2022), 102–104.

[12]Nur Izah Fitriah, Abu Yazid Adnan Quthny, and Imam Syafi'i, "Marriage Dispensation After the Issuance of Law No. 16 of 2019 at the Probolinggo Religious Court," *Jurnal Asy-Syukriyyah* 24, no. 1 (2023): 20.

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motivated by specific circumstances, such as pregnancy outside of marriage, pressure from the social environment, and urgent family considerations. This phenomenon demonstrates that child marriage is a complex issue, as it is not only related to legal aspects but also closely linked to economic factors, social constructs, and cultural factors that shape societal mindsets.

b. Underage Marriage According to Islamic Law

1. The Concept of Maturity in Islamic Law

Unlike positive law, which clearly defines the age limit for marriage, Islamic law does not provide a definitive minimum age. In Islamic teachings, the criterion for marriage is more focused on an individual's ability to shoulder the responsibilities and perform the duties of a husband or wife. Therefore, the Quran and Hadith place greater emphasis on maturity and readiness than on age alone. Accordingly, Islamic scholars generally use the concepts of *baligh* and *rusyd* as the primary parameters in assessing a person's suitability for marriage, reflecting both physical maturity and maturity in thought and action.

From an Islamic legal perspective, *puberty* is understood as the stage when a person reaches biological maturity, marked by symptoms of puberty, such as menstruation for girls or wet dreams for boys. However, this condition is not the sole criterion for determining a person's readiness to enter marriage. Beyond *puberty* , there is also the concept of *rusyd* , which refers to intellectual maturity, the ability to consider actions rationally, and the ability to carry out social responsibilities. This idea is reflected in Surah An-Nisa', verse 6, which emphasizes the importance of properly managing one's affairs and possessions before being given broader responsibilities. Thus, the measure of maturity in Islam focuses not only on physical aspects but also encompasses intellectual and social maturity.[13]

Thus, Islamic law places physical maturity as a crucial element, but it is not the sole indicator of marriage readiness. Mental, emotional, and social readiness are also integral considerations in determining a person's suitability for marriage. In the context of modern society, the meaning of the concepts of *baligh* and *rusyd* becomes increasingly relevant, given that the dynamics of family life today demand more complex capabilities, both economic, emotional, and intellectual, so that a person has sufficient capacity to navigate

[13] Wahbah az-Zuhaili , *Al-Fiqh al-Islāmī wa Adillatuh* , vol. 7 (Damascus: Dār al-Fikr, 2004), 30–32.

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the dynamics of family life and fulfill the responsibilities inherent in marriage.[14]

2. Scholars' Views on Underage Marriage

Classical Islamic jurisprudence scholars hold diverse views on child marriage. Some scholars permit marriage before adulthood under certain conditions, particularly if it is conducted by a legal guardian and is for the benefit of the child. This thinking developed in the context of past societies whose social structures and life dynamics differed from those of today.

Although there are differences of opinion among jurists regarding marriage before reaching adulthood, this should not be interpreted as a recommendation to marry at an early age. Essentially, the majority of scholars believe that the ability to carry out household responsibilities is a crucial requirement for married life. Wahbah az-Zuhaili stated that one of the main goals of marriage in Islamic teachings is to bring peace (*sakinah*), maintain the continuity of the family line, and build a harmonious family. These goals are difficult to achieve if the parties are not sufficiently prepared, both physically and psychologically. Therefore, personal maturity is a fundamental aspect that must be considered before someone starts a household.[15]

In line with this view, contemporary Islamic legal studies indicate a tendency to reinterpret provisions regarding the age of marriage based on the needs of modern society. According to a number of Islamic legal experts, the state's determination of the minimum age for marriage can be viewed as a legitimate form of public policy aimed at creating public welfare while remaining within the principles of sharia.[16]

3. Child Marriage from the Maqasid al-Syariah Perspective

In contemporary Islamic legal discourse, child marriage is often examined through the *maqāṣid al-sharī'ah approach* , which places benefit as the primary goal of law formation. Through this approach, a legal practice is not only viewed from the aspect of its normative permissibility, but also from its influence on human life. Thus, the practice of underage marriage is considered based on the extent to which the practice supports the realization of the objectives of the sharia and protects individuals and society from various forms of harm.

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[14] Abdul Aziz Muhammad Azzam and Abdul Wahhab Sayyed Hawwas , *Fiqh Munakahat: Khitbah, Nikah and Talak* (Jakarta: Amzah, 2021), 39–42.

[15] Wahbah az-Zuhaili, *Al-Fiqh al-Islāmī wa Adillatuh* , 34.

[16] Mahrus Ali and Rudi Hanafi, "Law Reform on Marriage Age Limits (Islamic Law and Gender Equality Perspective)," *JSHI: Jurnal Syariah Hukum Islam* 3, no. 2 (2022): 112–114.

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Marriage at too early an age has the potential to lead to a number of unfavorable consequences, including an increased risk of reproductive health problems, a halt in education, weakened household economic stability, and a rise in divorce rates. When marriage at too young an age results in various negative consequences, the primary goal of sharia, which is to safeguard life, the continuation of offspring, and the development of the mind, becomes more difficult to achieve optimally. Therefore, a number of contemporary Islamic scholars believe that setting a minimum age for marriage is a policy that does not conflict with Islamic teachings and can even serve as a means to realize the goals of sharia in society.[17]

Research conducted by Ali Sibra Malisi (2025) shows that the establishment of a marriage age limit of 19 years in Indonesia can be understood as a form of contemporary ijtihad based on the principle of *maṣlaḥah mursalah* . This policy is intended to provide protection for children while ensuring the readiness of prospective couples to live a more mature married life. Based on these considerations, limiting the marriage age can be seen as part of legal development that remains based on the objectives of sharia. This policy is a response to changing social conditions and a means to achieve better welfare and protection for society.[18]

4. The Relevance of Islamic Law to Marriage Age Regulations in Indonesia

In several Muslim countries, family law reforms have shown a trend toward more clearly defining the minimum age for marriage. This step was taken to address the various social impacts that can arise from marriage at a relatively young age. In the Indonesian context, regulatory reforms were implemented through Law No. 16 of 2019, which sets the minimum age for marriage at 19 for both men and women.

In Islamic legal studies, these regulations can be understood as the implementation *of siyāsah syar'iyyah* , namely, steps taken by the government to safeguard social welfare. Therefore, as long as the policies implemented remain within the principles of sharia and

[17]Heri Fuadhi, "Child Marriage Law," *Takammul: Journal of Gender and Islamic Studies and Child Protection* 8, no. 2 (2021): 247–250.

[18]Ali Sibra Malisi, "Analysis of Marriage Age Limits in the Perspective of Islamic Law: A Study of the Application of the Theory of Maslahat and Maqāṣid Al-Syarī'ah in Indonesia," *Qonun: Journal of Islamic Law and Legislation* 9, no. 2 (2025): 180–183.

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benefit society, their existence is acceptable as an adaptation of Islamic law to developments in modern life.[19]

Therefore, Islamic law essentially allows for the establishment of a minimum age for marriage, provided it serves the purpose of safeguarding the common good. This provision can serve as a mechanism to ensure that individuals entering marriage possess sufficient maturity and readiness to face family responsibilities. Thus, the resulting marriage has a greater chance of realizing the goals of marriage as taught in Islam.

c. Comparative Analysis of Underage Marriage According to Conventional Law and Islamic Law

1. Equality between Conventional Law and Islamic Law in Viewing Marriage

Despite their different foundations, conventional law and Islamic law share a common focus on regulating marriage. Both position the family as an institution that must be built on harmony, the continuation of generations, and the protection of each member. In Indonesian positive law, this goal is affirmed through the provisions of Article 1 of Law No. 1 of 1974 in conjunction with Law No. 16 of 2019, which emphasizes the formation of a happy and eternal family based on the value of Belief in the One Almighty God. On the other hand, Islamic law views marriage as a sacred covenant (*mitsāqan ghalīẓan*), aimed at creating a peaceful life, strengthening affection, and bringing blessings to married life.[20]

In addition to having similar goals, both legal systems also require the prospective bride and groom to be ready before marriage. Conventional law assesses this readiness through a specific age limit deemed to reflect a person's physical and psychological maturity. Islamic law, on the other hand, emphasizes biological and mental readiness and the ability to shoulder family responsibilities through the concepts of baligh and rusyd. Therefore, despite their differing approaches, conventional and Islamic law share the view that a person's level of maturity is a crucial aspect in building a family life. This maturity serves as a crucial foundation for a responsible marriage and the achievement of the goal of establishing a harmonious and sustainable family.[21]

Another similarity can be seen in the orientation toward protecting children and the family institution. Both legal systems fundamentally seek to prevent marriage practices

[19]Khozin Nasution, "Thematic-Holistic Combination as a Theory of Islamic Legal Transformation: A Study of the Marriage Age," *ADHKI: Journal of Islamic Family Law* 6, no. 2 (2024): 95–99

[20] Amir Syarifuddin , *Islamic Marriage Law in Indonesia: Between Fiqh Munakahat and Marriage Law* (Jakarta: Kencana, 2021), 39–42.

[21] Mardani , *Islamic Family Law in Indonesia* (Jakarta: Prenadamedia Group, 2022), 74–77.

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that could potentially negatively impact the future of the couple and their offspring. Therefore, despite their differing regulatory approaches, both share the same goal: to create a healthy, stable family capable of optimally fulfilling its functions and responsibilities.[22]

2. Differences between Conventional Law and Islamic Law in Determining the Age of Marriage

One of the striking differences between the two legal systems, Islamic law and conventional law, relates to the determination of the age of marriage. In the national legal system, the minimum age for marriage is set precisely as a form of legal certainty. Based on Law Number 16 of 2019, Article 7 paragraph (1), the state determines that marriage can only be carried out if both prospective bride and groom are 19 years old. This policy was formulated by considering various aspects, including child protection, reproductive health, opportunities to obtain adequate education, and psychological readiness to shoulder the responsibilities of household life. Meanwhile, Islamic teachings do not stipulate a definite age as a requirement for carrying out marriage. The Qur'an and Hadith emphasize the aspects of individual readiness and maturity rather than determining age in the form of a specific number . Determining readiness for marriage is based more on achieving the conditions of baligh and rusyd. Allah SWT says:

"And test the orphans until they are old enough to marry. Then if in your opinion they are intelligent (rusyd), then hand over to them their wealth." (QS An-Nisā' [4]: 6).

The above verse illustrates the concept of maturity, which Islam encompasses beyond mere physical signs. Beyond physical maturity, Islam also emphasizes the importance of mature thinking and an individual's readiness to fulfill life's obligations and responsibilities.

Thus, the measure of readiness to enter into marriage in Islamic law is more substantive and oriented towards the quality of individual maturity, not merely an administrative provision based on age.

These differences demonstrate that conventional law prioritizes legal certainty by establishing a uniform age limit for all individuals. Meanwhile, Islamic law places greater emphasis on a person's maturity, measured by physical and mental readiness, and the ability to assume responsibility for married life. Nevertheless, both aim to ensure that

[22] Jasser Auda , *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought, 2021), 24–26.

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marriage is entered into by individuals who are ready to live together.[23]

3. The Position of Underage Marriage from the Perspective of Two Legal Systems

In Indonesia's conventional legal system, marriage below the stipulated age is essentially prohibited. However, legislation still provides a legal loophole in the form of a marriage dispensation mechanism that can be requested from the court. This dispensation is granted through a judicial review process by a judge, taking various aspects into consideration.

Meanwhile, within the classical Islamic legal tradition, there is a diversity of views among scholars regarding the practice of child marriage. These differences arise from differing interpretations of sharia principles and the social context in which each scholar formulated the legal provisions of marriage. Some scholars permit marriage contracts to be performed before reaching adulthood under certain conditions, particularly if there are considerations of public interest and the presence of a legal guardian. However, the implementation of married life remains linked to the physical and mental readiness of the couple.[24]

Social changes occurring in modern society have prompted many Islamic thinkers to reconsider the practice of child marriage. They believe that the success of a household no longer depends solely on biological maturity, but also on an individual's ability to cope with increasingly complex educational, economic, and psychological demands. With these considerations in mind, the state's regulation of a minimum age for marriage can be understood as a policy aimed at protecting the interests of society while remaining within the framework of Islamic sharia values.[25]

4. The Relevance of Conventional Law and Islamic Law to Child Protection

The provisions regarding the minimum age for marriage in both conventional and Islamic law essentially have a consistent goal: to protect children's rights while ensuring a better quality of family life. Various studies have shown that child marriage can trigger a variety of problems, including hindered education, increased vulnerability to poverty,

[23]Khozin Nasution, "Thematic-Holistic Combination as a Theory of Islamic Legal Transformation: A Study of the Marriage Age," *ADHKI: Journal of Islamic Family Law* 6, no. 2 (2024): 92–95.

[24] Abdul Wahhab Khallaf , *The Science of Ushul al-Fiqh* (Cairo: Maktabah al-Da'wah al-Islamiyyah, 2019), 198–201.

[25]Ali Sibra Malisi, "Analysis of Marriage Age Limits in the Perspective of Islamic Law: A Study of the Application of the Theory of Maslahat and Maqāṣid Al-Syarī'ah in Indonesia," *Qonun: Journal of Islamic Law and Legislation* 9, no. 2 (2025): 181–184.

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the risk of reproductive health problems, and a high potential for marital disintegration, leading to divorce.[26]

From an Islamic legal perspective, efforts to protect children align with the primary objectives of sharia, which prioritizes the preservation of life, reason, and posterity. Within this framework, the policy regarding the minimum age of marriage can be understood as a preventive measure to safeguard the best interests of children. Therefore, this regulation not only has a social and legal basis but also reflects the values of welfare, which are the primary objective of Islamic sharia in modern society.

Based on this analysis, it can be understood that the difference between conventional and Islamic law lies more in the method of regulation than in the legal objectives. Conventional law uses a fixed minimum age approach to create legal certainty, while Islamic law uses a more flexible approach based on individual maturity. Ultimately, both legal systems strive to ensure that marriage is built on a foundation of readiness and responsibility, thereby creating lasting benefits for the individual, the family, and society at large.

CONCLUSION

The research reveals that Indonesian law regulates the minimum age for marriage through Law Number 16 of 2019, which stipulates a minimum age of 19 for both men and women. This policy is implemented as a preventative measure to protect children's interests while also providing prospective couples with the opportunity to reach sufficient maturity before assuming the responsibilities of marriage.

In Islamic law, the provisions regarding marriage are not based on a numerical age limit, but rather on achieving *puberty* and *rusyd* , which reflect physical and intellectual maturity and a person's ability to shoulder responsibility. Therefore, the concept of readiness for marriage in Islam places greater emphasis on the quality of an individual's maturity than simply chronological age.

Although they use different approaches to determining the appropriate age for marriage, the two legal systems share a common orientation. Both strive to create quality families, ensure the continuity of the family line, and protect the rights and interests of children. Therefore, the

[26]Heri Fuadhi, "Child Marriage Law," *Takammul: Journal of Gender and Islamic Studies and Child Protection* 8, no. 2 (2021): 250–252.

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minimum age for marriage stipulated in national law can be seen as a step towards realizing social welfare while remaining in line with the provisions of Islamic law.

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