

CONTEXTUAL THEMATIC INTERPRETATION OF CHILD MARRIAGE IN THE QUR'AN: RECONSTRUCTING MATURITY AND SOCIAL ETHICS IN INDONESIA

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Abstract: Child marriage remains a persistent social problem in Indonesia, despite significant legal reforms, notably the enactment of Law No. 16 of 2019 which raised the minimum legal age of marriage to nineteen years. However, empirical realities indicate that the practice continues to be widespread, largely reinforced by literalist religious interpretations that neglect the ethical spirit and broader objectives of Islamic jurisprudence. In response to this challenge, this study aims to critically re-examine Qur'anic verses that are frequently invoked to justify the marriage of minors through a contextual thematic interpretation (*tafsir ma'wdu'i*). This research employs a qualitative methodological framework by systematically identifying and thematically categorizing Qur'anic verses related to marriage, maturity (*bulugh*), and intellectual discernment (*rasyd*), and parental responsibility. These verses are analyzed within their socio-historical context of revelation (*asbab al-nuzul*), followed by a contextual reinterpretation that engages contemporary legal norms and social realities in Indonesia. The findings demonstrate that although the Qur'an does not stipulate a specific chronological age for marriage, it consistently emphasizes comprehensive maturity, including physical, psychological, emotional, and financial readiness as a fundamental prerequisite. Furthermore, child marriage in the Indonesian context is shown to produce significant harm, particularly in relation to educational attainment, reproductive health, and long-term socio-economic justice. Such consequences contradict the ethical objectives of Islamic law (*Maqāsid al-Shari'ah*), especially the protection of life, intellect, lineage, and human dignity. Accordingly, this study argues that a contextual thematic interpretation of the Qur'an provides a robust ethical and normative foundation to challenge literalist readings that legitimize child marriage. It further contributes to strengthening religiously grounded support for child protection policies and fostering a more humanistic and socially responsive Islamic discourse in contemporary Indonesia.

Keywords: Contextual Tafsir; Child Marriage; Social Transformation

Introduction

Child marriage remains a serious and persistent social problem in Indonesia despite significant legal reforms, particularly the enactment of Law No. 16 of 2019 which raised the minimum legal age of marriage to nineteen years (Setiyowati & Lisdiyono, 2023). National and international reports indicate that the practice continues, especially in rural areas and communities where religious authority plays a dominant role in regulating social life (Kohn et al., 2020). One of the main factors sustaining child marriage is the prevalence of literal-textual interpretations of Qur'anic verses concerning marriage and

maturity (*baligh*), which tend to legitimize marriage based solely on biological puberty while neglecting psychological readiness, social responsibility, and economic capacity (Nikmatullah, 2024; Rahmadani, 2025). This interpretive tendency generates tension between state law and religious understanding, thereby weakening efforts to protect children's rights.

From a normative Qur'anic perspective, marriage is not regulated by a fixed numerical age but is closely associated with ethical criteria of maturity and responsibility, particularly through the concept of *rushd* (sound judgment), as articulated in QS. al-Nisā' (4): 6 (Abualkheir et al., 2024; Safroedin et al., 2024). This verse emphasizes not merely physical maturity but intellectual and moral readiness as prerequisites for assuming legal and social responsibilities (Aprilianto et al., 2024; Busriyanti et al., 2025). Nevertheless, such ethical dimensions are frequently overlooked in ahistorical and non-contextual interpretations that isolate the text from its broader moral objectives and socio-historical context. Consequently, there is a pressing need for a Qur'anic interpretive approach that reconnects the text with its ethical foundations and engages contemporary social realities, especially within the Indonesian context.

Previous studies have examined child marriage from various perspectives. Roslaili, Idris, and Suhemi, in *Family Law Reform in Indonesia According to the Maqāshid al-Shari'a Perspective (A Case Study of Law no. 16 of 2019)*, argue that child marriage contradicts the principles of *maqāshid al-shari'ah*, particularly the protection of life (*hifẓ al-nafs*) and lineage (*hifẓ al-nasl*) within the framework of family law reform in Indonesia (Roslaili et al., 2021). Ridwan, Ifnaldi, and Jahidin, in *Early Marriage in Medical View and Maqāshid Sharia*, highlight the severe reproductive health risks faced by girls who marry at an early age, demonstrating that such practices undermine the objectives of Islamic law from a medical perspective (Ridwan et al., 2021). Hidayat et al., in *Is Early Marriage a Problem in Indonesia? Maqāshid Al-Shari'ah, Economic and Quadruple Helix Analysis*, further reveal the structural relationship between child marriage, economic inequality, limited access to education, and the weak enforcement of positive law in Indonesia (Hidayat et al., 2024). Similarly, Purnomo et al., in *Dimensions Maqāshid Al-Shari'ah and Human Rights in The Constitutional Court's Decision on Marriage Age Difference in Indonesia*, emphasize that raising the minimum marriage age aligns with constitutional values, human rights norms, and the ethical spirit of *maqāshid al-shari'ah* as reflected in Constitutional Court's decision on marriage age regulation (Purnomo et al., 2023).

Despite these valuable contributions, most existing studies remain largely normative and do not systematically engage Qur'anic verses that are frequently invoked at the grassroots level as textual justification for child marriage. Moreover, thematic *tafsir* studies on marriage often focus on general moral principles without sufficiently integrating Indonesia's contemporary socio-legal and cultural context. This gap constitutes the primary novelty of the present study which proposes a contextual thematic interpretation that directly links Qur'anic texts, *maqāshid al-shari'ah*, and Indonesia's lived social realities. Accordingly, this study aims to critically reexamine Qur'anic verses related to marriage, maturity (*baligh* and *rushd*), and family responsibility through a contextual thematic interpretation approach. It seeks to articulate a more progressive and humanistic understanding of the Qur'an by positioning holistic maturity

encompassing physical, psychological, social, and economic dimensions as an ethical prerequisite for marriage, while demonstrating its relevance to child protection and social transformation in Indonesia.

Methodologically, this research adopts a qualitative design within an interpretive paradigm and is conducted as library-based research. The material object of the study consists of *tafsir* books, *Mafatih al-Ghaib* and Tafsir Al-Misbah, with a focus on verses concerning marriage, maturity, justice, and parental responsibility, while the formal object is their interpretation through a contextual thematic *tafsir* (*tafsir mawḍūʿī manhaj muʿāṣir*), after tracking and grouping thematic verses, several verses were found, namely: QS. al-Nisāʾ (4): 6, QS. al-Nisāʾ (4): 9, and QS. al-Taubah (9): 7. This approach enables the integration of socio-historical textual analysis with contemporary Indonesian social conditions. Primary data are derived from the Qurʾan as the principal text, while secondary data include classical and contemporary *tafsir* literature, works on *maqāṣid al-sharīʿah*, national legal documents, and relevant peer-reviewed journal articles. Data analysis is carried out through thematic content analysis combined with a *maqāṣid*-oriented framework, involving the identification of relevant verses, examination of their historical context, comparison between classical and modern interpretations, and the reconstruction of meaning oriented toward justice, child protection, and social transformation in the contemporary context.

The Relevance of Qurʾanic Verses to the Concept of Maturity in Marriage

This study begins with an examination of QS. al-Nisāʾ (4): 6, a verse frequently cited in discussions of maturity and legal responsibility in Islamic law:

وَأَبْتَلُوا أَلْيَمِيًّا حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ

“And test the orphans (in their abilities) until they reach marriageable age. Then if you perceive in them sound judgment (*rushd*), release their property to them”.

This verse establishes a clear distinction between biological maturity (*bulūgh*) and ethical-intellectual maturity (*rushd*) (Shihab, 2005; Umar, 1981). Through a comparative analysis of classical and contemporary *tafsir*, this study demonstrates that *rushd* functions as a decisive criterion for social and legal responsibility, including marriage (Azizah et al., 2025; Purnomo & Rohmatulloh, 2022; Yasin et al., 2024).

Within a contextual hermeneutical reading of QS. al-Nisāʾ (4): 6, maturity is articulated as a layered moral and ethical concept rather than a merely biological condition. The Qurʾan differentiates *bulūgh* as physical puberty from *rushd* as sound judgment and responsible capacity, thereby framing marriage as an ethical commitment grounded in comprehensive human readiness (Isroqunnajah et al., 2024; Rafiʿi, 2024). Figure 1 below reflects this Qurʾanic logic by visualizing the distinction between biological maturity and holistic ethical maturity as the normative foundation for marital responsibility.

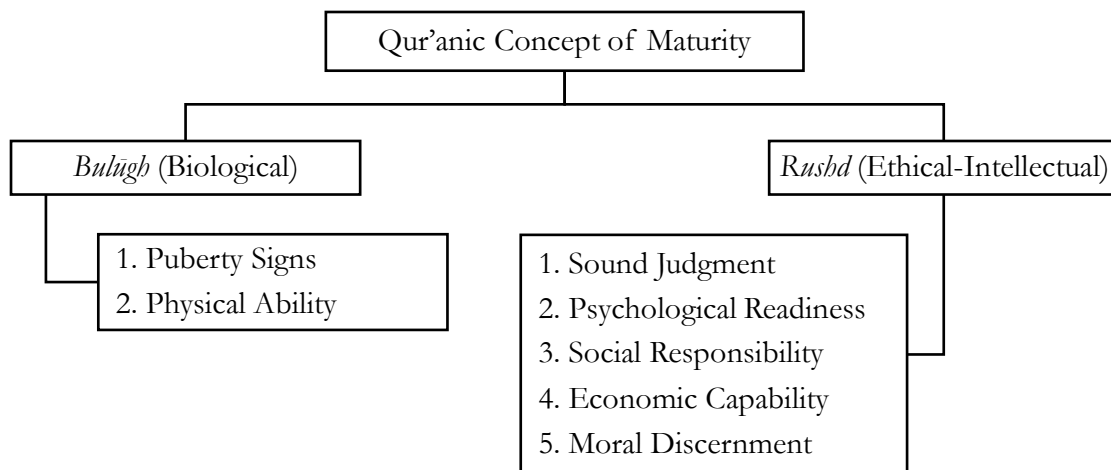


Figure 1. Conceptual Distinction between *Bulūgh* and *Rushd* in Qur'anic Perspective

As shown in Figure 1 above, the Qur'anic understanding of maturity is structured around a normative distinction that carries significant ethical implications for marriage. By positioning *rushd* as an evaluative standard that exceeds physical development, the figure highlights that marital readiness is inseparable from the ability to exercise sound judgment, assume responsibility, and anticipate social consequences. Rather than restating textual arguments, this visualization serves as a conceptual transition, guiding the discussion toward how this ethical criterion of maturity is further developed and reinterpreted within both classical and contemporary exegetical frameworks.

Fakhr al-Dīn al-Rāzī's classical interpretation predominantly frames *rushd* as legal competence related to property management and financial accountability (*al-abliyyah al-māliyyah*) (Umar, 1981). Within this framework, maturity is assessed primarily through one's ability to safeguard wealth and engage in lawful transactions, thereby linking adulthood to financial guardianship (AlMajed, 2025; Priambudi et al., 2025). In contrast, contemporary Indonesian *mufasssīrīn* and Islamic legal institutions advance a more expansive understanding of *rushd*. Rather than restricting it to financial competence, they conceptualize *rushd* as holistic maturity encompassing educational attainment, economic capacity, psychological readiness, and reproductive health. This interpretive expansion reflects a conscious effort to align Qur'anic ethics with present-day social realities and the higher objectives of Islamic law (*maqāṣid al-sharī'ah*) (Ridwan et al., 2021).

Recent developments in Islamic hermeneutics further reinforce this shift by advocating for socio-cultural and gender-sensitive readings of the Qur'an that address the ethical demands of modern Muslim societies (Octavia et al., 2023). Accordingly, the findings of this study affirm that the Qur'an does not prioritize chronological age or biological puberty alone, but rather emphasizes comprehensive readiness including intellectual, social, emotional, and economic as the *shar'i* prerequisites for marriage. This understanding resonates with *maqāṣid al-sharī'ah*, especially *ḥifẓ al-nafs* (protection of life), *ḥifẓ al-'aql* (protection of intellect), and *ḥifẓ al-māl* (protection of wealth). Thus, a contextual thematic interpretation of QS. al-Nisā' (4): 6 provides a robust normative basis for rejecting child marriage practices that are grounded solely in biological maturity and detached from holistic readiness in contemporary Indonesian society (Nur &

Puspitasari, 2023). This approach bridges classical Qur’anic discourse with modern socio-legal concerns while reaffirming the ethical authority of religion.

To establish a normative link between Qur’anic ethics and legal responsibility in marriage, the concept of *rushd* must be examined in relation to the higher objectives of Islamic law (*maqāṣid al-shari’ah*). This linkage demonstrates that maturity functions as a legal-ethical standard aimed at safeguarding fundamental human interests. Figure 2 below situates marriage readiness within this *maqāṣid*-based framework, emphasizing its role in ensuring lawful, responsible, and socially sustainable marital relations.

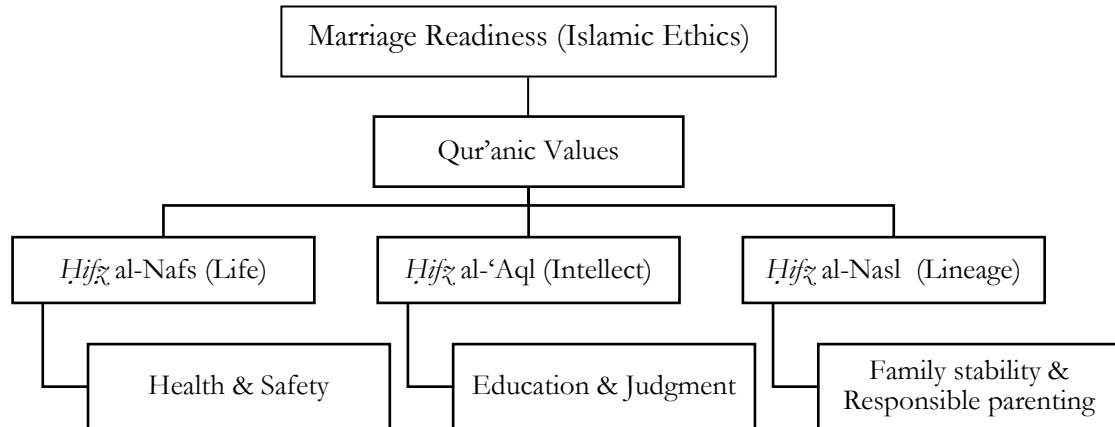


Figure 2. Qur’anic Ethical Framework for Marriage Readiness (*Maqāṣid*-Oriented)

As illustrated in Figure 2 above, marriage readiness is framed within a *maqāṣid*-oriented normative structure that prioritizes the protection of life, intellect, and lineage as core legal objectives. These principles operate not merely as moral ideals, but as enforceable ethical standards that guide the regulation of marriage and family life. The figure clarifies that the requirement of holistic maturity serves a preventive legal function by reducing potential harm to health, education, and family stability. In this context, Figure 2 reinforces the argument that postponing marriage until comprehensive readiness is achieved is consistent with both Qur’anic ethics and the legal mandate to protect vulnerable individuals, thereby providing a coherent foundation for contemporary marriage regulation.

The ethical imperative to protect vulnerable children is further articulated in QS. al-Nisā’ (4): 9:

وَلْيَحْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعْفًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا

“And let those (executors and guardians) fear (injustice) as if they (themselves) had left weak offspring behind and feared for them. So let them fear Allah and speak words of appropriate justice”.

This verse establishes a moral principle of foresight and precaution (*ihṭiyāṭ*) for adults and guardians. The phrase *zurriyyatan di’afan* (vulnerable offspring) conveys an ethical obligation to prevent conditions that lead to the children’s physical, psychological, and social weakness (Shihab, 2005; Umar, 1981). In this context, child marriage directly contradicts this Qur’anic principle, as it often results in children being born to parents who lack sufficient health, education, emotional maturity, and economic stability. Such

circumstances perpetuate vulnerability rather than prevent it. Consequently, QS. al-Nisā' (4): 9 serves as a strong hermeneutical foundation for policies aimed at child protection and the prohibition of early marriage, as it prioritizes preventive justice over reactive measures.

Within contemporary Indonesian discourse, scholars increasingly emphasize dialogical and inclusive interpretations of the Qur'an that harmonize religious teachings with human rights and social justice. QS. al-Taubah (9): 6 has been reinterpreted as a theological foundation for state responsibility in protecting vulnerable individuals. From the perspective of *maqāṣid al-shari'ah*, this verse embodies *ḥifẓ al-nafs* (protection of life) and *ḥifẓ al-'aql* (protection of intellect), underscoring the ethical obligation to ensure personal safety, dignity, and well-being through social and legal safeguards. Contextual thematic exegesis argues that child marriage, when conducted without adequate emotional, educational, and psychological readiness, contradicts Qur'anic values of justice (*'adl*) and compassion (*rahmah*) within both religious and state frameworks (Aulia et al., 2025). As such, QS. al-Taubah (9): 6 transcends its immediate historical context to function as a normative guide for the ethical engagement by religious institutions and government in child protection (Shihab, 2005; Umar, 1981). This interpretation has inspired contemporary initiatives such as premarital counseling, gender-sensitive education, and community-based child protection programs as concrete expressions of *maqāṣid al-shari'ah* in modern governance (Muniri et al., 2025).

QS. al-Taubah (9): 7 further reinforces the principles of justice, integrity, and commitment in social relations:

كَيْفَ يَكُونُ لِلْمُشْرِكِينَ عَهْدٌ عِنْدَ اللَّهِ وَعِنْدَ رَسُولِهِ إِلَّا الَّذِينَ عَاهَدْتُمْ عِنْدَ الْمَسْجِدِ الْحَرَامِ فَمَا اسْتَقَامُوا
لَكُمْ فَاسْتَقِيمُوا لَهُمْ إِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ

“How can there be for the polytheists a treaty in the sight of Allah and with His Messenger, except for those with whom you made a treaty at al-Masjid al-Haram? So, as long as they are upright toward you, be upright toward them. Indeed, Allah loves the righteous (who fear Him)”.

Within a thematic interpretive framework, this verse provides an ethical foundation for understanding marriage as a social agreement (*mu'ahadah*) that entails mutual responsibility, honesty, and equality (Shihab, 2005). In the context of marriage, these principles apply not only to the bride and groom but also to the broader community and social institutions responsible for safeguarding children's rights (Aprilianto et al., 2024). Contemporary Islamic legal scholarship highlights that *mu'ahadah* requires collective awareness of individual rights, equality, and diversity, particularly in pluralistic societies such as Indonesia (Kafidhoh et al., 2024; Mas'udah, 2021). Studies on family ethics further emphasize that ethical social agreements are essential for preventing exploitation within marriage and strengthening social civility (Rizani et al., 2024).

In the Indonesian context, progressive Muslim scholars and advocates of legal reform have underlined the importance of social agreements in advancing gender justice and protecting children's rights within marriage. These principles are increasingly reflected practices such as the documentation of premarital agreements and the development of community-based education rooted in Islamic ethics and Pancasila values (Suhardi, 2025).

M. Quraish Shihab reinforces this position by arguing that honesty and fairness in relationships extend to premarital agreements, which must be formulated based on the comprehensive readiness of both parties physically, psychologically, and socially (Shihab, 2005). From a *maqāsid al-shari'ah* perspective, QS. al-Taubah (9): 7 aligns with; *ḥifẓ al-nafs* (psychological safety), *ḥifẓ al-'aql* (mental maturity), *ḥifẓ al-'ird* (protection of dignity), and *ḥifẓ al-nasl* (stability of lineage).

Accordingly, within a contextual thematic interpretation, QS. al-Taubah (9): 7 should be understood not merely as a moral injunction but as a practical normative basis for formulating child protection policies in marriage. This includes the development of premarital agreements that explicitly address education, reproductive health, and informed consent. Such an interpretation reaffirms Islamic teachings that uphold justice, respect for individual rights, and the protection of vulnerable groups (Akhtar, 2024; Karimullah, 2023). Thus, this verse strengthens the argument that marriage must be carried out based on readiness and informed agreement, thereby avoiding the practice of child marriage which neglects principles of justice, equality and human dignity, values that are fully consistent with Islamic ethics, humanitarian norms, and Indonesia's plural context (Rahmah & Kurniawati, 2021; Ramanta, 2020).

These verses underscore the importance of commitment, protection, and responsibility in social relations. Contemporary Qur'anic hermeneutic scholarship emphasizes that the meaning of the Qur'an must continuously be contextualized in order to respond effectively to evolving social challenges (Haruna, 2024; Thottupurath, 2025). Within this framework, the practice of child marriage, when examined through the lens of *maqāsid al-shari'ah* including *ḥifẓ al-nafs* (protection of life), *ḥifẓ al-'aql* (protection of intellect), *ḥifẓ al-nasl* (protection of lineage), and *ḥifẓ al-'ird* (protection of dignity), should be understood as opposing any practice that threatens human dignity, equality, and collective welfare.

Recent Indonesian and international scholarship highlights that maturity in marriage cannot be reduced to biological indicators of puberty alone, but must encompass psychological readiness and social responsibility. From a contemporary gender and ethical perspective, scholars such as Ahdiyatul Hidayah argues that classical *fiqh* discourses often neglect socio-emotional maturity and gender equality as integral dimensions of marriage ethics (Hidayah, 2025). Similarly, emphasizes that the reinterpretation of Islamic legal norms through a *maqāsid al-shari'ah* framework provides a moral foundation for preventing child exploitation and promoting justice within family law (Purnomo et al., 2023).

Through a contextual thematic interpretation, the relevant Qur'anic verses are reread in light of Indonesia's contemporary social realities, where child marriage has been empirically shown to negatively affect children's education, health, and long-term well-being of children, especially girls. The requirement of holistic maturity encompassing physical, psychological, and financial preparedness is reaffirmed as a fundamental ethical prerequisite for marriage, deeply rooted in the objectives of *maqāsid al-shari'ah*. In this sense, postponing the age of marriage is not merely aligned with Islamic legal objectives. It constitutes a theological mandate that directly advances *ḥifẓ al-nafs* by preventing early reproductive health risks, *ḥifẓ al-nasl* by ensuring responsible and stable family formation,

and *hifẓ al-'aql* by safeguarding the right to education and mature decision-making prior to marital commitment.

Thus, this interpretive framework reflects the spirit of the Qur'an as a dynamic, responsive, and ethically grounded guide for social justice. A more comprehensive and progressive reading of Qur'anic verses on puberty and marriage can therefore make a substantive contribution to child protection initiatives and broader social reform grounded in Islamic values that embody *rahmatan lil 'alamin*.

To translate the *maqāsid*-based ethical framework of marriage readiness into concrete normative indicators, it is necessary to operationalize the concept of *rushd* within measurable and context-sensitive dimensions. Such operationalization enables Qur'anic ethics to function not only as moral guidance but also as a practical reference for legal assessment and policy formulation. Table 1 below presents these dimensions by outlining key indicators of holistic maturity relevant to the contemporary Indonesian context.

Table 1. Indicators of Holistic Maturity (Rushd) in Contemporary Indonesian Context

No	Dimension of Rushd	Indicators	Relevance to Child Protection
1	Psychological	Emotional stability, decision-making ability	Prevents marital violence and trauma
2	Educational	Completion of basic education	Safeguards intellectual development
3	Economic	Income readiness, livelihood skills	Prevents poverty cycle
4	Health	Reproductive health readiness	Reduces maternal and infant mortality
5	Social	Responsibility and consent	Ensures dignity and equality

As summarized in Table 1 above, holistic maturity (*rushd*) is articulated through interrelated psychological, educational, economic, health, and social dimensions that collectively determine readiness for marriage. These indicators do not introduce new normative requirements, but rather systematize ethical principles already embedded in Qur'anic teachings into assessable criteria applicable within modern legal and social frameworks. By structuring maturity in this manner, the table underscores that marriage readiness entails the capacity to prevent foreseeable harm and to uphold responsibility toward oneself, one's spouse, and future offspring.

Socio-Historical Context and Contemporary Reality

In pre-Islamic societies, child marriage was an accepted practice shaped by specific social, environmental, and biological conditions. Low life expectancy, high mortality rates, and the constant threat of disease led communities to prioritize physical maturity, marked primarily by the onset of puberty, as the principal indicator of readiness for marriage. Under such circumstances, psychological preparedness, and social

responsibility received little attention, as survival and reproduction constituted the dominant social imperatives. This emphasis on biological maturity was later reflected in classical *fiqh* formulations. Early jurists generally defined *bulūgh* based on observable signs of puberty and treated it as a legal threshold for marriage and other juridical capacities. Within the Hanafi, Maliki, and Hanbali schools, *bulūgh* functioned as a formal legal criterion, often without systematic engagement with emotional maturity, intellectual readiness or broader social responsibility (Nasohah, 2024). While this framework was historically coherent within its socio-cultural context, its normative application was closely tied to the realities of pre-modern society.

Contemporary Muslim scholars have criticized this narrow interpretation. Dr. Khaled Abou El Fadl, for example, argues that Islamic law must be responsive to changing social conditions and prioritize human dignity, mental maturity, and ethical responsibility as the primary legal considerations, including marriage. Such perspective resonate with broader socio-anthropological analyses, including those of Elizabeth Warnock Fernea, who highlights how social structures and gender norms in traditional societies shaped marriage practices and age expectations (Ansori, 2022). In contrast to pre-modern contexts, contemporary societies, especially Indonesia have undergone profound transformation. Life expectancy has increased significantly, medical research has clearly identified the health risks associated with early pregnancy, and modern social life increasingly demands extended education, emotional stability, and economic independence. Under these conditions, the literal application of classical legal criteria without contextual consideration risks producing injustice and structural harm, especially for girls and young women (Arifin, 2025).

In response to these shifts, contextual thematic interpretation has emerged as a critical methodological approach in contemporary Qur'anic hermeneutics. This approach emphasizes rereading the Qur'an through universal Islamic values such as justice (*'adl*), compassion (*rahmah*), and public welfare (*maṣlaḥah*). İbrahim Özdemir argues that *maqāṣid al-sharī'ah* provides a dynamic ethical framework capable of bridging historical revelation and modern moral realities (Özdemir, 2022). Similarly, Mohammad Hashim Kamali highlights that Qur'anic interpretation requires continuous contextualization grounded in moral universality (Kamali & Mur, 2022), while Afsaruddin points out that the adaptability of Islamic ethics ensures its relevance in addressing contemporary social challenges (Afsaruddin, 2025).

Methodologically, this interpretive orientation closely parallels Fazlur Rahman's well-known "double movement" theory: a movement from the socio-historical context of revelation toward universal moral objectives, followed by a return to present realities where those objectives are ethically operationalized. This approach remains central to contemporary Islamic reformist thought. In the Indonesian context, child marriage persists due to a convergence of structural factors, such as poverty, limited educational access and religious justifications that often neglect the holistic vision of *maqāṣid al-sharī'ah*. Yet, the overarching objectives of Sharia emphasize the protection of life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and human dignity (*ḥifẓ al-'ird*). The tension between rigid textual interpretation and these ethical objectives is not unique to Indonesia. Comparative experiences from other Muslim-majority countries further

illustrate this challenge. In Egypt, the introduction of mandatory medical examinations prior to marriage reflects efforts to integrate public health considerations into family law. Similarly, Morocco's *Moudawana* reforms restrict judicial authorization of child marriage, demonstrating how contextual reinterpretation has been employed to align Islamic legal frameworks with contemporary welfare goals. These cases indicate that contextualization is not a deviation from Islamic law but a necessary mechanism for realizing its ethical objectives in changing social conditions. Accordingly, historical marriage practices should not be treated as absolute legal precedents detached from their original contexts. Instead, a contextual, historical, and progressive interpretive approach is required to formulate legal and ethical guidelines that respond meaningfully to Indonesia's present social challenges. Through such an approach, the Qur'an remains an authentic and transformative source of moral guidance in addressing contemporary issues, including the protection of children from the harms of child marriage.

Moral Implementation Theology in the Social Context

In Indonesia's contemporary social reality, a persistent tension exists between state regulations, such as Law No. 16 of 2019, which sets the minimum marriage age at nineteen, and literal religious interpretations that continue to be invoked to justify child marriage. This tension reinforces a widespread perception that, although prohibited by the state, child marriage remains religiously permissible. As a result, a form of social legitimacy emerges that exacerbates violations of children's rights, disproportionately affecting girls (Rofiah, 2025).

In many communities, especially in rural areas with limited access to formal education, religious narratives emphasizing biological puberty (*bulūgh*) as a sufficient legal condition for marriage continue to dominate local discourse. Such interpretation prioritize physical maturity while neglecting the Qur'an's broader moral-ethical framework, as articulated through *maqāṣid al-sharī'ah*. Recent Indonesian scholarship shows that marital readiness must include psychological maturity, emotional stability, and social responsibility, not merely biological indicators (Holik & Nurcholis, 2023). Nevertheless, the persistence of literalist interpretations alongside progressive legal reform has produced what scholars describe as "dual legitimacy": state law prohibits underage marriage, while certain religious understandings continue to normalize it, thereby weakening child protection mechanisms (Nurfieni, 2023).

This dual legitimacy has been widely criticized by contemporary scholars beyond Indonesia. Sheikh Ali Gomaa, for instance, emphasizes that religious texts must be interpreted in light of social welfare and public interest, rather than through rigid adherence to classical *fiqh* formulations detached from present realities. From a *maqāṣid al-sharī'ah* perspective, he argues that disregarding state regulations intended to protect life and intellect contradicts the very objectives of Islamic law. Similarly, Mona Hassan highlights that religious interpretations should not be mobilized to oppose public legal norms derived from modern social consensus, especially those concerning the protection of children and women. For her, religion must function as a dynamic and adaptive moral resource rather than a static justificatory instrument.

In the Indonesian context, scholars such as Siti Musdah Mulia have consistently advocated for progressive interpretations that align with the national law and Pancasila values. She argues that literal, non-contextual interpretations of religious texts risk reinforcing patriarchal culture and structural discrimination (Widiyanto et al., 2024). Crucially, this study highlights that dual legitimacy is not merely a theoretical issue but operates concretely at the grassroots level. In many rural Muslim communities, local religious leaders and customary practices often hold greater authority than formal state law. Field-based observations indicate that child marriage persists in these settings due to the perceived supremacy of religious approval over statutory age requirements. Understanding this local negotiation between religious tradition and state authority is therefore essential for formulating effective and context-sensitive policy interventions.

To address this challenge, the study proposes moving beyond textual contextualization toward a framework of moral implementation theology, a socially grounded theology of jurisprudence that integrates *fiqh al-wāqī'* (jurisprudence of contemporary reality) and *ijtihād maqāṣidī*, recognizing the primacy of state regulation in safeguarding public welfare (*maṣlahah 'āmmah*). Within this framework, legal reforms, such as the establishment of a minimum marriage age of 19, are derived directly from the higher objectives of Islamic law, particularly the preservation of life (*ḥifẓ al-nafs*) and intellect (*ḥifẓ al-'aql*). Consequently, state intervention is not only legally justified but also theologically grounded.

The implementation of this proactive social theology can be realized through progressive fatwas that frame legal compliance as an expression of *taqwā*, alongside context-based religious counseling that incorporates empirical data on health, psychology, and social development. Through such measures, religion ceases to function as a justification for harmful practices and instead becomes a robust moral and legal force that reinforces both state authority and ethical responsibility. Ultimately, the harmonization of progressive religious interpretation and state regulation constitutes a foundational step toward building a just and inclusive society, capable of transforming social practices and protecting girls from child marriage.

While the normative linkage between Qur'anic ethics and state law establishes the legitimacy of marriage regulation, the effectiveness of such norms ultimately depends on their social and institutional implementation. For this reason, a further analytical step is required to explain how contextual interpretation is translated into enforceable norms and practical mechanisms. Figure 3 below conceptualizes this process by outlining the pathway through which Qur'anic interpretation informs legal enforcement and contributes to social transformation in preventing child marriage.

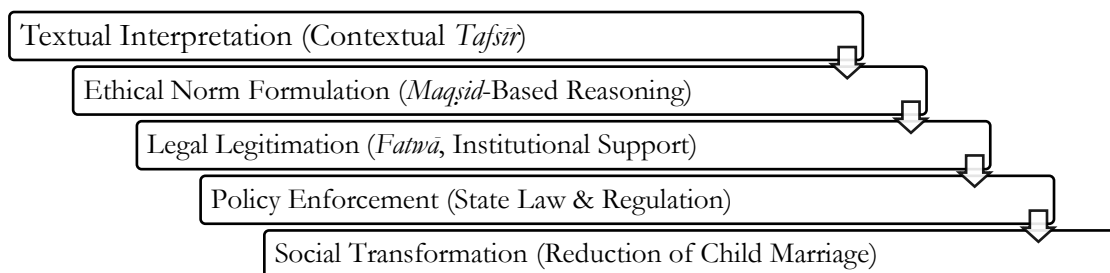


Figure 3. Moral Implementation Theology as a Process Linking Qur'anic Interpretation to Legal Enforcement and Social Transformation

As illustrated in Figure 3 above, moral implementation theology operates through a sequential process that moves from contextual Qur'anic interpretation to concrete legal and social outcomes. The figure highlights that ethical reasoning grounded in *maqāṣid al-sharī'ah* does not remain at the level of abstract values, but is institutionalized through fatwā formulation, regulatory support, and policy enforcement. This process underscores the role of religious and legal institutions as mediators that translate moral imperatives into binding norms capable of shaping social behavior. By presenting this progression, Figure 5 clarifies how contextual tafsīr functions as an active normative force, enabling the prevention of child marriage through coordinated ethical, legal, and institutional action, and setting the stage for an assessment of policy-oriented implications and indicators of social change.

Next, building on the discussion of moral implementation theology, it is essential to assess how contextual Qur'anic interpretation informs and supports public policy frameworks in Indonesia. Such an assessment requires identifying the institutional sectors through which normative principles are translated into concrete regulatory practices and programmatic interventions. Table 2 below presents this evaluative perspective by outlining the policy-oriented implications of contextual thematic interpretation within Indonesia's marriage governance and child protection system.

Table 2. Policy-Oriented Implications of Contextual Thematic Interpretation

No	Sector	Normative Basis	Practical Measure	Expected Outcome
1	Religious institutions	<i>Maqāṣid</i> -based <i>tafsīr</i>	Progressive <i>fatwā</i>	Normative alignment
2	KUA & local government	Fiqh <i>Siyāṣah</i>	Marriage readiness assessment (<i>rusbah</i>)	Legal compliance
3	Education	Qur'anic ethics	Premarital education	Awareness & prevention
4	Community	Moral theology	Advocacy & counseling	Social acceptance

As outlined in Table 2 above, the effectiveness of child marriage prevention in Indonesia depends on the degree of normative coherence among religious authority, state regulation, educational initiatives, and community engagement. The table demonstrates that contextual thematic interpretation functions as a common ethical reference that aligns diverse policy instruments, ranging from marriage eligibility assessments conducted by state institutions to preventive education programs and religious guidance at the community level. By situating these measures within a *maqāṣid*-oriented framework, Table 2 enables an evaluative reading of public policy that goes beyond legal compliance to consider substantive outcomes, such as enhanced legal certainty, increased institutional coordination, and improved protection of vulnerable children. In this regard, the table provides a structured basis for examining how religiously grounded norms reinforce the legitimacy and effectiveness of Indonesia's child marriage prevention policies, thereby

preparing the discussion for a broader analysis of social transformation and measurable policy impact.

Indications of Social Transformation and Practical Policy Implications

Reinterpreting the Qur'an through a contextual thematic approach provides a strong moral and theological foundation for religious institutions, educators, and policymakers in addressing child marriage in Indonesia. This interpretive model functions not merely as a reform of religious understanding but as an instrument of social transformation that actively informs and supports public policy oriented toward collective welfare. One concrete policy implication of this approach is the development of structured and measurable premarital education programs based in mosques and Muslim communities. Such programs should be implemented through institutional collaboration, wherein local Offices of Religious Affairs (*KUA*) and trained clerics serve as accredited facilitators. A minimum eight-hour curriculum focusing on psychological maturity, reproductive health, and children's rights can be established, with effectiveness measured through indicators such as a targeted annual reduction of 15% in marriage dispensation cases, complemented by pre-and post-assessment tools and social audits conducted by village authorities and community-based NGOs (Kasiani et al., 2024).

The involvement of religious leaders in child rights advocacy is a crucial determinant of program success. Contemporary Middle Eastern scholars such as Sheikh Abdullah bin Bayyah emphasize the role of '*ulama*' as agents of social change who articulate Islamic values grounded in justice, inclusivity, and contextual responsiveness. In Indonesia, this theological orientation has been institutionalized through public initiatives such as the Ministry of Religious Affairs' *Bimbingan Perkawinan* (Bimwin), which now incorporates modules on reproductive health and child protection (Salma et al., 2022). Similarly, NGO-led programs including those supported by *MAMPU* and UNFPA, have mobilized village-level clerics and women's groups to establish "Child-Friendly Villages" that promote communal commitments to prevent child marriage.

Public campaigns that frame child marriage as incompatible with values of justice, health, and human dignity are equally essential. Islamic legal and human rights scholars such as Khaled Abou El Fadl and Ebrahim Moosa assert that Islam fundamentally upholds *karāmah insāniyyah* (human dignity) and rejects practices that cause harm or perpetuate injustice, particularly against women and children. Contemporary interpretations increasingly emphasize that preventing child marriage aligns with the core objectives of *maqāṣid al-shari'ah*, including the preservation of life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), and lineage (*ḥifẓ al-nasl*). At the national level, strengthening synergy between religious norms and state regulation is vital for cultivating collective awareness that child protection constitutes a shared moral and civic responsibility rooted in both Islamic ethics and Pancasila values. This integrative framework provides comprehensive strategies for addressing child marriage while reinforcing social and religious legitimacy for legal reform (Widiyanto et al., 2024). To operationalize this synergy, concrete policy models must prioritize institutional cooperation: *KUA* offices should lead holistic marriage readiness assessments (*rushd*); *pesantren* should integrate child rights advocacy

into their curricula; and local governments should mandate premarital education and monitor high-risk households.

Thus, contextual thematic interpretation functions not only as an intellectual methodology but also as a catalyst for tangible social change. By aligning religious teachings with contemporary social realities, this approach enables the Qur'an to serve as a dynamic moral and legal resource that actively supports child protection. Empirical evidence from several regions in Java and Nusa Tenggara Barat indicates that mosque and village-based premarital education programs, supported by local clerics, have contributed to a measurable decline in underage marriage dispensations. These developments demonstrate that religion, when interpreted contextually, can operate as an affirmative force for justice rather than a justification for harmful social practices.

Contextual Thematic Interpretation as a Moral and Legal Basis for Preventing Child Marriage in Indonesia

Reinterpreting the Qur'an through a contextual thematic interpretation offers a strong moral and theological foundation for religious institutions, educators, and policymakers in addressing the phenomenon of child marriage in Indonesia (Kholik et al., 2025). This approach does not merely reform textual understanding but functions as a catalyst for broader social and policy transformation grounded in collective welfare (*maslahah 'ammah*).

Mosque and Community-Based Premarital Education

One practical implementation of this approach is the development of premarital education programs rooted in mosques and Muslim communities. These programs aim to provide comprehensive knowledge on psychological maturity, social responsibility, and reproductive rights; key prerequisites for entering marriage. As Mohamed Ghilan argues, mosques, as central community institutions, can serve as effective educational spaces aligned with the values of *rahmatan lil-'alamin*, particularly when local religious figures are actively involved, ensuring that the program remains contextual, humane, and socially relevant (Ghilan, 2020).

The program adopts an inclusive and participatory model, offering participants opportunities for dialogue and critical reflection on biological, mental, emotional, and social readiness for marriage. Core materials include indicators of psychological maturity, economic preparedness, and effective spousal communication. Beyond preventing early marriage, this approach equips young women and men with the skills necessary to build healthy and sustainable family life.

The Role of Advocacy-Oriented Scholars

The involvement of religious scholars as agents of social change is very important to the success of these initiatives. Sheikh Abdullah bin Bayyah emphasizes that scholars must articulate Islamic values that are inclusive, responsive to social realities, and adaptive to changing contexts, in line with the *fiqh al-aqalliyat* (*fiqh* of minorities) approach. This orientation underscores that Islamic jurisprudence must be grounded not only in textual authority but also in empirical social conditions (Habibi, 2022). This perspective is further supported by contemporary Western scholarship. Malin Eriksson et al. (2021) argue that community-based advocacy and the strengthening of local social

capital are effective strategies for achieving sustainable social change and reducing structural inequality. When clerics and community leaders publicly support delaying marriage and protecting children's rights, social legitimacy for these norms emerges organically from local religious and cultural frameworks (Eriksson et al., 2021).

Public Campaign and Human Rights Awareness

Public campaigns constitute another essential dimension of this strategy. Islamic legal and human rights scholars, such as Khaled Abou El Fadl, emphasizes that Islam fundamentally upholds human dignity (*karāmah insāniyyah*) and rejects practices that cause harm or perpetuate injustice, including child marriage. These messages should be disseminated through accessible media, such as television, social platforms, and religious study forums to strengthen public awareness of: 1) reproductive health and bodily integrity, 2) children's rights to education and a secure future, and 3) principles of gender justice.

Harmonization of Religious and State Law

At the national level, strengthening synergy between religious norms and state regulations is essential. Law No. 16/2019 establishes the minimum age of marriage at 19 years; however, for this legal norm to be effectively internalized, it must be articulated through relevant religious narratives and local wisdom. This integrative approach finds its legal-theological justification in *Fiqh Siyāsah* (Islamic political jurisprudence), which recognizes the authority (*sulṭah*) of a legitimate government to issue regulations (*taqrīr*) and impose restrictions (*taqyīd*) for the sake of public welfare (*maṣlaḥah 'āmmah*), provided such regulations do not contradict definitive Qur'anic texts. Since the Qur'an does not stipulate a specific minimum age for marriage, the state's mandate to protect children through Law No. 16/2019 is fully consistent with the principles of *Fiqh Siyāsah*. Azyumardi Azra highlights this integrative strategy as an effective means of fostering collective awareness of child protection grounded in both Islamic values and Pancasila.

This harmonization moves beyond normative agreement and is realized through concrete policy measures, including: 1) progressive *Fatwā* and Institutional Support: The issuance of progressive *fatwā* by the Indonesian Council of Ulama (MUI) and Islamic organizations endorsing delayed marriage in alignment with the legal standards, framed as a religious obligation rooted in *maṣlaḥah 'āmmah*; 2) educational Integration: The incorporation of child rights, reproductive health, and the binding nature of state law based on *Fiqh Siyāsah* principles into school and *pesantren* curricula; 3) monitoring and Enforcement: Systematic monitoring of legal implementation through social audits at village and sub-district levels to ensure that state regulations are effectively enforced at the grassroots.

A Catalyst for Real Social Change

Contextual thematic interpretation is not confined to academic discourse; it functions as a moral-theological instrument capable of driving tangible social change. By reinterpreting sacred texts in light of contemporary realities, the Qur'an emerges as a dynamic legal and ethical source that actively supports child protection, particularly for girls in terms of rights, health, and access to education. Empirical developments support this claim. Communities in several regions of Java and Nusa Tenggara Barat (NTB) have implemented mosque and village-based premarital education programs with the support

of local clerics. Preliminary findings indicate a decline in marriage dispensations involving individuals under 18 years of age. These outcomes demonstrate that religion, when interpreted contextually, can serve as an affirmative force for justice rather than a justification for harmful social practices.

Conclusion

This study demonstrates that child marriage in Indonesia is a multidimensional problem arising from the tension between state law, particularly Law No. 16/2019, and persistent literal religious interpretations, compounded by socio-economic vulnerabilities such as poverty, limited education, and structural inequality. The principal contribution of this research lies in articulating a coherent hermeneutical framework that positions *rusyd* (sound judgment) as the central theological prerequisite for marriage. By integrating contextual thematic interpretation of key Qur'anic verses, notably QS. al-Nisā' [4]:6, with *Fiqh Siyāsah* and *Maqāṣid al-Sharī'ah*, especially *ḥifẓ al-nafs* and *ḥifẓ al-nasl*, this study critically challenges the dominance of biological *bulūgh* as a sufficient legal criterion. Instead, it establishes holistic maturity, encompassing psychological, emotional, social, and economic readiness, as the ethical mandate for marriage in contemporary Indonesian society. Supported by comparative perspectives and empirical findings, this interpretation moves beyond normative discourse to offer a transformative foundation for legal and social reform.

The findings further reveal that religious values, when interpreted contextually, function as an affirmative force for the protection of children's rights. Persistent grassroots tensions between religious authority and state law that often manifested as dual legitimacy, can only be resolved through the harmonization of progressive religious interpretations and public policy. This harmonization requires the support of *maqāṣid*-oriented fatwas, institutional cooperation, and community-based engagement that aligns religious authority with child protection objectives.

Accordingly, the study recommends an integrated, multi-sectoral strategy. Academic institutions should institutionalize *maqāṣid*-based fiqh education within *PAI* and *pesantren* curricula, explicitly teaching the binding authority of state law through *Fiqh Siyāsah*. Policymakers and religious institutions must strengthen mandatory institutional cooperation among KUA offices, local governments, and *pesantren* to ensure verification of holistic readiness (*rushd*) in marriage procedures, while promoting progressive fatwas that endorse the 19-year minimum marriage age. At the grassroots level, civil society organizations and religious communities should expand mosque-based and community-centered advocacy programs that emphasize reproductive health, education, and social responsibility, framing child marriage not merely as a legal violation but as a contradiction to Islamic principles of justice, dignity, and *rahmatan lil 'ālamīn*.

CRedit Authorship Contribution Statement

Thoat Stiawan: Conceptualization, Methodology, Writing – original draft, Formal analysis. **Nurchahaya:** Investigation, Data curation, Writing – original draft. **Mualimin Mochammad Sahid:** Validation, Resources, Writing – review & editing. **Mohammad**

Ikhwanuddin: Formal analysis, Visualization, Writing – review & editing. **Erna Dewi:** Supervision, Project administration, Validation, Writing – review & editing.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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