

Early Marriage in the Perspective of Islamic Law: The Relevance of Maqasid al-Syari'ah to the Protection of Indonesian Children's Rights

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Abstract

This study examines the phenomenon of early marriage in Indonesia through the perspective of Islamic law and the principles of *Maqasid al-Syari'ah*, emphasizing its relevance to the protection of children's rights. The topic is chosen due to the growing concern over the social, psychological, and legal consequences of underage marriage, which often contradicts the objectives of Islamic law that seek to preserve life (*hifz al-nafs*), intellect (*hifz al-'aql*), and lineage (*hifz al-nasl*). Using a qualitative library research method, this study analyzes Islamic legal sources, national laws, and prior studies to construct an integrative legal model. The findings reveal that early marriage leads to significant harm, including domestic violence, school dropouts, and intergenerational poverty, indicating a gap between Islamic legal ideals and social practice. The research concludes that harmonizing *Maqasid al-Syari'ah* with Indonesia's national legal system is essential to ensure substantive protection of children. Such harmonization provides a conceptual framework for developing adaptive and just family law grounded in moral and humanitarian values.

Keywords: Early Marriage, Islamic Law, *Maqasid al-Syari'ah*, Child Protection

Abstrak

Penelitian ini mengkaji fenomena pernikahan dini di Indonesia melalui perspektif hukum Islam dan prinsip-prinsip *Maqasid al-Syari'ah*, dengan menekankan relevansinya terhadap perlindungan hak-hak anak. Topik ini dipilih karena meningkatnya kekhawatiran terhadap konsekuensi sosial, psikologis, dan hukum dari pernikahan di bawah umur, yang sering kali bertentangan dengan tujuan hukum Islam yang berupaya melestarikan kehidupan (*hifz al-nafs*), akal budi (*hifz al-'aql*), dan keturunan (*hifz al-nasl*). Dengan menggunakan metode penelitian pustaka kualitatif dengan pendekatan normatif-teologis dan sosio-yuridis, penelitian ini menganalisis sumber-sumber hukum Islam, hukum nasional, dan penelitian sebelumnya untuk membangun model hukum yang integratif. Temuan menunjukkan bahwa pernikahan dini menyebabkan kerugian yang signifikan, termasuk kekerasan dalam rumah tangga, putus sekolah, dan kemiskinan antar generasi, yang mengindikasikan adanya kesenjangan antara cita-cita hukum Islam dan praktik sosial. Penelitian ini menyimpulkan bahwa harmonisasi *Maqasid al-Syari'ah* dengan sistem hukum nasional Indonesia sangat penting untuk memastikan perlindungan substantif bagi anak-anak. Harmonisasi tersebut menyediakan kerangka konseptual untuk mengembangkan hukum keluarga yang adaptif dan adil yang berlandaskan nilai-nilai moral dan kemanusiaan.

Kata kunci: Pernikahan Dini, Hukum Islam, *Maqasid al-Syari'ah*, Perlindungan Anak.

1. Introduction

Islam views marriage as a sacred institution, with the primary goal of establishing peace of mind, a relationship founded on love and affection, and the continuation of healthy offspring, both physically and spiritually (Nurliana, 2022). Marriage is not merely a physical relationship between two individuals, but also a manifestation of ethical and spiritual obligations to uphold human dignity. This is affirmed in the words of Allah SWT in Surah Ar-Rum, verse 21:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

Among the signs of His greatness is that He created for you a life partner from your own kind so that you would feel inclined and at ease with him, and created between you feelings of love and affection. Indeed, in this there are truly signs for a people who think. (QS. Ar-Rum [30]: 21)

The verse explains that the ideal of marriage in Islam is realized through the creation of *sakinah* (peace and blessings), *mawaddah* (love), and *rahmah* (mercy), which can only be achieved with the physical, mental, and social readiness of both parties. This principle aligns with the maqasid al-syari'ah (the principle of protection of religion (*hifz al-din*), soul (*hifz al-nafs*), intellect (*hifz al-aql*), descendants (*hifz al-nasl*), and property (*hifz al-mal*) as the primary objectives of Islamic law. Therefore, marriage is not viewed solely from a legal perspective, but also encompasses broader dimensions, namely ethical and social obligations in ensuring the well-being of the family, especially children as the next generation (Herlina et al., 2024).

However, the reality in Indonesia shows that the practice of early marriage is still common even though Law Number 16 of 2019 has set the minimum age for marriage at 19 years. Economic factors, culture, low education, and social pressure are the main causes, while legal loopholes through marriage dispensations are often exploited without considering the welfare of children (Siswanto, 2025). This condition has serious impacts such as domestic violence, early divorce, and the loss of educational opportunities, especially for girls (Octaviani, 2020). From an Islamic legal perspective, this situation shows a gap between the principles of *Maqasid al-Shari'ah* which emphasize the protection of the soul (*hifz al-nafs*), intellect (*hifz al-aql*), and offspring (*hifz al-nasl*) which should be realized through social practices that do not harm children. Therefore, the application of Islamic law needs to be carried out in a more contextual and welfare-oriented manner, so that legal policies are not merely formal, but are truly able to guarantee the protection and welfare of children in a substantial manner.

This phenomenon demonstrates the complex impacts of early marriage, both at the individual and social levels. From a psychological perspective, individuals who marry at a young

age typically have not yet reached emotional maturity, making them more vulnerable to domestic conflict, domestic violence (DV), and early divorce (Sherin Ayu Sekar Adisti, 2025). Physically, early pregnancy poses significant health risks, including maternal and infant mortality (Endah Purda Listya et al., 2025). Socially, early marriage often prevents children from accessing education and economic opportunities, ultimately perpetuating the cycle of poverty (Alves & Safei, 2024). This situation contradicts the principles of the *maqasid shariah*, which emphasize the importance of protecting life, mind, and offspring.

The implications of this phenomenon require a recontextualization of Islamic law to address the challenges of the times with a wise and contextual approach. Through the maqasid sharia approach, Islamic law can be studied and applied more deeply and interpreted dynamically to emphasize that child protection is an integral part of the objectives of sharia itself. Harmonizing traditional values and the demands of modern society is crucial for developing more effective legal policies, particularly in establishing the minimum age for marriage (Anwar et al., 2024). Therefore, prohibiting or restricting early marriage is not merely an administrative policy, but rather a manifestation of the values of justice and welfare desired by Islamic law. Therefore, this research is urgently needed to examine the relationship between *maqasid al-syari'ah* and the protection of children's rights in the context of early marriage in Indonesia. This approach is expected to foster a more comprehensive understanding of the application of Islamic law, which can play an active role in eliminating practices that harm children and strengthen the principles of justice, welfare, and moral responsibility within the institution of marriage, in accordance with the noble objectives of Islamic law.

The novelty of this research lies in its attempt to comprehensively integrate the principles of *maqasid shariah* with the Indonesian positive legal system within the framework of protecting children's rights against early marriage practices. Different from previous research, which was generally normative and partial, this study proposes a conceptual and holistic approach that positions *maqasid shariah* not only as a theological basis, but also as an ethical and juridical framework in the formulation of legal policy. Furthermore, this study introduces a model of harmonization between Islamic law and national law that emphasizes child protection as the primary objective of sharia (*maqasid hifz al-nafs, hifz al-'aql, and hifz al-nasl*). Another innovation lies in the idea that marriage dispensation needs to be redirected from mere formal legalization to an instrument of substantive protection. Thus, this research makes a significant contribution to the development of Islamic family law that is adaptive, just, and aligned with universal human values.

This study aims to analyze the practice of early marriage from an Islamic legal perspective by examining its relevance to the principles of *maqasid al-syari'ah* as the basis for protecting children's rights in Indonesia. This study seeks to identify the extent to which positive law and Islamic law can complement each other in efforts to prevent early marriage and ensure the physical, psychological, and social well-being of children. Furthermore, this study aims to formulate a legal harmonization model that utilizes *maqasid al-syari'ah* as an ethical and normative framework in the formulation of family law policies. Therefore, this study is expected to provide theoretical contributions to the development of contextual Islamic law as well as practical recommendations for policymakers in strengthening child protection through a more just and socially just legal system.

2. Literature Review

Several studies have been conducted previously. Abdurrahim et al. indicated a disparity between positive law and the principles of child protection in Islam. This article proposes an evaluative model based on the *maqasid shari'ah* as an ethical guideline for judges, so that marriage dispensation can act as a fair protection mechanism and support the best interests of children. These findings are expected to strengthen Islamic family law policies that focus on justice and child protection (Abdurrahim et al., 2025). A study by Ahmad Fauzi et al. showed that child marriage contradicts the main objectives of Islamic law to protect the soul (*hifz al-nafs*), intellect (*hifz al-aql*), and offspring (*hifz al-nasl*). The dispensation mechanism still provides opportunities that can weaken child protection. Therefore, a reconstruction of Islamic family law based on *maqasid shari'ah* is needed to postpone marriage until physical and psychological maturity is achieved, and to create a just and sustainable family (Ahmad et al., 2025). Furthermore, a study by Bunyamin Yafid et al. indicated that although positive law has set a minimum age for marriage, the existence of marriage dispensations still presents obstacles. The *maqasid al-shariah* approach in Islamic law supports the establishment of this age limit to ensure child welfare. Therefore, synchronization between Islamic law and positive law is necessary to create fairer and more sustainable child protection in Indonesia (Bunyamin Yafid et al., 2025). The research of Edi Kurniawan et al. concluded that early marriage causes more harm than good. Based on the *maqasid al-shariah* perspective, setting a minimum age for marriage is a legal requirement. However, this problem is not solely caused by religious practices, but also by the state's failure to improve welfare, access to education, and differences of opinion between human rights activists, legal provisions, and local customs that need to be harmonized (Kurniawan et al., 2020). A study by Asfa Widiyant et al. Her research found that some religious authorities support early marriage

based on conservative interpretations, while progressive scholars emphasize delay for the sake of protecting children's rights and health. A *maqasid shariah* based approach is needed to prevent this practice. Religious judges play a crucial role in balancing social, legal, and religious pressures, particularly in cases of premarital pregnancy. This study enriches the sociology and politics of Islamic law by highlighting the relationships among the state, religious authorities, and human rights in the context of child marriage (Widiyanto et al., 2024).

The research gap in various previous studies shows that although many have addressed the issue of early marriage from the perspective of Islamic law and child protection, most remain partial and normative. Abdurrahim's research focuses on an ethical evaluative model for judges but fails to examine the systematic integration of *maqasid shariah* and national legal policy. Ahmad Fauzi et al.'s study emphasizes the need to reconstruct family law on the basis of maqāṣid but does not elaborate on its application within Indonesia's judicial and social institutions. Meanwhile, Bunyamin Yafid et al.'s research focuses solely on the harmonization of Islamic law and positive law, without comprehensively examining the practical dimensions of child protection.

The research by Edi Kurniawan et al. emphasizes the social and moral aspects without outlining concrete legal mechanisms for addressing the gap in marriage dispensation. Meanwhile, the study by Asfa Widiyanto et al. examines the dynamics of religious and state authority, but has not yet offered an integrative framework that combines the *maqasid* approach with legal policy and Indonesian social realities. Therefore, the study entitled "Early Marriage in the Perspective of Islamic Law: The Relevance of *Maqasid al-Syari'ah* to the Protection of Children's Rights in Indonesia" seeks to fill this gap by offering an integrative analysis of the principles of *maqasid al-Syari'ah*, positive law, and the Indonesian social context. This study not only highlights the normative aspects but also provides a conceptual model for applying adaptive and equitable Islamic law to protect children's rights in a substantial and sustainable manner.

3. Method

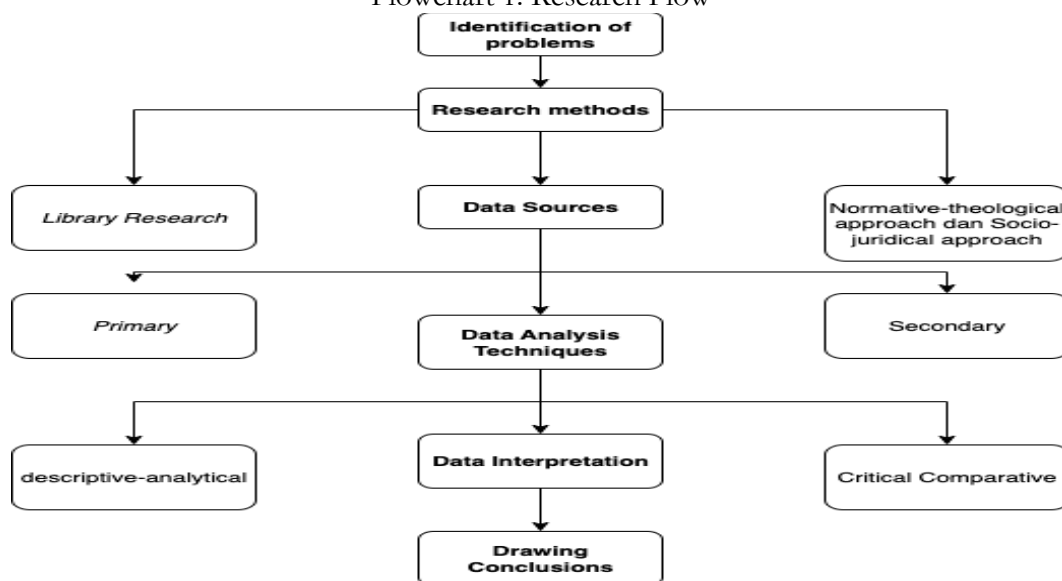
This study employed library research with normative-theological (Engler & Stausberg, 2021) and socio-juridical (Jonaedi Efendi & Prasetijo Rijadi, 2022) approaches. The normative-theological approach was applied to examine the concept of early marriage based on Islamic legal sources, including the Qur'an, Hadith, and the opinions of classical and contemporary scholars, emphasizing the principle of *maqasid al-syari'ah*, which encompasses the protection of the soul (*hifz al-nafs*), the

mind (*hifz al-aql*), and the protection of offspring (*hifz al-nasl*). The socio-juridical approach was used to examine the practice and implementation of marriage law in Indonesia, particularly regarding the minimum age for marriage policy, the mechanism of marriage dispensation, and the obstacles to its implementation to protect children's rights.

The data sources in this study consisted of primary and secondary data. Primary data includes Islamic normative texts such as the Qur'an, Hadith, and Indonesian laws and regulations governing marriage and child protection (Syandika et al., 2025). Secondary data was obtained from various scientific literature such as books, academic journals, previous research results, official agency reports, and other relevant documents that support this research's thematic analysis.

The collected data were analyzed using descriptive-analytical and comparative methods. The descriptive method serves to illustrate the basic concepts and realities of early marriage practices from the perspective of Islamic law and national law (Al-Muhajir & Soviah, 2023). Meanwhile, the comparative method was applied to identify similarities and differences between the principles of maqasid al-syari'ah and the positive legal system in Indonesia (Saputro & Kalamiah, 2025). Through this analysis, this study seeks to formulate a model for harmonizing Islamic law and national law that prioritizes child protection, enabling Islamic family law to function adaptively, fairly, and contextually in facing the social dynamics of modern society.

Flowchart 1. Research Flow



4. Results and Discussion

This study found that early marriage still occurs despite the minimum age for marriage being set at 19. Marriage dispensations are the most frequently used mechanism to legalize underage marriage, with

the dominant reasons being premarital pregnancy, social pressure, and economic factors. In many cases, dispensations are granted without a comprehensive analysis of the child's psychological readiness, health, and educational sustainability. Normatively, Islamic law does not stipulate a numerical age limit, but emphasizes maturity and responsibility as prerequisites for marriage. The principle of protecting life, intellect, and offspring in the *maqasid al-syari'ah* (the principles of Islamic law) demonstrates that age restrictions in national law are substantially aligned with the objectives of sharia. However, in practice, there remains a gap between the ideals of such protection and social reality.

Empirical literature shows that early marriage is associated with increased school dropout, economic instability for young families, health risks for mothers and babies, and high rates of divorce at an early age. The impact is not only individual but also perpetuates the cycle of intergenerational poverty. Overall, the findings of this study demonstrate that the primary problem lies not in the conflict between Islamic law and national law, but rather in the weak integration of the principle of benefit in policy implementation. Field practice demonstrates that existing regulations are not fully effective without strict dispensational oversight, family law education, and a strengthened child protection orientation in every legal decision.

4.1 Critical

In summary, this study confirms three main findings. First, the regulation limiting the age of marriage aligns with the principles of *maqasid al-syari'ah* (Islamic law), but its implementation still faces obstacles due to lax dispensation mechanisms. Second, early marriage has been shown to have significant social, psychological, educational, and health impacts. Third, there is a gap between the principles of child protection in Islamic law and prevailing social practices, particularly in the context of judicial considerations and cultural pressures. Thus, the substance of the problem lies not in the conflict between Islamic law and national law, but rather in the weak integration of the principle of benefit in the implementation of the law.

4.2 Transformative

This research demonstrates that the minimum age for marriage has not been fully effective in curbing early marriage because the dispensation mechanism is still widely used, with predominantly situational considerations. The data demonstrates that a formal-legal orientation is more prominent than a substantive evaluation of psychological readiness, reproductive health, and the continuity of a child's education. Meanwhile, the principle of protecting life, mind, and offspring within the *maqasid al-syari'ah* (the principles of Islamic law) demands a more comprehensive standard of maturity before marriage can take place. Essentially, these findings emphasize that the primary problem lies in the

implementation paradigm, not a lack of norms. Dispensations, which should be instruments of exception, have the potential to transform into patterns of legitimacy if not constrained by measurable child protection parameters. Thus, legal effectiveness depends on the integration of regulations, judicial considerations, and social awareness.

The transformative implications of this research point to the need to reconstruct the approach to family law from an administrative model to a protective and preventive one. This transformation includes strengthening assessment standards in dispensation, internalizing the principle of public benefit in judicial deliberations, and implementing a public education strategy to delay marriage until sufficient maturity is reached. Strategically, this change has the potential to break the cycle of social vulnerability, improve the quality of the younger generation, and strengthen the function of the law as a substantive instrument of protection.

4.3 Conceptualization of Early Marriage: A Review of Islamic Law

Marriage in Islam is a sacred institution (*mithaqan ghalizhan*) with profound spiritual, social, and moral dimensions. The purpose of marriage is not merely to satisfy biological desires, but rather to build a harmonious, just family life, and to provide a platform for the birth of a faithful and responsible generation (Octaviani, 2025). In this context, Islam emphasizes the principles of benefit (*maṣlahah*) and responsibility as the basis for every legal decision, including determining the age of marriage. Therefore, the practice of early marriage that ignores physical, mental, and social readiness is considered contrary to the objectives of sharia (*Maqasid al-Shari'ah*), which include the protection of the soul (*hifẓ al-nafs*), intellect (*hifẓ al-aql*), and offspring (*hifẓ al-nasl*) (Fuadi et al., 2025).

Theologically, the Qur'an and Hadisth do not set a definite age limit for marriage, but rather emphasize the principles of maturity and readiness as the primary reference. In QS. An-Nisa'[4]: 6.

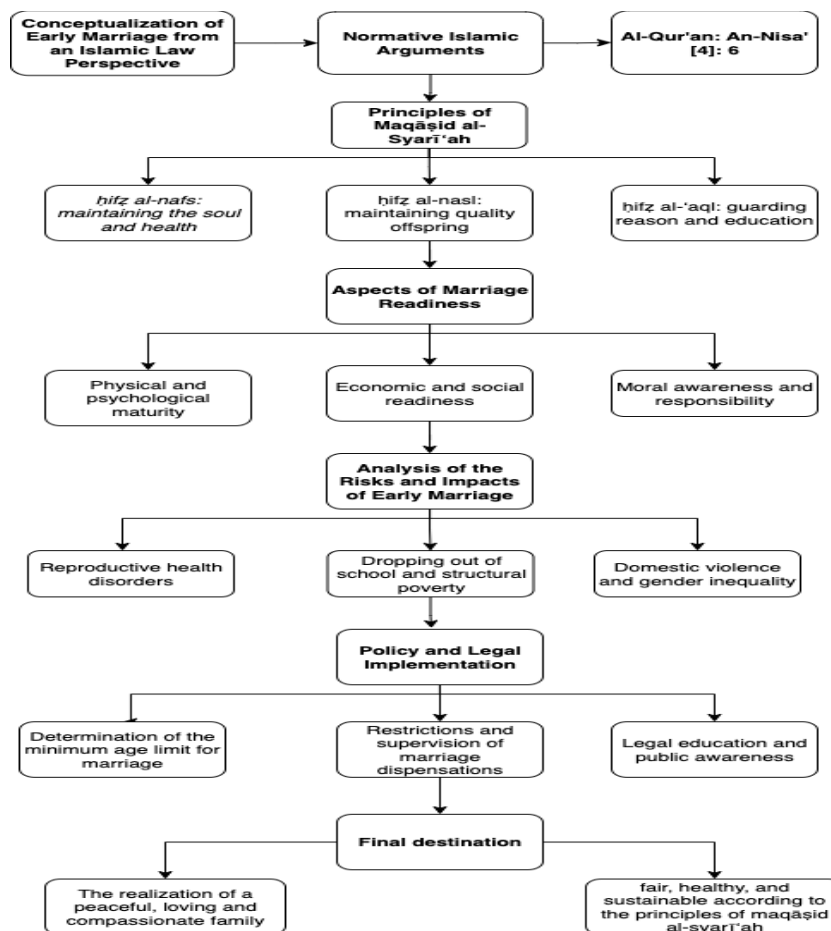
وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ

Test the orphans in managing their wealth until they reach the age for marriage. Then, if you judge them competent in managing their wealth, hand it over to them. (Surah An-Nisa' [4]: 6).

In this verse, Allah commands that orphans be tested for maturity before their inheritance is handed over, indicating that maturity is not solely based on age but also encompasses the ability to think and assume responsibility. This principle can be interpreted to mean that maturity in the context of marriage encompasses spiritual, emotional, and social maturity that enables a person to properly carry out family functions (Suwarnoputri et al., 2024). Therefore, any legal policy regarding marriage must consider the welfare and protection of children to prevent violations of basic human values. From the perspective of *maqasid al-shariah*, early marriage is not only viewed from a formal legal

perspective but also considers the potential social and moral impacts. When marriage occurs at an immature age, the potential harm (*mafsadah*) often outweighs the expected benefit (*maṣlahah*) (Muda'I, 2025). Therefore, Islam emphasizes the principle of *dar'u al-mafasid muqaddam ala jalbi al-masalih* (Avoiding harm takes precedence over achieving benefit). This principle underpins the belief that the age limit for marriage in Indonesian positive law is in line with the spirit of Islamic law. To provide a more comprehensive overview, the following is a flowchart of the conceptualization of early marriage from an Islamic legal perspective, demonstrating the relationship between the normative basis, sharia principles, and its social application:

Flowchart 2. Conceptualization of Early Marriage from an Islamic Legal Perspective.



The diagram illustrates that the conceptualization of early marriage in Islamic law stems from normative sources, is translated into the principles of *maqasid al-shariah*, and culminates in legal policies and social protection that are oriented toward the welfare of the child. Therefore, every legal policy and social practice must ensure that marriage is conducted based on readiness and the welfare of the child, not simply to satisfy tradition or social pressure. This approach emphasizes that Islam

truly supports postponing marriage until full maturity so that the goal of marriage, namely building a harmonious and just family, can be optimally realized. By adopting the values of *maqasid al-shariah* into the positive legal system, the state and society can jointly realize more comprehensive child protection, while simultaneously maintaining the sanctity and sustainability of the family institution in accordance with the essence of Islamic teachings..

4.4 The Dialectic between *Maqasid al-Syari'ah* and Legal Policy at the National Level

The dialectic between the *maqasid al-shari'ah* and national legal policy illustrates the dynamic interaction between divine values in Islamic law and the positive legal system prevailing in Indonesia (Umar et al., 2025). This relationship is not simply a compromise between religion and state, but rather an effort to find conceptual and applicable agreements to build a just, humanistic, and socially beneficial legal system. In the context of early marriage, this dialectic is evident through the process of adjusting sharia norms, which emphasize the protection of the soul (*hifz al-nafs*), intellect (*hifz al-aql*), and offspring (*hifz al-nasl*), with national legal policy stipulated in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage.

Ideally, Islamic law views marriage as a sacred institution, with the goal of forming a family that is *sakinah*, *mawaddah*, and *rahmah*. However, to achieve this goal, Islam requires the physical, mental, and spiritual readiness of both prospective bride and groom. In the context of the *maqasid sharia* (Islamic principles), this readiness is part of the protection of human life and dignity (Firmansyah et al., 2025). When marriage occurs at an early age without such preparation, it does not bring benefits but rather harm, both in terms of health, education, and social aspects.

Within the national legal framework, the government has attempted to adjust marriage regulations to be more oriented towards justice and child protection. The establishment of a minimum age of 19 for both men and women reflects the spirit of aligning legal policy with values of public welfare. However, a major problem arises in the implementation of marriage dispensations, which often become legal loopholes (Lindi Kartika Dewi et al., 2025). These dispensations, although intended as exceptions, are often used loosely without considering the social and psychological impacts on children. This is where the relevance of the *maqasid al-shariah* becomes crucial as an evaluative instrument for the implementation of these policies. To clarify the dialectic between the *maqasid al-shariah* and national legal policy in the context of early marriage, it can be described in the following four main aspects:

a. Philosophical Dimension: Unity between Divine Values and Legal Rationality

At the philosophical level, the *maqasid al-shariah* serves as a bridge between divine law

and positive law (Majid, 2025). Islam emphasizes that all laws must be directed toward benefit and the avoidance of harm (*jalb al-masalih wa dar'u al-mafasid*), a principle that aligns with the goals of national law, which prioritize justice and the protection of human rights. The dialectical interaction between these two aspects results in a legal approach that is not solely legalistic but also prioritizes ethical and humanistic values.

b. Normative Dimension: Conformity between Sharia Principles and Statutory Provisions

In the normative dimension, harmony is evident in the substance of marriage law, which aims to maintain social order, public morality, and family welfare. The 19-year age limit in the Marriage Law is a contextual implementation of the values of *hifz al-nafs* and *hifz al-nasl* (Hasbullah, 2024). However, the dispensation implementation mechanism needs to be strengthened to align with the objectives of sharia, namely ensuring that every judge's decision is based on the principle of the child's welfare, rather than social or economic pressure.

c. Sociological Dimension: Response to Social Realities and Cultural Challenges

From a sociological perspective, this dialectic faces serious challenges because the practice of early marriage is often rooted in conservative cultural, economic, and religious interpretations (Bate et al., 2023). This is where the maqasid al-shari'ah (objectives of sharia) needs to be understood as a paradigm for social transformation. By utilizing *maqasid* as a framework, policymakers and judicial officials can formulate more educational and preventative approaches, such as increasing religious literacy, empowering families economically, and involving religious leaders in the dissemination of child-friendly family law.

d. Implementation Dimension: Harmonization of Islamic Legal Policy and Ethics

At the implementation stage, synergy between the maqasid of sharia and national legal policy involves various stakeholders, including judges, religious scholars, educational institutions, and civil society. Marriage dispensations need to be reoriented from merely a formal legalization instrument to a means of substantive protection (Afif Muamar et al., 2024). Decision-making by religious judges should be based on the *maqasid* principle, namely ensuring the welfare of children and preventing long-term negative impacts.

4.5 Implementation and Challenges of Child Protection against Early Marriage Practices

In implementing child protection against early marriage in Indonesia, girls still face various complex structural, social, and cultural challenges. Although Law Number 16 of 2019 has normatively raised the minimum age for marriage to 19 years, the reality on the ground shows a different story. It shows that marriage dispensations are still often granted easily (Muqaffi et al.,

2022). This situation reflects an imbalance between legal ideals aimed at protecting children and social realities filled with cultural, economic, and religious pressures. Implementationally, the role of religious courts is crucial in ensuring that marriage dispensation decisions are not based solely on formal considerations but also on the child's well-being. Judges are required to possess social sensitivity and Islamic legal ethics so that each decision truly reflects the protection of children's rights, rather than simply fulfilling the demands of society or parents. In practice, cases still occur where dispensations are granted for reasons of premarital pregnancy, social pressure, or economic constraints, without considering the child's psychological readiness and future. This situation demonstrates the need for an integrative approach between Islamic law and positive law, utilizing the *maqasid al-shari'ah* (objectives of sharia) as the evaluative basis for assessing policies and legal decisions.

In the social and cultural context, complex challenges arise. In some regions, early marriage is still viewed as a tradition, and conservative views on women's roles further reinforce this practice (Kartika Sri Rohana & Sainun, 2024). However, from a *maqasid* perspective, early marriage, which has the potential to cause physical and mental suffering, contradicts the primary objective of sharia, namely to safeguard human welfare and prevent harm. Therefore, social reform and legal education are essential components of sustainable child protection efforts.

Implementing child protection against early marriage requires synergy between law, institutions, and society. The government needs to strengthen regulations and oversight of marriage dispensations; religious courts must apply the *maqasid* principle in every decision; and the public needs to be provided with progressive religious education so that they understand that postponing the age of marriage is part of Islamic teachings to safeguard human welfare and dignity. To clarify the relationship between implementation and challenges in the context of child protection against early marriage practices, the following table is provided:

Table 1. Implementation and Challenges

Aspect	Implementation of Child Protection	Challenges Faced
Laws and Regulations	Determination of the minimum age for marriage at 19 years and supervision of marriage dispensations by the Religious Courts.	Legal loopholes in granting marriage dispensations are still loose and not based on studies of the welfare of children.
The Role of Judges and	Decision making based on maqasid sharia takes into account	Social pressure and lack of explicit guidelines integrating maqasid in judicial practice.

Religious Courts	the moral, psychological and social aspects of children.	
Social and Cultural Aspects	Socialization of Islamic family law that emphasizes child welfare and marriage readiness.	Local traditions and conservative views still view early marriage as a social solution.
Economic and Educational Aspects	Family economic empowerment and increasing access to education for girls to delay the age of marriage.	Poverty and low levels of education encourage families to marry off their children at a young age.
Ethics and Religious Values	Strengthening understanding of maqasid sharia as a moral basis for rejecting practices that harm children.	Conservative and textualist interpretations of religion still justify early marriage.

The table shows that child protection in preventing early marriage is a complex issue interconnected with various aspects. Normatively, setting a minimum marriage age of 19 reflects a legal commitment to the best interests of children. However, the still-lax dispensation mechanism creates inconsistencies between the objectives of protection and its implementation in practice. At the judicial level, judges have the authority to consider the moral, psychological, and social well-being of children. However, social pressure and suboptimal operational guidelines often limit the application of this principle. From a socio-cultural perspective, traditions and conservative views still view early marriage as a solution, thus weakening the effectiveness of regulations.

Economic factors and low levels of education are also key drivers of these practices, so child protection is not limited to legal regulations alone; it also requires structural empowerment. Meanwhile, in the religious dimension, an understanding that emphasizes the substantive objectives of sharia law can provide an ethical foundation for rejecting practices that harm children, although textual interpretation remains a challenge. Thus, child protection requires an integrated approach involving legal, social, economic, and religious reform.

4.6 Harmonization Model between Islamic Law and National Law Based on the Principle of *Maqasid al-Syari'ah*

The model of harmonization of Islamic law and national law based on *maqasid al-syari'ah* is a conceptual approach that integrates divine values with modern legal principles in addressing the complexity of social problems, particularly those related to early marriage. In the context of family law in Indonesia, this harmonization serves as a bridge to overcome the tension between transcendent sharia norms and positive law based on the constitution and the social dynamics of society (Fikri, 2025). Modernization of Islamic law through the *maqasid al-syari'ah* approach is not a

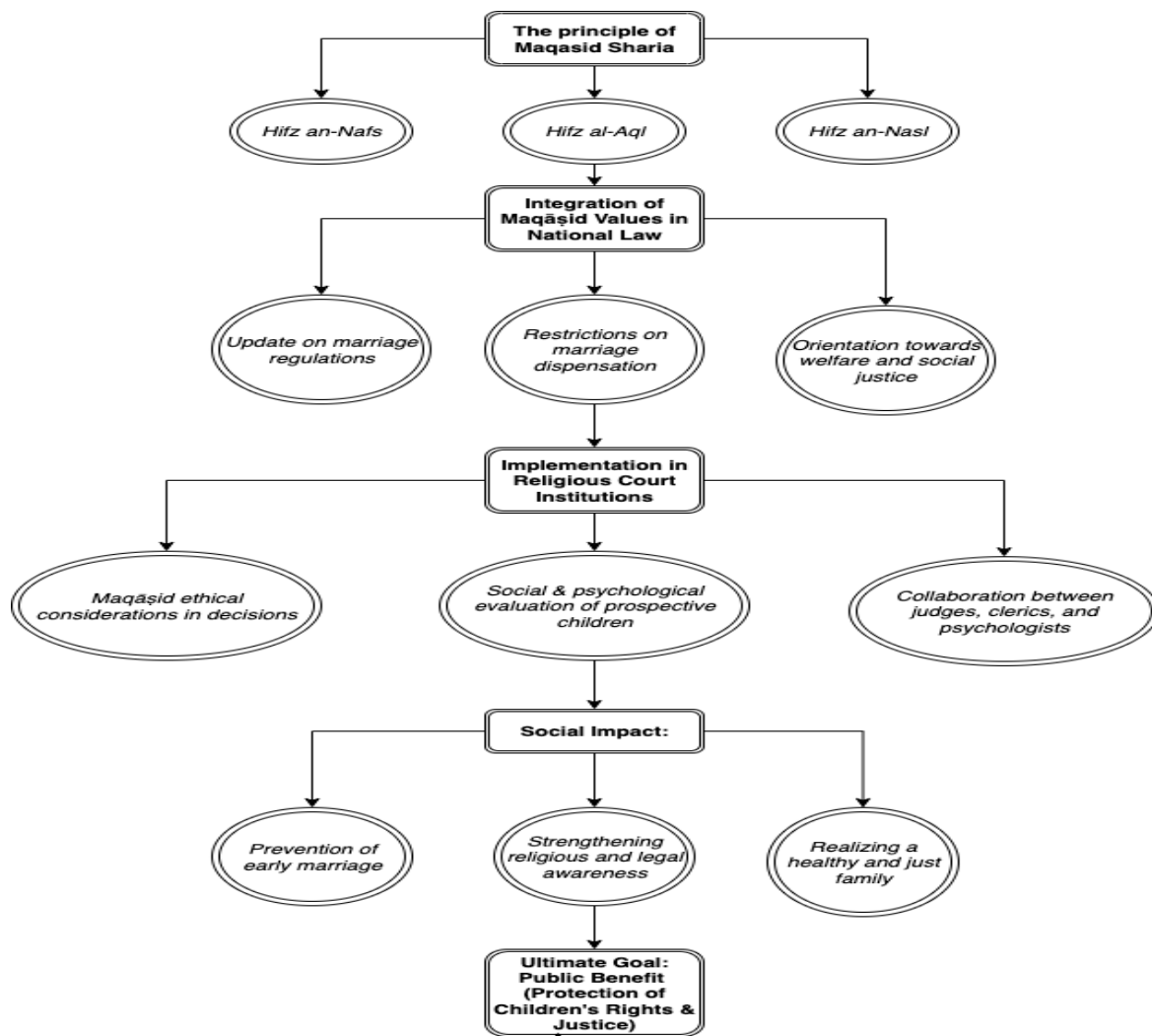
form of secularization, but rather the actualization of the values of justice, humanity, and welfare that originate from the main objectives of sharia (*maqasid al-syari'ah*), namely protecting religion (*hifz al-din*), life (*hifz al-nafs*), reason (*hifz al-'aql*), descendants (*hifz al-nasl*), and property (*hifz al-mal*).

In this context, early marriage is not merely a legal issue but also a humanitarian and social issue that requires a multidimensional approach. The establishment of a minimum age for marriage by national law aligns with the *maqasid al-shariah*, which requires physical, psychological, and moral readiness before entering the institution of marriage. However, the practice of lax marriage dispensations often creates legal loopholes that weaken child protection efforts (Thorifa'i et al., 2025). Therefore, harmonization between Islamic law and national law should focus on improving regulations to eliminate the potential for dispensation abuse, by emphasizing that every legal decision must be based on the principles of public welfare, substantive justice, and the protection of children's rights.

The implementation of *maqasid* values in the national legal system is not only focused on written regulations, but also on the formation of legal awareness among the community and increasing the capacity of religious court institutions (Suhaili, 2025). Judges as executors of judicial power have a crucial role in ensuring that every decision regarding marriage dispensation reflects *maqasid* values, such as *hifz al-nafs* (protection of the soul from health risks and domestic violence), *hifz al-'aql* (protection of mental development and education of children), and *hifz al-nasl* (maintenance of the dignity of descendants). Therefore, synergy between policy makers, scholars, academics, and the community is an important element in upholding a legal system that is oriented towards justice and social welfare.

The harmonization model between Islamic law and national law, based on the *maqasid al-syari'ah* (objectives of Islamic law), is a conceptual approach that integrates divine values with modern legal principles to address complex social issues, particularly those related to early marriage. In the realm of family law in Indonesia, this harmonization serves as a bridge that resolves the tension between transcendent sharia norms and positive law based on the constitution and social dynamics of society.

Flowchart 3. Model of Harmonization of Islamic Law and National Law Based on *Maqasid al-Syari'ah*



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This harmonization model framework based on the maqasid sharia (objectives of sharia) presents an integrative, progressive, and solution-oriented Islamic legal paradigm. It not only affirms spiritual values in law but also strengthens the functional aspects of national law to address the social and moral challenges of modern society, while ensuring that child protection is an essential part of the ideals of Islamic and state law.

5. Conclusion

Based on the results of this study and discussion, it can be concluded that the practice of early marriage contradicts the primary objectives of Islamic law, which prioritizes the protection of the soul (*hifz al-nafs*), intellect (*hifz al-aql*), and offspring (*hifz al-nasl*). The phenomenon of early marriage in Indonesia is not solely influenced by economic and cultural factors, but also by weak

legal implementation through marriage dispensation mechanisms, which often do not prioritize the interests of children. From the perspective of *maqasid al-shari'ah*, setting a minimum age of 19 for marriage aligns with the principle of benefit, as it aims to ensure physical, mental, and social readiness before starting a family. Therefore, Islamic law fundamentally supports delaying marriage until full maturity to maintain human dignity and the well-being of future generations.

This research emphasizes that harmonization between Islamic law and national law must be based on the *maqasid al-shari'ah* approach so that legal policies are not only normative but also substantive in protecting children from the negative impacts of early marriage. The integrative model proposed in this study offers a synergy between divine values and modern legal principles to create a family law system that is adaptive, just, and oriented toward social welfare. By utilizing the *maqasid al-syari'ah* as the ethical and legal framework for marriage policy, the state and society are expected to work together to build a humanistic and progressive legal paradigm, while simultaneously ensuring the fulfillment of children's rights as part of the ideals of justice and universal welfare.

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