



# Early Marriage Trends in The Perspective of Islamic Family Law: Between Regulation and Social Reality

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## Abstract:

This research is motivated by the high rate of early marriage in the Jember Regency, even though there are regulations that set a minimum age limit for marriage. This phenomenon is a serious concern considering the negative impacts it causes, both in terms of health, education, and social welfare. This study aims to explore the social and cultural factors that influence the practice of early marriage and evaluate the effectiveness of implementing regulations on the age limit for marriage in the region. This study uses a qualitative approach with a case study method, where data is collected through in-depth interviews, observations, and analysis of related documents. The study results show that although regulations have been implemented, their implementation is still hampered by the strong local culture that supports early marriage and low public awareness of the risks and implications of early marriage. In addition, socialization and supervision efforts from the government still need to be improved to be more effective. The discussion of this study highlights the need for a more holistic approach in dealing with early marriage by involving various parties, including religious and community leaders, to support more significant changes in community behavior towards early marriage.

**Key Words:** *Early Marriage, Islamic Family Law, Regulation and Social Reality*

## Abstrak:

Penelitian ini dilatarbelakangi oleh tingginya angka pernikahan dini di Kabupaten Jember, padahal sudah ada peraturan yang mengatur batas usia minimal menikah. Fenomena ini menjadi perhatian serius mengingat dampak negatif yang ditimbulkannya, baik dari segi kesehatan, pendidikan, maupun kesejahteraan sosial. Penelitian ini bertujuan untuk mengeksplorasi faktor sosial budaya yang mempengaruhi praktik pernikahan dini dan mengevaluasi efektivitas penerapan peraturan batas usia menikah di wilayah tersebut. Penelitian ini menggunakan pendekatan kualitatif dengan metode studi kasus, dimana data dikumpulkan melalui wawancara mendalam, observasi, dan analisis dokumen terkait. Hasil penelitian menunjukkan bahwa meskipun peraturan telah diterapkan, namun implementasinya masih terhambat oleh masih kuatnya budaya setempat yang mendukung pernikahan dini dan rendahnya kesadaran masyarakat terhadap risiko dan implikasi pernikahan dini. Selain itu, upaya sosialisasi dan pengawasan dari pemerintah masih perlu ditingkatkan agar lebih efektif. Pembahasan penelitian ini menyoroti perlunya pendekatan yang lebih holistik dalam menangani pernikahan dini dengan melibatkan berbagai pihak, termasuk tokoh agama dan tokoh

masyarakat, untuk mendukung perubahan perilaku masyarakat terhadap pernikahan dini yang lebih signifikan.

**Kata Kunci:** *Pernikahan Dini, Hukum Keluarga Islam, Regulasi dan Realitas Sosial.*

## INTRODUCTION

That comprehensive collaboration is needed to solve the problem of early marriage. This collaboration is essential because the results will be a special consideration in establishing appropriate laws on the prohibition of early marriage (Lathifah et al., 2022; Samurai et al., 2022). However, this effort must be accompanied by improvements in social conditions that encourage the practice of early marriage. Public education and increasing access to education are critical to making society aware of the dangers of early marriage (Nottingham et al., 2022; Jenkins, 2023). So if this does not campaign to all groups, then awareness of the dangers of early marriage, especially on reproductive health, education, family economy, and children's mental health, is very likely to be felt by the perpetrators of this early marriage (Maseka, 2022; Salihu, 2024). The proof is that children who marry under the age of 20 are at high risk of dropping out of school, being trapped in poverty, and being vulnerable to violence and depression. Even pregnant women under the age of 20 are also at risk of complications and bleeding (Yoosefi Lebni et al., 2023; Agi, 2023). Therefore, appropriate regulations and collaboration are needed to prohibit early marriage to protect children from the negative impacts of early marriage (Naved et al., 2022; Duadji et al., 2022; Yoosefi Lebni et al., 2023).

Many studies have been conducted by experts showing that, medically, early marriage hurts the health of mothers and children (Li, Chuhui, et al., 2021; Indriani et al., 2023). However, this practice is still common in society due to cultural factors and pregnancy out of wedlock (Habibi et al., 2022; Desiyani et al., 2022). Other studies also reveal that early marriage can disrupt family harmony (Adam, 2020; Handayani, 2022). However, many still do it because of social and economic pressures. Even though their understanding of the field of religion is good, parents still practice early marriage on the grounds of not falling into adultery and maintaining family honor (Zako, 2023; Mahtab et al., 2023; Gill, A.R. et al., 2023). Thus, comprehensive research is needed on how regulations can be implemented effectively in social and cultural contexts that support early marriage. So, this study aims to fill the position that has not been touched on to bridge this gap by exploring ways of regulation that can be adapted and accepted by society so that it can significantly reduce the practice of early marriage.

The main objective of this study is to explore practical ways to implement early marriage regulations in social and cultural contexts that support the practice of reducing the number of early marriages significantly. This is important because, despite laws and medical evidence showing the adverse effects of early marriage on maternal and child health, this practice is still widely practiced due to cultural and economic pressures. By understanding and

adapting regulations according to the social context of society, it is hoped that practical solutions can be found that are accepted by society so that they can protect children from the negative impacts of early marriage, ensure a better future for them, and can significantly reduce the practice of early marriage.

According to Article 7 of Law Number 1 of 1974, as amended by Law Number 16 of 2019, marriage may only be carried out between men and women who have reached the age of 19 (nineteen) years. However, in practice, it often does not meet the objectives of the law. Law Number 16 of 2019 provides dispensation in marriage if prospective brides and grooms have yet to reach the age of 19 years. This shows that a more holistic and comprehensive approach is needed so that it can have implications for social change, children's education, and strict legal regulations to prevent the practice of early marriage. From the perspective of Islamic family law, monitoring regulations prohibiting early marriage still needs serious supervision from various parties. Therefore, all of this must be supported by broader social and educational efforts to create authentic and sustainable societal change about the dangers of early marriage.

## RESEARCH METHODS

This study focuses on Jember, East Java, due to its unique demographic and social characteristics that make it relevant to the issue of early marriage. Jember was selected for its strong Islamic cultural roots, diverse ethnic and economic landscape, and its rapid urbanization trends, which influence local practices, including early marriage. The challenges in enforcing legal regulations related to early marriage make Jember an ideal research setting, providing a comprehensive view of how local factors influence early marriage practices and the implementation of Islamic family law to mitigate this issue.

Using a qualitative case study approach, this research seeks to understand how regulations intersect with the social realities of early marriage in Jember. This method enables a detailed examination of stakeholder perspectives, including those of government officials, community leaders, parents, and young couples involved in early marriages. The focus on families that choose early marriage provides insights into contributing factors, the influence of parents and local culture, and the role of government and child rights activists in addressing early marriage practices in the community.

Data for this study were gathered through interviews, participant observations, and document analysis. Interviews were conducted with various stakeholders to capture their views on factors driving early marriage and the impact of local policies. Participant observation included attending community events to understand the cultural norms surrounding early marriage, while document analysis of relevant policies provided context on legal efforts to address this issue. The data were analyzed using the Miles, Huberman, and Saldana techniques, allowing for systematic data condensation, visualization, and verification, ensuring that the findings are reliable. This comprehensive

analysis will provide recommendations for creating more effective policies to address early marriage.

## **RESULTS AND DISCUSSION**

Based on the results of research in the field, information was obtained about the Trend of Early Marriage in the Perspective of Islamic Family Law in Jember Regency, where the trend of early marriage in the perspective of Islamic law consists of three things, namely: Social Reality of Early Marriage, Evolution of Marriage Legislation and Transformation of Comprehensive Solutions.

### **Social Reality of Early Marriage**

The social reality of marriage is an actual condition related to marriage carried out by someone. Starting with information from several informants regarding the minimum age limit in religion to carry out marriage;

In Islamic jurisprudence, the minimum age for marriage is not always set with a specific number. However, the main principle is a person's physical and emotional maturity. Generally, Islamic jurisprudence suggests that marriage should be carried out after a person reaches puberty, namely signs of physical maturity such as menstruation in women and wet dreams in men. (Ah.25)

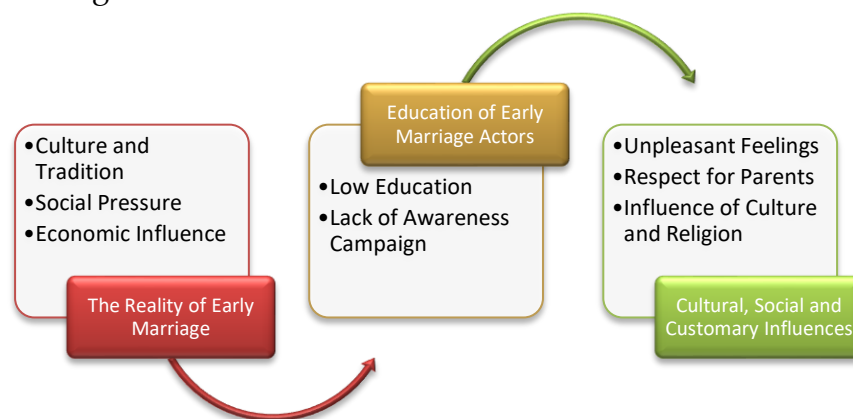
There are indeed variations in views among schools of thought. For example, the Hanafi school usually allows marriage after reaching puberty, which is considered to occur around the age of 12-15 years for women and 14-15 years for men. The Shafi'i and Hanbali schools also have similar views but emphasize mental readiness and the ability to carry out the responsibilities of marriage. (Ar.30)

The interview results found that in Islamic jurisprudence, the minimum age for marriage is not always set with a specific number. The main principle held is a person's physical and emotional maturity. Generally, in Islamic jurisprudence, marriage is recommended after someone reaches puberty, which is marked by menstruation in women and wet dreams in men. Variations in views between schools are also seen. For example, the Hanafi school usually allows marriage after reaching puberty, which is considered to occur around the age of 12-15 for women and 14-15 for men. The Shafi'i and Hanbali schools have similar views, but they emphasize mental readiness and the ability to carry out the responsibilities of marriage. This variation shows that although there are general guidelines regarding the age of marriage in Islam, their interpretation and application can vary depending on the school of thought and the individual's condition. However, the standard is overall maturity and readiness in marriage.

In fiqh, there is no specific age limit for marriage; readiness to marry is primarily determined by a person's physical and emotional maturity. The Hanafi school, for example, permits marriage at around 12-15 years old for women and

14-15 years old for men, while the Syafi'i and Hanbali schools emphasize mental readiness and the ability to carry out the responsibilities of marriage. This view shows the flexibility in the interpretation of the age of marriage in Islam, emphasizing the overall readiness of the individual. Thus, the importance of maturity and readiness before marriage, such as a mature attitude, is highly emphasized, although its implementation is still at odds with the existing reality. The data above is also reinforced by the results of observations by researchers in the field, which show that culture and tradition significantly influence various aspects of life in the Jember Regency. Due to cultural pressures, traditions, and economic conditions, early marriage is still expected. Although there are efforts to improve education and awareness, challenges from deep-rooted social and customary norms still need to be overcome. The values of cooperation, respect for elders, and traditional solid events continue to play an essential role in shaping the social dynamics of Jember society. A more comprehensive and collaborative approach is needed between the government, religious leaders, community leaders, and non-governmental organizations for more significant change.

The findings of this observation can be described as follows:



**Figure 1. Observation findings on the influence of culture and tradition**

The observation results above show that economic conditions are urgent. Although various efforts are being made to improve education and awareness of the negative impacts of early marriage, the challenges of deeply rooted social and customary norms still need to be overcome. The values of cooperation, respect for elders, and vital customary events play an essential role in shaping the social dynamics of Jember society.

### **Evolution of Marriage Legislation**

The development of early marriage regulations in Jember is related to various steps and policies taken by the local government and related institutions to overcome the practice of underage marriage. This includes determining the minimum age of marriage and granting marriage dispensation.

### *Tightening of Marriage Age*

Tightening the age limit for marriage in Jember Regency is a strategic step to protect children's rights and improve community welfare. This policy aims to reduce the number of early marriages, which are still high due to cultural pressures and economic conditions. Various responses from several community leaders regarding the tightening of the age limit for marriage received different comments. Several informants stated the following;

The process of tightening the minimum age for marriage in the Jember Regency is carried out through a regulatory process involving various parties, including local governments, religious leaders, academics, and community leaders. The initial step is to conduct an in-depth study of the local situation, including social, cultural, and religious factors. After that, the process of compiling regulations is carried out by local conditions and needs. (Yd.36)

Meanwhile, the public's response to this varies as follows:

The public response to this tightening of the minimum age is quite diverse. Some support this step as a form of protection for children's rights, but some still question this decision based on cultural and religious considerations. Therefore, we continue to try to explain and clarify the purpose of this tightening of the minimum age to the public. (At.35)

The interview shows that tightening the minimum marriage age in the Jember Regency involved various stakeholders, including local government, religious leaders, academics, and community leaders. The initial steps included conducting an in-depth study of the local situation, which included social, cultural, and religious factors. This shows a comprehensive and evidence-based approach to formulating regulations in the context and needs of the local community. Meanwhile, the community's response to tightening the minimum age shows various views. While some parties support this step as an effort to protect children's rights, some still question this decision on cultural and religious grounds.

Tightening the minimum marriage age in the Jember Regency involved various actors, from local government to religious and community leaders. An in-depth study of local conditions, including social, cultural, and religious aspects, is the initial step in formulating regulations relevant to the local context. Although this policy is supported to protect children's rights, community responses vary widely. Some welcome this step, while others raise objections based on cultural and religious norms. To address these differences of opinion, the authorities are committed to continuing to explain and educate the public about the purpose and importance of the regulation. This shows an active effort to build a better understanding and bridge the gap in views regarding tightening the marriage age.

The above data is also supported by the results of researchers' observations in the field, which show that tightening the minimum age for marriage in Jember Regency involves complex dynamics and active participation from various related parties. Local governments, religious leaders, academics, and community leaders play vital roles in making this policy, each contributing based on their knowledge and experience.

### *Marriage Dispensation*

Marriage dispensation in the Jember Regency requires strict evaluation and a comprehensive approach involving the government, religious leaders, and the community to ensure the dispensation. This received various comments from several informants as follows:

Marriage dispensation is a special permit granted to conduct a marriage below the minimum age stipulated by law. The process in Jember Regency begins with submitting a dispensation application to the local Religious Affairs Office. This application will then be processed and evaluated by a team of KUA officers and other elements as needed. (Sg.50)

Several reasons are often the basis for applying for a marriage dispensation. The most common is the urgent need to conduct a marriage due to various factors such as pregnancy out of wedlock, economic factors, or specific cultural considerations. However, each application will be evaluated individually by applicable provisions. (Ag.40)

The interviews showed that marriage dispensation is a special permit that allows couples to marry even though they have yet to reach the minimum age set by law. In the Jember Regency, applying for a dispensation begins with an application to the Office of Religious Affairs (KUA), where the application is evaluated by a team involving KUA officers and related parties. The reasons for applying for a dispensation include urgent situations such as pregnancy outside of marriage, economic challenges, or pressing cultural factors. Each application is considered individually to ensure the decision is made according to applicable provisions. This evaluation shows an effort to handle particular situations with flexibility while still adhering to applicable legal principles.

Marriage dispensation is an exception that allows couples to marry even though they have not reached the age set by law. The reasons for applying for a dispensation often revolve around urgent conditions such as pregnancy before marriage, economic difficulties, or specific cultural needs. Each case is examined individually to ensure the decision is based on existing regulations. This process shows an effort to provide flexible solutions to special situations while complying with applicable legal provisions.

Field observations also reflect a commitment from authorities to maintaining the integrity of the institution of marriage. Dispensation is only granted in situations that meet the requirements and truly require it by applicable

provisions. This shows an awareness of the importance of ensuring that marriages are conducted with careful consideration. In addition, the observation also highlights the importance of effective communication between authorities and the community. Good communication plays a crucial role in explaining the marriage dispensation procedure and the criteria that the community must meet. This aims to ensure that the community understands the urgency and relevance of marriage dispensation and manages dispensation requests transparently and fairly.

### **Comprehensive Solution Transformation**

The Comprehensive Solution Transformation in Jember Regency aims to address various social challenges, including the high rate of early marriage. The initiative involves an integrated approach that includes education, more vigorous law enforcement, and strengthening the economy and cultural evolution. Through collaboration between the government, religious leaders, community organizations, and educational institutions, it is hoped that an environment that supports the growth and well-being of children can be created.

#### *Improving Access to Education*

From the results of interviews with several informants regarding comprehensive solutions to prevent the rise in early marriage, some of them are as follows:

Education does play a key role in preventing early marriage. By providing better access to education, especially for girls, we can change their outlook on the future. They will more likely delay marriage and focus on self-development and career. (St.56)

The biggest challenges are economic and cultural issues. Many families still think marrying their daughters early can reduce the economic burden. In addition, there is intense social pressure to follow long-standing traditions. We must continue educating the community and providing financial support, such as scholarships, to ensure that children stay in school. (St.56)

The interview results show that education is critical in preventing early marriage. Providing better access to education, especially for girls, can change their perception of the future, encourage them to postpone marriage, and focus more on self-development and careers. However, the most significant challenges faced are economic and cultural issues. Many families in Jember still believe that marrying off their daughters at a young age can reduce the family's economic burden. In addition, intense social and traditional pressures also influence the decision to marry early. To overcome this challenge, continuous education about the importance of education is needed in the community.

Financial support, such as scholarships, is also needed to ensure that children, especially girls, can stay in school and avoid early marriage. From the



interview results, it is clear that education is crucial in preventing early marriage. Better access to education, especially for girls, can change their views on the future. This encourages them to postpone marriage and focus more on self-development and careers. However, the most significant challenges faced are economic and cultural issues. Many families in Jember still think that marrying off their daughters at a young age can reduce the family's economic burden. In addition, social pressure and strong traditions also influence the decision to have an early marriage. To overcome this challenge, it is necessary to provide continuous education to the community about the importance of education. In addition, financial support, such as scholarships, is needed to ensure that children, especially girls, can continue to attend school and avoid early marriage. Thus, through a combination of education and financial support, it is hoped that positive changes can be created in society, encouraging the postponement of early marriage and improving the quality of life of girls in Jember.

#### *Stronger Law Enforcement*

More vigorous law enforcement in the Jember Regency focuses on reducing early marriage and other violations. By strengthening regulations and increasing legal awareness, the government seeks to create a safer and fairer environment, ensuring the protection of children's rights and the welfare of society as a whole.

The results of interviews with several informants about comprehensive solutions to prevent the spread of early marriage by strengthening legal regulations are as follows:

National regulations such as the Child Protection Law and the minimum age for marriage already exist. However, implementation is still a challenge. We are working on stricter enforcement through cooperation with law enforcement officers, such as the police and religious courts, and increasing socialization in the community. (Hd.50)

I hope that more and more people will realize the importance of protecting children from early marriage and support more vigorous law enforcement. With cooperation from all parties, including the government, community, and non-governmental organizations, I am sure we can reduce the number of early marriages and provide a better future for children in Jember. (Hs.60)

The enforcement of national regulations, such as the Child Protection Law and the minimum age for marriage, still faces many challenges. Efforts to strengthen law enforcement are being carried out through closer cooperation with law enforcement officials, such as the police and religious courts, and by increasing socialization in the community. The hope is that more people will be aware of the importance of protecting children from early marriage and support stricter law enforcement. With collaboration between the government,

community, and non-governmental organizations, it is hoped that the number of early marriages can be reduced, giving children in Jember the opportunity to have a better future.

Enforcement of national regulations, including the Child Protection Law and the minimum age for marriage, still faces significant challenges in its implementation in the field. To overcome this, efforts are being made to strengthen law enforcement through closer cooperation with law enforcement officials such as the police and religious courts. In addition, increasing socialization in the community is also a significant focus. The hope is that more people will be aware of the importance of protecting children from early marriage and support stricter law enforcement. Collaboration between the government, community, and non-governmental organizations is essential to reducing the number of early marriages. Thus, it is hoped that children in Jember can have a better future, avoid early marriage, and develop their potential optimally.

#### *Economic Strengthening and Cultural Evolution*

Strengthening the economy and cultural evolution in Jember Regency is the main focus in overcoming early marriage. Through economic programs and cultural awareness campaigns, the community is directed to prioritize education and child welfare before deciding to get married. The main thing that needs to get significant attention is cultural evolution. As expected by several figures below:

Culture plays a significant role. We work with traditional and religious leaders to educate the community about the importance of education and delaying marriage. Awareness campaigns involving community leaders are effective in changing traditional views. (Kds.55)

We hope more families understand the importance of education and child welfare before marriage. With continued support, we are optimistic that we can significantly reduce the number of early marriages in Jember. (Sh.51)

In the interviews, the informants emphasized the significant role of culture in addressing early marriage in the Jember Regency. Collaboration with traditional and religious leaders has been a critical strategy to educate the community about the importance of education and delaying marriage. They noted that awareness campaigns involving community leaders have successfully changed traditional views. The informants hope to see increased awareness within families about the urgency of education and child welfare before marriage. With continued support, they are optimistic that they can significantly reduce the number of early marriages in Jember. This reflects cultural transformation efforts to create more positive and sustainable social change in the community.

The importance of culture in determining social practices in the community is very evident, as seen in efforts to address early marriage. Collaboration with traditional and religious leaders has proven effective in educating the community about the benefits of delaying marriage to ensure children's education and welfare. Awareness campaigns involving community leaders have played a significant role in changing traditional views about early marriage. Evidence from the interviews suggests that continued support from various parties can help families understand the value of education and child welfare before deciding to marry. Therefore, with consistent backing and education, there is optimism that the number of early marriages in Jember Regency can experience a significant decline, leading to improved social conditions and a better future for children.

The transformation of early marriage practices in Jember requires a multi-faceted approach. Improving access to education is essential to empower young individuals with the knowledge and skills necessary for a brighter future. By ensuring that education is prioritized, communities can better understand the long-term benefits of delaying marriage. Stronger law enforcement is correspondingly crucial, as it ensures that existing regulations against early marriage are upheld, protecting vulnerable children. Additionally, economic strengthening provides families with the resources and stability needed to resist the pressures of early marriage. Finally, cultural evolution plays a vital role in shifting traditional mindsets, promoting values that prioritize education and child welfare over early marriage, and leading to sustainable change within the community.

### **Effectiveness and Challenges of Tightening the Marriage Age**

The tightening of the marriage age in the Jember Regency has shown a significant positive impact in reducing the number of early marriages. The determination of a higher minimum age before someone can marry aims to provide better protection for children and adolescents. Data shows a significant decrease in marriage dispensation applications and an increase in the average age of first marriage in the area after this policy was implemented. This finding is consistent with previous studies that confirm that strict regulations can reduce the prevalence of early marriage (Susilo et al., 2021; Hidayat, 2022; Abqori et al., 2024; Rahmawati et al., 2024; Dommaraju et al., 2024).

Therefore, tightening the marriage age has proven effective in achieving this goal. However, the challenges in implementing this policy are also quite significant. Tightening the marriage age faces resistance from people who still adhere to existing traditions and cultural norms (Haryadi et al., 2023; Putri et al., 2024). Although the policy aims to protect children and adolescents, some communities feel the change disrupts their customs. Interviews with community leaders and stakeholders revealed objections to the higher age limit for marriage, in line with research showing that cultural change takes time and a sensitive

approach (Pratiwi et al., 2021; Nisa K. et al., 2022). These challenges highlight the need for a more comprehensive approach to policy implementation.

Community support is a critical factor in tightening the marriage age. Communities that understand and support this policy tend to comply with the regulations. Research findings show that effective information campaigns and the involvement of religious figures and community leaders can increase understanding and support for the policy. This is in line with studies that emphasize the importance of social support in policy implementation (Fauzi, 2022). This support strengthens the effectiveness of the policy and helps overcome the various challenges faced.

The tightening of the marriage age in the Jember Regency has proven its positive impact in reducing the number of early marriages. However, challenges in implementing the policy indicate the need for additional efforts in terms of socialization and community support (Haris et al., 2024). Successful implementation requires a holistic approach, including education, cultural dialogue, and social support (Shodikun et al., 2023). With continued and comprehensive efforts, this policy can be increasingly effective in protecting children and adolescents from early marriage.

To increase the effectiveness of this policy, it is necessary to increase education programs and information campaigns that emphasize the benefits of tightening the marriage age. In addition, there needs to be a forum for discussion between the government, religious leaders, and the community regarding the importance of regulatory changes. Finally, strengthening support from community leaders and community leaders will be very important in facilitating the acceptance and implementation of this policy (Hutasoit et al., 2024). With these steps, tightening the marriage age in Jember Regency can help achieve the desired goals.

## CONCLUSION

This study shows that implementing the marriage age limit policy in the Jember Regency still faces various challenges, especially in the social and cultural context that supports early marriage. Despite government efforts to strengthen regulations, such as increasing socialization and supervision, data shows that public awareness of the importance of complying with the marriage age limit still needs to be higher. Factors such as social and economic pressures and a lack of deep understanding of religion contribute to the high rate of early marriage. These results emphasize that regulation alone is not enough to change the practice of early marriage; a more holistic approach is needed that involves all stakeholders, including religious and community leaders.

The implications of this study are the need for more comprehensive and integrated interventions, including education and economic empowerment programs, which can provide alternatives for families not to marry off their children at an early age. This study also suggests the need for further study on

the effectiveness of existing socialization and empowerment programs and the development of new strategies that are more adaptive to local social and cultural dynamics. Further research could focus on evaluating the long-term impact of this intervention and how the policy can be integrated with other development programs in rural areas.

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