



The Role of Pro Justitia Principles in Marriage Dispensation Decisions: An Analysis of Legal Certainty in Judicial Decision-Making

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Abstract:

Marriage dispensation remains one of the most debated issues in Islamic family law because it places legal certainty, child protection, and judicial discretion in a complex relationship. Although Law Number 16 of 2019 establishes a minimum marriage age, religious courts retain the authority to grant exceptions through marriage dispensation, resulting in varying judicial outcomes. This study aims to analyze the application of the pro justitia principle in marriage dispensation decisions and examine its implications for legal certainty within Islamic family law. The research employs a qualitative, normative-juridical approach, drawing on library research and documentary analysis of statutory regulations, court decisions, and relevant scholarly literature. Data were analyzed through qualitative descriptive-analytical techniques focusing on judicial reasoning patterns and interpretive differences. The findings reveal that pro justitia functions as a substantive interpretive framework guiding judges in balancing statutory requirements, child protection, social realities, and *maslahah*. Variations in judicial interpretation produce different outcomes despite similar factual circumstances, affecting the predictability of legal decisions. The study concludes that legal certainty depends not only on statutory norms but also on the coherence of judicial reasoning. This research contributes by integrating pro justitia, judicial discretion, legal certainty, and *maslahah* into a unified analytical framework for understanding marriage dispensation adjudication in Islamic family law.

Keywords: *Pro Justitia, Marriage Dispensation, Judicial Discretion, Islamic Family Law*

Abstrak:

Dispensasi perkawinan tetap menjadi salah satu isu yang paling banyak diperdebatkan dalam hukum keluarga Islam karena menempatkan kepastian hukum, perlindungan anak, dan kebijaksanaan yudisial dalam hubungan yang kompleks. Meskipun Undang-Undang Nomor 16 Tahun 2019 menetapkan usia minimum perkawinan, pengadilan agama tetap memiliki wewenang untuk memberikan pengecualian melalui dispensasi perkawinan, yang menghasilkan hasil yudisial yang beragam. Studi ini bertujuan untuk menganalisis penerapan prinsip pro justitia dalam keputusan dispensasi perkawinan dan meneliti implikasinya terhadap kepastian hukum dalam hukum keluarga Islam. Penelitian ini menggunakan pendekatan normatif-yuridis kualitatif

dengan menggunakan riset pustaka dan analisis dokumen peraturan perundang-undangan, keputusan pengadilan, dan literatur ilmiah yang relevan. Data dianalisis melalui teknik deskriptif-analitis kualitatif yang berfokus pada pola penalaran yudisial dan perbedaan interpretasi. Temuan menunjukkan bahwa *pro justitia* berfungsi sebagai kerangka interpretasi substantif yang membimbing hakim dalam menyeimbangkan persyaratan undang-undang, perlindungan anak, realitas sosial, dan masalah. Variasi dalam interpretasi yudisial menghasilkan hasil yang berbeda meskipun keadaan faktualnya serupa, yang memengaruhi prediktabilitas keputusan hukum. Studi ini menyimpulkan bahwa kepastian hukum tidak hanya bergantung pada norma-norma hukum tetapi juga pada koherensi penalaran yudisial. Penelitian ini berkontribusi dengan mengintegrasikan *pro justitia*, diskresi yudisial, kepastian hukum, dan masalah ke dalam kerangka analitis terpadu untuk memahami pengambilan keputusan terkait dispensasi perkawinan dalam hukum keluarga Islam.

Kata Kunci: *Pro Justitia, Dispensasi Pernikahan, Diskresi Yudisial, Hukum Keluarga Islam*

INTRODUCTION

Marriage is a fundamental institution within Islamic family law that functions not only as a legal contract but also as a moral and social framework aimed at preserving human dignity, family stability, and social order (Ishom, 2023). In modern society, particularly in Muslim-majority countries, marriage regulation plays a crucial role in shaping social development, gender equality, and child protection (Fakihudin et al., 2022; Lahilote et al., 2022). The increasing global concern over early marriage highlights its long-term impact on education, health, and socio-economic welfare (Insani et al., 2024). Therefore, regulating marriage age and ensuring judicial oversight are essential components of public policy. In Islamic legal doctrine, marriage is oriented toward the realization of *sakinah, mawaddah, and rahmah*, which require maturity, responsibility, and readiness to fulfill rights and obligations (Rosyadi & Asep, 2025). Thus, marriage is not merely a private affair but a public legal institution with broad social consequences. This study is important because it examines how legal certainty and judicial reasoning contribute to protecting vulnerable groups and ensuring fairness in the application of marriage law.

Although marriage regulation has been formally strengthened, a key problem arises in its practical implementation, particularly in balancing statutory rules with social realities. The law establishes a minimum marriage age to protect children and ensure legal certainty (Hakim et al., 2025; Purwanti & Natalis, 2026). However, the continued existence of marriage dispensation mechanisms creates ambiguity in practice. While the law provides clear boundaries, it simultaneously allows exceptions based on judicial discretion. This creates tension between legal certainty and contextual flexibility (Antori & Yazid, 2024). As a result, society faces uncertainty regarding the consistency of legal outcomes, especially in cases involving minors. Judges must determine whether urgent circumstances justify deviations from statutory provisions. This situation creates a structural problem in the legal system, in which written law does not always yield predictable judicial decisions (Asmuni & Adikara, 2024; Mustofa, 2023). Consequently, this

affects public trust in legal institutions and raises concerns about the consistency and reliability of legal enforcement in marriage regulation.

In practice, religious courts frequently handle applications for marriage dispensation, reflecting the continued social demand for early marriage despite legal restrictions. Judges often encounter cases involving minors supported by family approval or cultural justification (Sekarrini et al., 2025). Although the legal framework is uniform, judicial decisions vary significantly across different courts. Some judges prioritize strict adherence to statutory provisions and child protection principles, while others emphasize social context and urgency (Nur & Abdullah, 2022; Rohman et al., 2023). This inconsistency leads to variations in legal interpretation and decision-making patterns. The dispensation process also involves subjective assessments of maturity, economic conditions, and family circumstances, further complicating judicial consistency. In post-pandemic contexts, the number of dispensation cases remains significant, indicating the persistence of socio-cultural pressures (Maryam et al., 2024; Suriyati, 2022). These phenomena show that, although legal reform has been implemented, its effectiveness in practice remains influenced by judicial interpretation. As a result, marriage dispensation decisions become a critical space where legal certainty and judicial discretion intersect, producing diverse outcomes.

Previous studies have examined marriage regulation from various perspectives, including child protection, socio-cultural determinants of early marriage, and the effectiveness of legal reforms (Nurcholis et al., 2025). Research highlights that cultural traditions, economic conditions, and educational limitations influence early marriage. Other studies emphasize the importance of integrating Islamic legal principles, particularly the concept of public interest, into judicial decision-making (Fakihudin, 2023; Nagaraj & Theboral, 2024). Legal reform literature shows that changes in marriage law aim to strengthen child protection and align national regulations with international standards. However, most existing studies focus on policy outcomes and normative frameworks rather than judicial reasoning processes (Dikuraisyin & Fatwa, 2024; Faizah et al., 2026). Marriage dispensation decisions are often treated as final legal products rather than analytical texts that reflect how judges construct legal meaning. This limitation reduces understanding of how judicial discretion operates in practice. Therefore, there is a need to examine judicial decisions more deeply as expressions of legal reasoning within Islamic family law adjudication.

Legal certainty is widely recognized as a core principle of the rule of law, requiring consistency, predictability, and coherence in legal application. In family law, achieving legal certainty is challenging due to the involvement of moral values and judicial discretion (Ngidi et al., 2025; Yousif, 2026). Studies show that, despite clear statutory provisions, marriage dispensation decisions often vary significantly across courts due to differing interpretations of urgency and child welfare. Islamic jurisprudence also allows judges to consider social benefit and harm prevention in their reasoning. However, existing research

rarely examines how judicial reasoning is structured under *pro justitia* principles in marriage dispensation cases (Bimawan & Lazzavietamsi, 2025; Chandel et al., 2024). The separation between doctrinal studies, socio-legal analysis, and judicial behavior studies has created a fragmented understanding of the issue. As a result, the relationship between judicial discretion, reasoning patterns, and legal certainty remains underexplored. This gap highlights the need for a more integrated analysis of judicial decision-making in marriage dispensation cases (Uddin, 2024).

The novelty of this study lies in its focus on marriage dispensation decisions as *pro justitia* judicial products that can be systematically analyzed to reveal patterns of reasoning and interpretation. Unlike previous studies that emphasize policy effectiveness or socio-cultural causes, this research treats judicial decisions as primary analytical objects. It integrates the concept of *pro justitia* with legal certainty theory to examine how judges construct reasoning in cases involving minors. This approach enables a deeper understanding of how discretion operates within formal legal structures. The study also introduces a comparative analysis of judicial decisions with similar factual backgrounds to identify differences in reasoning. This allows the identification of inconsistencies that contribute to variations in legal outcomes. Therefore, this research offers a new analytical framework that connects judicial reasoning, Islamic legal principles, and rule-of-law theory within a unified perspective. This contribution is important for improving the consistency and transparency of judicial decisions.

This study argues that legal certainty in marriage dispensation cases is influenced not only by statutory rules but also by judicial reasoning under the *pro justitia* principle. The main research problem is how *pro justitia* principles are applied in marriage dispensation decisions and how differences in judicial interpretation affect legal certainty in Islamic family law. Although the law establishes a clear minimum marriage age, judicial discretion leads to variations in outcomes. These variations reflect different interpretations of urgency, public interest, and child protection among judges. Therefore, legal certainty depends not only on written law but also on the coherence of judicial reasoning. This study contributes by conducting a comparative analysis of religious court decisions to identify patterns of reasoning and interpretive divergence. Ultimately, it provides theoretical insights into Islamic legal reasoning and practical recommendations for improving consistency, predictability, and fairness in the adjudication of marriage dispensation cases.

RESEARCH METHODS

This study employs a qualitative research design using a library research (normative juridical) approach to analyze the application of the *pro justitia* principle in marriage dispensation decisions and its implications for legal certainty within Islamic family law. A qualitative library research design is

selected because the study focuses on legal norms, judicial reasoning, and doctrinal interpretation rather than numerical data or statistical measurement. The main objective is to examine how legal principles are constructed, interpreted, and applied in judicial decisions. This approach is appropriate because legal phenomena in marriage dispensation cases are best understood through textual and conceptual analysis of statutes, doctrines, and court decisions. Therefore, the study emphasizes interpretative understanding of legal meaning, judicial reasoning patterns, and normative coherence in decision-making processes.

The research is conducted through a documentary analysis of Islamic Religious Court (Pengadilan Agama) decisions on marriage dispensation cases in Indonesia, with a specific focus on selected cases that share similar factual backgrounds but yield different judicial outcomes. The selection of religious court decisions as the research setting is based on their authority as the primary judicial institution responsible for adjudicating marriage dispensation. These courts play a central role in interpreting marriage law, exercising judicial discretion, and determining whether exceptions to statutory marriage-age requirements can be granted. The focus on religious courts is relevant because they serve as the institutional space where Islamic family law and national legal regulations intersect. The selected decisions provide a relevant and representative context for analyzing the implementation of *pro justitia* principles and legal certainty in judicial practice.

Data collection in this study is conducted through systematic library research and analysis of documentation. The primary data sources include statutory regulations on marriage and child protection, as well as official court decisions on marriage dispensation. Secondary data sources consist of academic books, peer-reviewed journal articles, and scholarly writings on Islamic family law, judicial discretion, legal certainty, and *pro justitia* principles. Tertiary sources such as legal dictionaries and encyclopedias are used to clarify legal terminology and concepts. The data collection process involves identifying, selecting, and categorizing relevant legal materials based on their relevance to the research questions. All materials are collected from official legal databases, court archives, and academic publication platforms to ensure reliability and relevance. The collected data are then organized systematically to support in-depth doctrinal and conceptual analysis.

The data in this study are analyzed using a qualitative descriptive-analytical method through the stages of data condensation, data reduction, data display, and conclusion drawing/verification. Data condensation involves selecting and simplifying relevant legal materials related to marriage dispensation, *pro justitia* principles, and legal certainty, followed by data reduction to eliminate irrelevant or repetitive information while preserving essential legal meanings. The reduced data are then systematically organized in narrative form to identify patterns of judicial reasoning, legal arguments, and

interpretive differences among court decisions. Verification is conducted through continuous comparison and interpretation of legal materials to ensure the consistency and validity of findings. Meanwhile, data validity is ensured through triangulation of statutory regulations, judicial decisions, and scholarly literature, supported by theoretical triangulation using legal certainty theory, pro justitia principles, and *maslahah*, as well as repeated consistency checks to strengthen credibility, dependability, and confirmability of the research findings.

RESULTS AND DISCUSSION

Results

Marriage dispensation decisions issued by religious courts are judicial products rendered through a pro justitia process. They are not merely administrative approvals but formal judicial determinations grounded in legal authority, evidentiary examination, and judicial reasoning. The findings show that judges place justice, benefit, child protection, and legal certainty at the centre of their consideration when deciding marriage dispensation applications. In practice, the pro justitia principle serves as a substantive framework for judges to assess whether to grant or deny the application.

The study reveals that judicial discretion plays a central role in interpreting the statutory minimum marriage age requirement. Judges do not rely solely on the formal provisions of the law, but also consider the concrete circumstances of each case. These circumstances include the urgency of the application, the maturity of the prospective bride and groom, the socio-economic condition of the family, the level of family support, the continuity of education, psychological readiness, and the possible consequences if the dispensation is granted or refused. This indicates that marriage dispensation adjudication involves a complex balancing process between formal legal requirements and the lived realities of the applicants.

The findings further indicate that the pro justitia principle may yield different judicial outcomes depending on how judges prioritize competing legal values. In some cases, judges interpret pro justitia flexibly and contextually. This approach tends to support granting dispensation when the court considers that refusal may cause immediate social, moral, or familial harm. In other cases, judges interpret pro justitia more restrictively. This approach tends to support the rejection of dispensation when the court considers that granting the application may endanger the child's long-term welfare, educational development, psychological maturity, and future legal protection.

Comparative Judicial Reasoning and Its Implications for Legal Certainty

The comparative analysis shows that marriage dispensation cases with relatively similar factual backgrounds may produce different judicial outcomes. This difference arises because judges may rely on the same legal basis but prioritize different legal values. Decision A reflects a flexible and contextual interpretation of pro justitia. In this decision, the court emphasized the

prevention of immediate social and moral harm, the importance of family circumstances, and the need to respond to social realities surrounding the applicants. As a result, the dispensation application was granted.

By contrast, Decision B reflects a more normative and restrictive interpretation of *pro justitia*. In this decision, the court prioritized child protection, educational continuity, psychological readiness, and the child's long-term welfare. The judge placed greater emphasis on the protective purpose of the minimum marriage age regulation and considered that the child's future interests should prevail over short-term social considerations. As a result, the dispensation application was rejected.

This comparison demonstrates that judicial reasoning is a decisive factor in determining the outcome of marriage dispensation cases. Although both decisions are based on the same statutory framework, the difference lies in how judges interpret the concepts of urgency, maturity, welfare, and justice. The findings show that *pro justitia* does not operate merely as a formal legal phrase attached to judicial decisions. Instead, it functions as an interpretive framework through which judges determine the relative weight of legal certainty, child protection, social benefit, and contextual justice.

Table 1. Comparison of Marriage Dispensation Decisions and Their Implications for Legal Certainty

Aspect	Decision A: Dispensation Granted	Decision B: Dispensation Rejected
Legal Basis	Law No. 16 of 2019 and Islamic family law principles	Law No. 16 of 2019 and child protection principles
Judicial Focus	Prevention of immediate social and moral harm	Protection of long-term child welfare
Interpretation of Pro Justitia	Flexible and contextual	Normative and restrictive
Role of Judicial Discretion	Broad and accommodative	Limited and cautious
Consideration of Child's Interest	Emphasis on current social and family conditions	Emphasis on education, maturity, and future welfare
Outcome	Marriage dispensation granted	Marriage dispensation rejected
Implication for Legal Certainty	Greater flexibility but lower predictability	Higher consistency and stronger predictability

The comparison in Table 1 shows that judicial discretion can create both positive and problematic consequences for legal certainty. On the one hand, discretion allows judges to respond to the specific facts and social realities of each case. This flexibility is important because marriage dispensation cases often involve sensitive family circumstances that cannot be resolved only through rigid application of statutory provisions. On the other hand, broad discretion may also reduce predictability when similar cases receive different outcomes. This condition shows that legal certainty in marriage dispensation adjudication is not

determined only by the existence of written law, but also by the consistency and coherence of judicial reasoning.

Implications of Judicial Discretion for Legal Certainty in Marriage Dispensation Adjudication

The findings demonstrate that judicial discretion exercised through the pro justitia framework significantly influences the realization of legal certainty in marriage dispensation adjudication. Judges use discretion to assess whether the reasons submitted by applicants are sufficiently urgent and whether the proposed marriage is compatible with the child's welfare. However, the study also finds that the absence of clear substantive benchmarks for assessing urgency, maturity, and child welfare creates variation in judicial interpretation. As a result, similar factual circumstances may be evaluated differently by different judges.

Urgency is among the most influential factors shaping judicial outcomes. In decisions granting dispensation, urgency is often understood broadly by considering social stigma, family pressure, moral concerns, pregnancy, or the perceived need to prevent greater harm. In decisions rejecting dispensation, urgency is assessed more strictly. Judges adopting this approach tend to require stronger evidence that the situation is exceptional and that marriage is the most appropriate solution. This difference shows that the meaning of urgency remains open to judicial interpretation and may produce variation in legal outcomes.

The assessment of maturity and child welfare also becomes a central element in judicial reasoning. Judges who grant dispensation tend to emphasize immediate social realities and practical considerations affecting the applicants and their families. By contrast, judges who reject dispensation tend to give stronger attention to educational continuity, psychological readiness, emotional maturity, economic preparedness, and long-term welfare. These findings show that the child's best interest is not interpreted uniformly. Instead, it is constructed through different judicial orientations, depending on whether the judge gives greater weight to short-term harm prevention or long-term rights protection.

The findings further show that pro justitia functions as a mediating principle between legal certainty and substantive justice. It enables judges to balance statutory rules with contextual considerations, but it also creates space for interpretive variation. This variation does not necessarily indicate arbitrary decision-making, because judges still provide legal reasoning for their decisions. However, when the standards of reasoning are not sufficiently structured, the outcomes may appear inconsistent to applicants and the wider public. Therefore, achieving legal certainty depends not only on the uniform application of statutory provisions but also on the transparency, coherence, and consistency of judicial reasoning.

Pro Justitia as an Interpretive Framework Shaping Judicial Discretion and Legal Certainty in Marriage Dispensation Decisions

The study finds that pro justitia is not only a procedural principle, but also a substantive interpretive framework in marriage dispensation decisions. Through this principle, judges determine how legal norms should be applied to concrete family situations. Pro justitia allows judges to examine the relationship between statutory requirements, social consequences, child protection, family responsibility, and Islamic family law values. This finding shows that pro justitia functions as a bridge between formal legality and contextual justice.

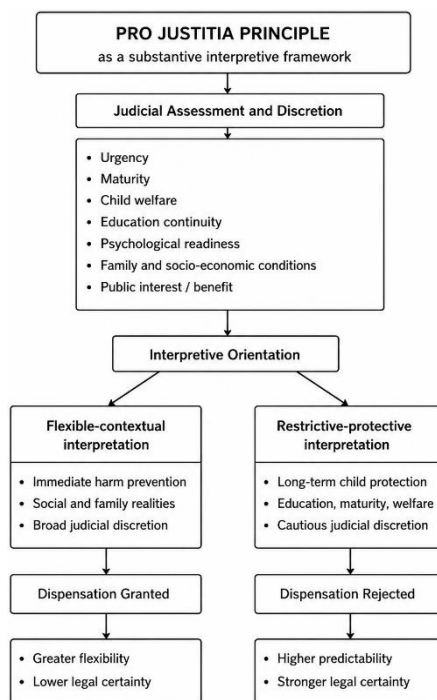


Figure 1. Pro Justitia as an Interpretive Framework in Marriage Dispensation Decisions

Figure 1 illustrates how the pro justitia principle operates as a substantive interpretive framework in marriage dispensation adjudication. Through judicial discretion, judges assess urgency, maturity, child welfare, education, psychological readiness, family circumstances, and public interest. These assessments may yield two main interpretive orientations: a flexible-contextual orientation that prioritizes immediate harm prevention and may lead to the granting of dispensation, and a restrictive-protective orientation that prioritizes long-term child welfare and may lead to rejection. The figure shows that legal certainty is shaped not only by statutory rules but also by the coherence and direction of judicial reasoning.

In cases where dispensation is granted, pro justitia is interpreted as a basis for preventing immediate harm. Judges adopting this orientation tend to view marriage as a solution to urgent social or familial circumstances. They emphasize the practical consequences of rejection, including social stigma, family conflict,

and moral concerns. In this pattern of reasoning, judicial discretion is used broadly to accommodate the applicants' immediate situation.

In cases where dispensation is rejected, *pro justitia* is interpreted as a basis for protecting the child from long-term harm. Judges adopting this orientation tend to view the minimum marriage age as an important legal instrument for protecting children's future welfare. They emphasize education, psychological readiness, maturity, and the long-term impact of early marriage. In this pattern of reasoning, judicial discretion is exercised more cautiously to ensure that the law's protective purpose is not weakened.

Overall, the findings show that *pro justitia* shapes the way judges balance competing values in marriage dispensation adjudication. It may support flexibility when judges prioritize contextual justice, but it may also support restriction when judges prioritize child protection and statutory objectives. This dual function explains why marriage dispensation decisions may differ even when they arise from similar factual backgrounds. The findings indicate that legal certainty in this area requires not only clear statutory provisions, but also clearer substantive guidelines for judicial reasoning.

The study concludes that the main issue in marriage dispensation adjudication is not the existence of judicial discretion itself, but the extent to which coherent and transparent standards guide that discretion. Judicial discretion remains necessary because marriage dispensation cases involve complex and sensitive family realities. However, without clearer benchmarks for evaluating urgency, maturity, welfare, and public interest, discretion may continue to produce uneven outcomes. Therefore, the findings highlight the need for a structured yet flexible framework that can strengthen legal certainty while preserving the court's ability to achieve substantive justice in individual cases.

Discussion

The findings of this study demonstrate that marriage dispensation adjudication in religious courts is shaped by judicial interpretation of the *pro justitia* principle, particularly in balancing statutory legality, substantive justice, child protection, and socio-religious considerations. This finding is consistent with Dworkin's argument that judicial decision-making is not a mechanical application of legal rules, but an interpretive activity in which judges construct the most persuasive justification for their decisions through legal principles and moral reasoning (Asmuni & Adikara, 2024; Sekarrini et al., 2025). It also corresponds with Hart's concept of the open texture of law, which explains why legal norms often require interpretation when applied to complex social realities, especially in cases involving family, children, and moral consequences (Insani et al., 2024; Lahilote et al., 2022; Nurcholis et al., 2025; Suriyati, 2022). However, the present study extends these theoretical perspectives by showing that judicial interpretation in Indonesian religious courts is not only grounded in positive law, but also mediated through Islamic legal reasoning, particularly *maslahah*, which

prioritizes benefit, harm prevention, and public interest (Maryam et al., 2024; Rosyadi & Asep, 2025). Therefore, *pro justitia* in marriage dispensation cases operates as a hybrid interpretive framework that combines formal legal reasoning, judicial discretion, Islamic normative values, and contextual social assessment.

From the perspective of legal certainty theory, the findings partially support the view that legal certainty requires predictability, consistency, and coherence in judicial decisions (Pino, 2023; Uddin, 2024). The study confirms that divergent judicial outcomes in cases with relatively similar factual backgrounds may weaken predictability and create different levels of legal protection for applicants. This supports previous scholarship suggesting that broad judicial discretion may produce inconsistency when substantive operational standards are unclear (Dikuraisyin & Fatwa, 2024; Fakihudin et al., 2022; Purwanti & Natalis, 2026). Nevertheless, the findings also reveal an important limitation of classical legal certainty theory. In marriage dispensation adjudication, judges do not always understand certainty as rigid uniformity of outcomes, but as a balance between statutory consistency and responsiveness to individual circumstances. This aligns with the argument that legal systems sometimes tolerate a degree of interpretive variation when courts must respond to social vulnerability and contextual justice (Ait-Aoudia, 2025; Antori & Yazid, 2024; Nagaraj & Theboral, 2024; Ngidi et al., 2025). Thus, this study suggests that legal certainty in Islamic family law should be understood as dynamic certainty, namely a condition in which judicial reasoning remains coherent and accountable while still allowing flexibility to address the specific realities of each case.

When compared with previous studies on marriage dispensation and child protection, this research confirms that judicial discretion plays a decisive role in determining whether an application is granted or rejected (Bimawan & Lazzavietamsi, 2025; Nur & Abdullah, 2022; Rohman et al., 2023). Prior literature has emphasized that marriage dispensation decisions are influenced by socio-cultural factors, family pressure, moral concerns, economic conditions, and the protective purpose of Law Number 16 of 2019 (Hakim et al., 2025; Ishom, 2023; Mustofa, 2023). Other studies also show that the absence of a precise statutory definition of urgency creates broad interpretive space for judges, enabling different assessments of social stigma, family responsibility, pregnancy, moral harm, maturity, and child welfare (Faizah et al., 2026; Maryam et al., 2024; Pino, 2023). However, the novelty of this study lies in demonstrating that external social pressures or factual differences do not merely cause divergent outcomes, but by the internal structure of judicial reasoning itself. Some judges prioritize immediate harm prevention and contextual justice, while others emphasize long-term child welfare, educational continuity, psychological maturity, and the statutory objective of preventing child marriage (Brzeziński & Franczak, 2024; Fakihudin, 2023; Kurniawan & Ezzarouali, 2024). This shifts the analytical focus from why marriage dispensation is requested or granted to how *pro justitia* is

interpreted and operationalized by judges in producing different legal outcomes (Chandel et al., 2024; Ngidi et al., 2025; Yousif, 2026).

Theoretically, this study contributes to jurisprudential debates on judicial discretion, legal certainty, *pro justitia*, and *maslahah* by integrating these concepts into a unified analytical framework. Previous studies have generally discussed legal certainty, child protection, judicial discretion, and Islamic legal reasoning as separate analytical domains, whereas this research shows that these elements interact directly in the reasoning process of religious court judges (Mustofa, 2023; Rohman et al., 2023; Sekarrini et al., 2025). The study advances the concept of *pro justitia* by positioning it not merely as a procedural formula attached to judicial decisions, but as a substantive interpretive principle that mediates between formal legality and contextual justice. It also enriches the theory of *maslahah* by showing that *maslahah* is not only a doctrinal concept in Islamic legal thought, but an active reasoning instrument used to justify judicial choices in contemporary adjudication (Maryam et al., 2024; Rosyadi & Asep, 2025; Suriyati, 2022). The main theoretical contribution of this research is therefore the formulation of *pro justitia* as a mediating principle that explains how judges negotiate the tension between legal certainty, child protection, social realities, and Islamic family law values. Its academic impact lies in offering a more precise conceptual model for understanding why similar marriage dispensation cases may result in different judicial outcomes without necessarily indicating arbitrary decision-making.

In practice, the findings imply that clearer substantive guidelines are needed to assess urgency, maturity, educational continuity, psychological readiness, family support, child welfare, and public interest in marriage dispensation cases. Such guidelines should not eliminate judicial discretion, because excessive standardization may weaken the court's ability to respond to complex family realities. However, a more structured framework is necessary to reduce disparity, improve predictability, and strengthen public confidence in religious court decisions. For judges, the findings provide a basis for developing more transparent, coherent, and accountable legal reasoning. For policymakers, the study shows that statutory reform alone is insufficient if interpretive standards remain fragmented across courts. For legal institutions, the findings highlight the need for judicial training that strengthens the ability of judges to harmonize statutory objectives, child protection principles, and Islamic legal values. The broader impact of this study is that it offers a practical pathway for improving marriage dispensation adjudication by preserving the flexibility required for substantive justice while strengthening consistency, accountability, and legal protection for children within the framework of Islamic family law.

CONCLUSION

This study concludes that the *pro justitia* principle functions as the primary interpretive framework through which judges exercise judicial discretion in marriage dispensation adjudication, thereby directly shaping legal

certainty within Islamic family law. The key finding is that legal certainty is not determined solely by the clarity of statutory provisions, but also by the coherence of judicial reasoning in balancing child protection, social realities, public interest (maslahah), and the objectives of marriage law. The study demonstrates that substantive justice and legal certainty should be understood as complementary rather than competing values in judicial decision-making. Its main scholarly contribution lies in integrating pro justitia, judicial discretion, legal certainty, and maslahah into a unified analytical framework, showing that judicial outcomes are shaped as much by interpretive orientations as by legal norms themselves. By treating marriage dispensation decisions as primary objects of analysis, the research extends existing scholarship beyond policy evaluation and socio-cultural explanations toward a deeper understanding of judicial reasoning in Islamic family law. However, the study is limited by its normative-juridical and library-based approach, which relies on selected court decisions and excludes empirical perspectives from judges, litigants, and court administrators. Future research should employ socio-legal or empirical methods, broader judicial samples, and interviews with legal actors to provide a more comprehensive understanding of legal certainty in marriage dispensation adjudication.

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