

Early Marriage in the Perspective of Islamic Law: A Case Study in Indonesia

Ahmad Kamal

STIT Darul Ulum Kotabaru Kotabaru, Indonesia

Email: ahmdkml076@gmail.com

Abstract

Early marriage is a complicated problem that occurs in the community. Many aspects cause early marriage, and one of the biggest reasons is pregnancy out of wedlock. This research will examine the perspective of Islamic law based on concrete phenomena in society. This research is qualitative research with a case study approach. The research was conducted in the Yogyakarta and Kotabaru regions. The selection of places and research subjects was based on predetermined criteria, namely cities with high rates of early marriage. There were 16 informants in this study: early marriage practitioners, parents, religious and community leaders, and heads of religious affairs (KUA) who deal with marriage issues. Data collection using in-depth interviews with an interview protocol that has been prepared. Data analysis techniques using reduction procedures, presentation, and interpretation of data. The results of the study concluded two essential findings, namely the presence of factors that cause early marriage and the view of Islamic law in solving the problem of early marriage. The most significant cause of early marriage is pregnancies outside of marriage. While solving these problems by marrying the couple with considerations of benefit following the product of Islamic law, namely the compilation of Islamic law. The results of this research are beneficial for society, especially regarding the factors that trigger early marriage so that solutions can be found.

Keywords: A Compilation of Islamic Law, Benefits, Case Studies Early Marriage, Pregnancy.

Abstrak

Pernikahan dini merupakan permasalahan pelik yang terjadi dilingkungan masyarakat. Banyak aspek penyebab adanya pernikahan dini, salah satu alasan terbesar adalah kehamilan diluar nikah. Penelitian ini akan mengkaji tentang perspektif hukum islam berdasarkan fenomena dimasyarakat secara konkrit. Penelitian ini merupakan penelitian kualitatif dengan pendekatan studi kasus. Penelitian dilakukan diwilayah Yogyakarta dan Kotabaru. Pemilihan tempat dan subyek penelitian didasarkan pada kriteria yang telah ditentukan yaitu kota dengan adanya angka pernikahan dini yang tinggi. Informan dalam penelitian ini berjumlah 16 orang yang terdiri dari pelaku pernikahan dini, orang tua, tokoh agama dan masyarakat dan juga kepala urusan agama (KUA) yang mengurus permasalahan pernikahan. pengambilan data menggunakan wawancara mendalam dengan protokol wawancara yang sudah disiapkan. Teknik analisis data menggunakan prosedur reduksi, penyajian dan interpretasi data. Hasil penelitian menyimpulkan dua temuan penting yaitu adanya faktor

penyebab pernikahan dini dan pandangan hukum islam dalam menyelesaikan persoalan pernikahan dini. Penyebab pernikahan dini paling besar disebabkan adanya kehamilan diluar nikah. Sementara penyelesaian permasalahan tersebut dengan menikahkan pasangan tersebut dengan pertimbangan kemaslahatan sesuai dengan produk hukum islam yaitu kompilasi hukum islam.

Kata Kunci: Kompilasi Hukum Islam, Kehamilan, Masalah, Pernikahan Dini, Studi Kasus.

INTRODUCTION

Marriage or marriage is a bond of two husbands and wives who are united by family members which has been legalized by religious law and positive state law (Wibisana, 2017). The existence of marriage can be realized, of course, based on understanding each partner's conditions and character. Almost all nations believe marriage is a holy and sacred activity with a good purpose (Adi, 2019). The desire to have offspring following the dictates of religion and the state is one of the reasons. Besides that, the existence of marriage will provide an understanding that in establishing a sacred bond, the validity of the relationship is needed. Not just living together without official ties or just for the satisfaction of lust.

Marriage, under the guidance of Islamic law, is aimed at forming a *Sakinah, mawaddah wa rahmah* family based on harmony, love and affection (Fauzan et al., 2022). It requires mature readiness in terms of age, economy and mentality. Adequate age will affect the ability to think and solved problems. An established economy will provide comfort in meeting daily needs. Mental readiness will affect the ability of psychological resilience in dealing with issues. Added in Law no. I of 1974 Chapter I Article I also states that the marriage is an inner and outer bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on belief in the One Almighty God (Subekti, 2010).

Marriage in Islamic teachings is a commandment of Allah. Marriage is one of the perfections in the worship of Allah. Marriage is a way to build a family based on Islamic sharia, and a way to prosper the world with pious offspring and children who guarantee the continuity of life in the world. Besides that, it is also a form of friendship, getting to know each other, so that the building of society becomes perfect (Pongoliu, 2017).

Marriage naturally begins with the existence of lust that God gives to humans as creatures. The passion that is owned is provided to meet biological needs which are the basis of human regeneration. This desire also forms an instinctive attraction between men and women. This attraction gives rise to

feelings of love and affection. Islam then regulates how this attraction is directed through lawful and reasonable procedures that do not carry out prohibited actions. Hence, marriage requires conditions that must be prepared per Islamic law. These requirements are a way to form a good and lasting union.

The current world conditions, which are increasingly advanced and developing, where interactions with one another are easier and more accessible, give rise to a new paradigm and impact on all aspects of life, including understanding marital relations. Some countries, as it is known, allow couples to live together without marriage ties. This condition certainly becomes a social phenomenon that can impact people's lives. Not only that, another phenomenon that occurs in society, especially the younger generation, namely the existence of freedom of association, raises a quite complicated social problem the existence of marriage at an early or young age because of the effects of this promiscuity. Many cases, especially in big cities, that relate to early marriage occur in society. The existence of this problem is also of course caused by the aspects that influence it. Not only in big cities, underdeveloped communities or villages, there is a similar phenomenon that could be more interesting. Many young couples carry out early marriages but for other reasons, namely the traditions or customs of the people.

The phenomenon that occurs in common is that there are problems of early marriage in these urban and rural areas geographically and the causal aspects are of course different. City people are more likely to have accepted a more accessible global culture, while rural people do not get much access to global culture. The existence of this phenomenon is undoubtedly fascinating to study further. What are the causes of early marriage in urban and rural areas, and how is this phenomenon seen from the Islamic law perspective.

Marriage in the context of religion undoubtedly has its own legal provisions that apply as a guide and reference. Islam has provided many explanations about the importance of marriage according to Islamic teachings. Marriage is a sacred and holy activity that is carried out to build a good household *mahligai*. Marriage comes from the word "marry" (Setiyanto, 2020). According to language means forming a family with the opposite sex, having sex or having intercourse. The word marriage or *ziwaj* in Arabic means marriage (Suryantoro & Rofiq, 2021). Meanwhile, according to the terms of marriage is a contract between a husband and wife or a man and a woman. The marriage contract stipulated by the Shari'a, gives the meaning that the husband can have fun with his wife's honor or genitals legally (Tantu, 2013).

Marriage is a form of worship ordered by Allah SWT and should not be feared and belittled. Marriage is a form of nature given by Allah to humans which will become the foundation for strengthening Islamic society in the future. This noble goal certainly requires careful preparation because marriage will be challenging when implementing a human understanding of Islamic teachings. Marriage is an essential aspect of human life. It even becomes a basic need for every normal human being. Without marriage, a person's life will be imperfect and, more than that, it violates his nature for life in this natural world to multiply.

Marriage is seen as a benefit for society because if there is no marriage, humans will indulge in their bestiality, leading to disputes and hostility among humans. Marriage brings together two different types of people from different origins, environments, and sometimes with a background of customs, habits, character, personality, upbringing in the family, education, and other hopes and desires. Therefore, apart from being stipulated in Islamic teachings, provisions relating to marriage have also been regulated in state laws and regulations that specifically apply to Indonesian citizens. Marriage is a way of meeting the opposite sex, and God wants to build a household and establish a family institution. Enjoy this meeting in a clean, holy and severe atmosphere, which avoids immoral aspects that are not the basis of marriage.

According to statistical data, the phenomenon of early marriage from year to year has increased nationally and internationally. UNICEF and the Central Statistics Agency (BPS) until 2018, recorded 1,000 girls getting married every day. This data then expanded according to the results of research presented by the Puspenso in 2020 where based on research reports from the Center for the Study and Advocacy of Protection and Quality of Life for Children (PUSKAPA) with UNICEF, the Central Statistics Agency (BPS), and the National Development Planning Agency (Bappenas) in 2020 Based on the total population, Indonesia is ranked 10th with the highest number of child marriages in the world. The research report stated that around 1,220,900 Indonesian children experienced early marriage. The problem of early marriage has indeed become a problem that has been going on for a long time, but until now it has not been solved.

In Yogyakarta itself, as a city with a large population, there are also many early marriages. According to data from the local government of the particular region of Yogyakarta province, in 2018, there were 312 dispensations for early marriage by the DIY religious court. This figure has increased from 2017 which was only 294 dispensations. The factors of early marriage include pre-marital

pregnancy, poverty (economic) and culture. The Religious Courts of DIY and district/city are "forced" to allow young couples to marry because they are already pregnant. This number rose in 2020 to 948, and in 2021 decreased to 757. Likewise what happened in the city of Kotabaru, where there are many cases of early marriage. According to data that has been reported, it is stated that the percentage of women who married at the age of 17 and under in 2020 was 27.09 percent

The increase in early marriages among adolescents, which tends to increase yearly, is a particular problem for local governments, especially in DIY and Kotabaru. Another effect of this early marriage is that it also creates a new trial, namely the emergence of a high tendency for divorce among these adolescents (Abubakar, 2019). According to observations in the field, these symptoms of early marriage and divorce occur because they are not ready to live in the household. Young age, low education, formal and religious education, and low economic income that is not yet established affect the way of thinking and decision-making. In addition, the emergence of early marriage is also inseparable from the existence of a model of promiscuity among adolescents. The inability of their understanding and knowledge and the tendency to try something without thinking about the consequences are also the reasons for this symptom.

In general, the definition of early marriage is a marriage that takes place as a teenager, has yet to end or has just finished. According to WHO, the age limit for youth is 12-24 years. Meanwhile, according to the Ministry of Health, the age range is 10-19 years (provided they are unmarried). According to the Directorate of Youth and Protection of Reproductive Rights of the BKKBN, the limit is 10-12 years. Marriage is considered valid if it is carried out according to the laws of each religion and belief. Then several things need to be known about marriage which can be seen from a legal, social, and religious perspective. From a legal standpoint, marriage is an agreement. Marriage is interpreted as a form of understanding because of the method of the marriage contract and certain pillars or conditions, the process of disentangling or terminating the marriage bond has also been regulated beforehand, namely by the procedure of divorce, the possibility of *fasakh*, *syiqaq* and so on.

This marriage agreement contains three unique characters: First, marriage cannot be carried out without voluntary elements from both parties. Second, the couple who entered into a marriage agreement with each other has the right to terminate the contract based on existing provisions of the law. Third, the marriage

agreement regulates the legal limits regarding the rights and obligations of each part (Yunus et al., 2020).

Some of this phenomenon occurs due to other aspects, such as the existence of a couple who did not have a legal bond from the start and then problems that occurred in their household life (Wantu et al., 2021). Early marriage in the world is also a problem, especially in poor countries, which in general, are still unstable educational, economic and social aspects (Erulkar, 2013).

From a social perspective, marriage is seen as a procession by which one can increase one's degree. In social life, especially in Eastern culture, married people tend to be valued differently (more respected). Even in some areas, marriage can be carried out even though the child's age is still young (Muntamah et al., 2019). From a religious point of view, marriage is considered a sacred agreement. The ceremony is also considered a holy ceremony. In a religion, marriage ceremonies generally have their own rules of procedure involving divine elements in it, such as pronouncing the name of God during the contract (Wahyuningsih, 2002).

Early age is a word related to time which means the beginning of time, while what is meant by early marriage is a marriage that is carried out under the proper age and is not ready and mature to carry out marriage and live a household life.

RESEARCH METHOD

This research uses a qualitative type with a case study approach (Auerbach & Silverstein, 2003). The use of case studies is due to a unique phenomenon that appears and increases, especially regarding early marriages that occur in certain areas. In other regions, this case seems like little. The places to be examined in this study are Yogyakarta and Kendari which exhibit this phenomenon. Informants in this study were early marriage couples, religious affairs office employees, religious leaders, community leaders and parents, totalling 16 people. The research subjects were determined using a purposive sampling technique, in which the informants were deliberately selected based on a specific location (Creswell, 2007). The identification of subjects in this study can be presented in appendix 1, table 1.

Based on table 1 in the appendix 1, the data was retrieved using in-depth interviews with a structured interview protocol. Data were collected after obtaining permission from the prospective informants and agreeing to provide

pseudonyms or initials. The data that has been collected is then analyzed with the stages of data reduction, data presentation, and drawing conclusions (Saldana & Omasta, 2016). The data reduction stage will look at the context of the case in the general context of society and describe it. The data presentation stage describes analyzing existing issues within or across subjects. Finally, confirmation will be given in the form of overall conclusions based on the interpretations that have been carried out (Creswell & Poth, 2016).

RESEARCH FINDINGS AND DISCUSSION

Based on the results of field data, it can be seen that the phenomenon of early marriage in the Kotabaru and Yogyakarta regions is a case of marriage caused by several factors such as promiscuity, economy, lack of understanding of religion, lack of parental supervision, environmental influences and free social media. These factors are the leading cause of the increase in early marriage caused by pregnancies outside of marriage.

As revealed MSA's daughter who was an early marriage practitioner, explained that she had an earlier marriage due to the influence of promiscuity with her junior high and high school friends. Finally, there is a relationship that is prohibited and causes pregnancy. His parents then married both of them. This is also what happened to MMD, who said, "I used to often go out freely with my male and female friends. Usually we are in pairs. Feeling free, we try to do forbidden things. We realize that and still do it. Because my partner was pregnant, our parents married me off.

This was reinforced by the explanation of YT's child who said, "I come from a low-income family. My father is a pedicab driver in town and rarely comes home. My mother works odd jobs too. This condition makes me often leave the house. I was often hanging out with other friends. Due to economic factors, a friend once offered me to sell myself to other people to get money; I have done it only a few times. I'm mostly with my own group of friends even though there's no money. Well one day, I got pregnant. My parents forced me to marry the one who got me pregnant."

The actions of the children of couples who married early were also in line with what one parent, namely KMR, said, "As parents, we are very sad, in fact, my child married young. Yes...but how else, maybe it's our fault that we don't provide much supervision. And the important thing is that we don't teach religion at home."

As the parent of an early marriage practitioner, HR added, "Because I am poor and don't have a steady job, I often go to the city looking for odd jobs. I can't keep an eye on my children. Hang out with who and what to do. Yesterday, my daughter, a girl, also got pregnant first, even though she was only 16. Now her husband is divorced because everything is not ready."

The explanation of the data regarding the existence of early marriage was also agreed upon by the head of Religious Affairs (PTB) in the research area, who explained that "Pregnancies cause almost all cases of early marriage outside of marriage. Usually, because it has already happened, the parents ask to get married."

Added by Mr. ARK, who is also the head of religious affairs, he explained, "So far, child couples who marry young, on average, do not get married very long. Many then divorced due to economic factors, domestic violence, inability to raise children, etc."

The cases that occurred in early marriages have also become the thoughts of religious leaders and scholars in many areas. Religiously, according to religion, the age of marriage is not explicitly stated, but the many cases that occur due to pregnancy out of wedlock are the problem. As one of the religious leaders, the AKL informant, said, "Religiously the case of young marriages that occur due to pregnancy requires a different resolution. This means that there are conditions that need to be met. Such as the status of the child expected to be born first."

According to Mr. PJ, an ustadz explained that family factors usually cause cases of young marriages where we occur. parents religiously lack knowledge, so many do not teach religious values. Indeed, the influence of friends and the environment is powerful. But religious education must be given to know what is wrong and right, sin or not sin.

One of the community leaders who served as the head of the neighborhood association, Mr. MS, also talked about the phenomenon in the community.

"As the resident coordinator, I get cases of child marriages because cases of pregnancies outside of marriage are often a headache too. Because usually too, parents don't accept it, either from the girl or the boy. But as village officials, yes...we have to help solve it. In our place there have been cases of early marriage for reasons of economically incapable parents."

Based on the field data above, it can be explained that early marriage is caused by many factors (Cloward, 2014). First because of pregnancy out of

wedlock. Second, pregnancy occurs due to a lack of parental supervision. Third, early marriage also occurs for economic reasons where parents marry off their parents because they do not have an established economy. The research findings can be described in table 2.

Table 2. Causes of Early Marriage

Causes of Early Marriage	Reasons for early marriage	The resulting impact	Completion Solutions
Pregnancy outside of marriage	Embarrassed of parents	Not ready in terms of age and economy The number of divorce rates	Provided special assistance Provided training on the rights and obligations of husband and wife
Parental economics		Cannot meet economic needs	Providing debriefing and job training Business assistance is provided
Lack of child education	Prefer to marry because school is considered to be a waste of time and money.	Lack of knowledge about the rights and obligations of husband and wife	Given understanding through family education
Own desire	There is a sense of love and passion together	Do whatever you want without thinking about the consequences	Provided an understanding of social boundaries and religious and social norms
Community traditions	A tradition that has existed since ancient times	Number of early marriages by parents	Provision of socialization about marriage and family laws and regulations

The identification table 2 above shows that several causes of early marriage are due to cases of pregnancy out of wedlock, lack of education, environmental influences and economic problems.

Early marriage from an Islamic perspective

Early marriage in positive law or the state has provisions that have been set. Where the minimum age for marriage is 19 years for men and women. Meanwhile, in the fatwa of the Indonesian Ulema Council regarding early marriage there is no explicit provision that explains the minimum or maximum age limit for marriage. The view of Islamic law regarding marriage can be seen as a form of worship in preventing immoral acts, especially adultery. Legal marriage gets *ridho* and reward from Allah SWT. While the act of adultery is a great sin.

Following presidential instructions No. 1 of 1991 concerning the Compilation of Islamic Law (KHI) explains that marriage according to Islamic law is a firm contract (*miitsaqan ghaliizhan*) to obey Allah's commands and doing so is worship. Allah SWT said, "*And marry those who are alone among you and those who are worthy of your male and female servants*" (Departemen Agama RI, 2008). According to some scholars, what is meant by being Worthy or capable is biological ability. It means having the ability to produce offspring. Marriage is a general term used for all God's creatures on earth, while marriage is only intended for humans. For example, the word marriage comes from Arabic, namely "nikaahun" which is masdar or the word origin of the verb *nakaha*, which is synonymous with *tazawwaja*. So the phrase *nikah* means "*adh-dhammu wattadaakhul*" meaning overlapping and inserting. Meanwhile in other books it is said that marriage is "*adh-dhmmu wal-jam'u*" meaning overlapping and gathering (Khasanah, 2014).

According to Islamic law, the age of eligibility for marriage is the age of being able to act and receive rights (*ahliyatul ada' wa al-wujub*). Islam does not specify an age limit but regulates the age of puberty to be ready to accept the imposition of Islamic law. The Indonesian Ulema Council (MUI) has considered all views of Islamic scholars regarding the law on early marriage. There are different opinions about the permissibility of this marriage. The majority of *fiqh* scholars, explained the MUI, are actually not concerned about early marriage.

Meanwhile, Ibn Hazm chose the law of early marriage for men and women (Imran, 2016). Early marriage of young women by their parents or guardians is permitted. While early marriage for boys is not allowed

A different opinion was expressed by Ibn Shubrumah and Abu Bakr al-Asham. According to them, early marriage is prohibited. The statement contained in Fathul Bari states that the permissibility of early marriage refers to the union of

the Prophet SAW and Aisha, so this is a specialty. The practice of marriage is only devoted to the Prophet SAW and not to his people (Amalia, 2017).

Based on these considerations, the MUI decided that early marriage is valid as long as the conditions and pillars of marriage have been fulfilled. But the law will be unlawful if the wedding causes madharat. Maturity age is one indicator for achieving the goal of marriage. The purpose of marriage is to ensure the welfare of household and community life and to guarantee pregnancy. MUI decided that for the sake of benefit, marriage provisions were returned to age standardization provisions referring to Law No. 1 of 1974 concerning Marriage (Hanifah, 2019). The goal is to prevent early marriage that deviates from the purpose and wisdom of marriage. Scholars, the community and the government, were also asked to provide socialization about the understanding of marriage and to prepare prospective brides, both men and women.

The phenomenon of early marriage due to pregnancy in the perspective of Islamic law

Based on the research findings, it can be seen that the phenomenon of early marriage caused by problems of getting pregnant out of wedlock occurs a lot in society. The existence of this case creates a new problem that arises in the community regarding the marriage law and what surrounds it. The view of Islamic law sees the problem of early marriage as a result of getting pregnant out of wedlock as prohibited, because it is considered a form of adultery. Imam Ahmad, Ibn Hazim, Ibn Taimiyah, and Ibn Qayyim think that it is not lawful for a woman and a man to commit adultery before they repent and wait for their *iddah* period to end (Prabowo, 2013). While Hanafi and Shafi'i allow without waiting for the *iddah* period.

As an institution that handles marriage issues, the religious court has a dilemma. On the one hand, the law must be upheld, but on the other hand, crucial issues need to be resolved. According to research finding, the reality on the ground is that many parents apply for a dispensation to enter into early marriages for their children. This condition is undoubtedly a thought and *ijtihad* in itself. The competency of marriage dispensation is the authority of the Religious Courts. Marriage dispensation is a policy granted by the Religious Courts in the form of a legal product of stipulation to prospective brides who are not old enough, judging by the laws that have been stipulated, to carry out their marriage (Mufidati, 2020).

The marriage dispensation is submitted by the parties who will carry out the marriage to the Religious Court. Furthermore, it will be processed by the Religious Courts following applicable laws and regulations, so that the purpose of marriage is realized. The dispensation given relates to practical matters, while the age of the bride and groom must be stipulated with strict sanctions consequences so that this firmness can eliminate the possibility of conflict in later household life.

Marriage dispensation functions to resolve a case related to marital problems, found before marriage has experienced an unexpected accident (pregnancy). It could also be caused by the society or culture still practicing marriage at an early age, with this in mind the compilation of Islamic law (KHI) was made as a way of solution, if this is found there will be no further problems regarding people's perceptions (Khair, 2016).

Concretely, Islamic law does not regulate the minimum age limit for marriage. In religion there is also no provision for the issue of minimum or maximum age limits for marriage, giving anyone leeway to arrange it. Explicitly, the Qur'an and Sunnah acknowledge that maturity is significant in continuing marriage. About the principle of maturity in marriage, the scholars tend not to discuss the issue of the age limit for marriage in detail, but rather focus on discussing the legal issue of marrying young children (Lybertha & Desiningrum, 2016).

Early marriage has negative and positive impacts. The adverse effects that arise are high divorce rates and high infant and maternal mortality rates; psychological implications in the form of unpreparedness to raise children, and tolerating young marriages for reasons of pregnancy being divorced. While the positive effects of early marriage are clarity of marital status, clarifying ansab or lineage for children, obtaining indirect recognition from the community, and protecting against further immoral acts or adultery.

Marriage between a woman who is premarital pregnant and a man who gets her pregnant can take place when the woman is still pregnant, without having to wait until she gives birth. The contract is valid as stated in article 53 paragraph (2) KHI "Marriage to a pregnant woman referred to in paragraph (1) can take place without waiting for the birth of her child first." The marriage contract is held when the woman is pregnant (Bastomi, 2016). After the child is born, there is no need for remarriage. Licensing for premarital pregnancy (marriage dispensation) provides a solution for someone pregnant as a result of adultery to get married immediately (Ahyani, 2016). If it's like this there are no

sanctions or punishments for adultery. Even though it should be if the evidence has been fulfilled, the law should be implemented strictly not influenced by compassion.

The results of this study also show that early marriage caused by a pregnancy out of wedlock is indeed controversial. This means that the law used is a derivative law that has the goal of benefit. Even though Islamic law explicitly prohibits marriage caused by adultery. The continuation of the wedding can also save the status of the baby's lineage, so that at the time of birth the baby has the same rights as a baby in a typical marriage. Besides that, early marriage is also permitted for the reasons above to reduce the high level of adultery which can damage the social order.

CONCLUSION

This study concluded that early marriage in society, in general had been widely practised. Many aspects cause early marriage. The factor of pregnancy outside of marriage is the leading cause of early marriage. Other factors such as economic problems, education, and traditions, are also causes. The existence of early marriage caused by a pregnancy out of wedlock is a problem that needs to be studied more deeply. In the view of Islam, this marriage is prohibited initially because it is a sinful act, namely adultery.

However, on the other hand, Islamic law also considers many things, especially regarding the public benefit. Dispensations for marriage or matrimony are then widely sought and carried out by religious courts as the institution that handles these problems. This means that Islamic law then looks for solutions that are currently possible to use by considering aspects of fiqh legal review and other aspects, namely the benefits of making a legal product, namely the Compilation of Islamic Law. but this condition can also be an advantage and a disadvantage, where the existence of dispensation means the problem can be resolved but on the other hand it can be an opening to be violated because the perpetrator feels they will get dispensation. Other possible solutions that emerge with laws that are more suited to societal conditions are urgently needed and can be explored further by other researchers.

REFERENCES

- Abubakar, F. (2019). Islamic Family Law Reform: Early Marriage and Criminalization (A Comparative Study of Legal Law in Indonesia and Pakistan). *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 4(2), 97–118. <https://doi.org/10.22515/al-ahkam.v4i2.1667>
- Adi, H. C. (2019). Pernikahan Dini Di Kota Yogyakarta Ditinjau Dari Aspek Pendidikan Agama. *Al-Qalam*, 25(2), 431–440. <https://doi.org/10.31969/alq.v25i2.759>
- Ahyani, S. (2016). Pertimbangan Pengadilan Agama Atas Dispensasi Pernikahan Usia Dini Akibat Kehamilan di Luar Nikah. *Jurnal Wawasan Yuridika*, 34(1), 31. <https://doi.org/10.25072/jwy.v34i1.107>
- Amalia, D. (2017). Pernikahan Dibawah Umur Persepektif Hukum Islam Dan Peraturan Perundang-Undangan Di Indonesia. *Al Ashriyyah: Journal of Islamic Studies*, 3(1), 87–103. <https://doi.org/10.53038/alashriyyah.v3i1.23>
- Auerbach, C., & Silverstein, L. B. (2003). *Qualitative Data: An Introduction To Coding And Analysis*. New York University Press. https://books.google.co.id/books?id=6u_FPbXSmbQC
- Bastomi, H. (2016). Pernikahan Dini Dan Dampaknya (Tinjauan Batas Umur Perkawinan Menurut Hukum Islam Dan Hukum Perkawinan Indonesia). *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam*, 7(2), 354–384. <https://journal.iainkudus.ac.id/index.php/Yudisia/article/view/2160/>
- Cloward, K. (2014). False Commitments: Local Misrepresentation and the International Norms Against Female Genital Mutilation and Early Marriage. *International Organization*, 68(3), 495–526. <https://doi.org/10.1017/S0020818314000022>
- Creswell, J. W. (2007). *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*. SAGE. <https://books.google.co.id/books?id=DetLkgQeTJgC>
- Creswell, J. W., & Poth, C. N. (2016). *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*. SAGE Publications.
- Erulkar, A. (2013). Adolescence Lost: The Realities of Child Marriage. *Journal of Adolescent Health*, 52(5), 513–514. <https://doi.org/10.1016/j.jadohealth.2013.03.004>

- Fauzan, A., Husein, M. Z., Ahmad, A., & Jafar, E. S. (2022). Exploring Family Communication and Behavior with The Sakinah Family During The Covid-19 Period. *Al-'Adl*, 15(1), 1–16. <https://doi.org/10.31332/aladl.v15i1.3577>
- Hanifah, M. (2019). Perkawinan Beda Agama Ditinjau dari Undang-undang Nomor 1 Tahun 1974 Tentang Perkawinan. *Soumatara Law Review*, 2(2), 297. <https://doi.org/10.22216/soumlaw.v2i2.4420>
- Imran, M. (2016). Redefenisi Konsep Perkawinan Islam di Indonesia. *Jurnal Hukum Islam*, 1(2), 25.
- Khair, A. (2016). Telaah Kritis “Counter Legal Draft Kompilasi Hukum Islam” (Reorientasi Fikih Hukum Keluarga Islam Indonesia. *Ar-Risalah*, 2(1), 20–37. <http://download.garuda.kemdikbud.go.id/article.php?article=2945271&val=26070>
- Khasanah, U. (2014). Pandangan Islam Tentang Pernikahan Dini. *TERAMPIL: Jurnal Pendidikan Dan Pembelajaran Dasar*, 1(2), 306–318. <https://ejournal.radenintan.ac.id/index.php/terampil/article/view/1323>
- Lybertha, D. P., & Desiningrum, D. R. (2016). Kematangan Emosi Dan Persepsi Terhadap Pernikahan Pada Dewasa Awal: Studi Korelasi Pada Mahasiswa Fakultas Hukum Universitas Diponegoro. *Jurnal EMPATI*, 5(1), 148–152. <https://doi.org/10.14710/empati.2016.15094>
- Mufidati, K. (2020). Fenomena Pernikahan Dini Akibat Hamil Pranikah. *Ahkam: Jurnal Hukum Islam*, 8(1), 45–62. <https://doi.org/10.21274/Ahkam.2020.8.1.45-62>
- Muntamah, A. L., Latifiani, D., & Arifin, R. (2019). Pernikahan Dini Di Indonesia: Faktor Dan Peran Pemerintah (Perspektif Penegakan Dan Perlindungan Hukum Bagi Anak). *Widya Yuridika: Jurnal Hukum*, 2(1), 1–12. <https://doi.org/10.31328/wy.v2i1.823>
- Pongoliu, H. (2017). Family of Sakinah, Mawaddah, Warahmah in the Concept of Islamic Marriage. *Al-Mizan: Jurnal Pemikiran Hukum Islam*, 13(1), 1–16. <https://doi.org/10.30603/am.v13i1.905>
- Prabowo, B. A. (2013). Pertimbangan Hakim dalam Penetapan Dispensasi Perkawinan Dini Akibat Hamil di Luar Nikah pada Pengadilan Agama Bantul. *Jurnal Hukum IUS QUIA IUSTUM*, 20(2), 300–317. <https://doi.org/10.20885/iustum.vol20.iss2.art7>

- Saldana, J., & Omasta, M. (2016). *Qualitative Research: Analyzing Life*. SAGE Publications.
https://www.google.co.id/books/edition/Qualitative_Research/fZi_DQAAQBAJ?hl=id&gbpv=1
- Setiyanto, D. A. (2020). Discourse Of Middle Way In Islamic Jurisprudence On Career Women In Achieving The Sakinah Family: Reconstruction Of Roles And Women's Identity. *Justicia Islamica*, 17(1), 148.
<https://doi.org/https://Doi.Org/10.21154/Justicia.V17i1.1125>
- Subekti, T. (2010). Sahnya Perkawinan Menurut Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Ditinjau Dari Hukum Perjanjian. *Jurnal Dinamika Hukum*, 10(3), 329–338. <https://doi.org/10.20884/1.jdh.2010.10.3.103>
- Suryantoro, D. D., & Rofiq, A. (2021). Nikah Dalam Pandangan Hukum Islam. *AHSANA MEDIA: Jurnal Pemikiran, Pendidikan Dan Penelitian Ke-Islaman*, 7(02), 38–45. <https://doi.org/10.31102/ahsanamedia.7.02.2021.38-45>
- Tantu, A. (2013). Arti Pentingnya Pernikahan. *Jurnal Al Hikmah*, 16(2), 257–265. <https://media.neliti.com/media/publications/30633-ID-arti-pentingnya-pernikahan.pdf>
- Wahyuningsih, H. (2002). Perkawinan: Arti Penting, Pola Dan Tipe Penyesuaian Antar Pasangan. *Psikologika : Jurnal Pemikiran Dan Penelitian Psikologi*, 7(14). <https://doi.org/https://Doi.Org/10.20885/Psikologika.Vol7.Iss14.Art2>
- Wantu, S. M., Abdullah, I., Tamu, Y., & Sari, I. P. (2021). Early Child Marriage: Customary Law, Support System, and Unwed Pregnancy in Gorontalo. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 5(2), 780–803. <https://doi.org/10.22373/sjhk.v5i2.9573>
- Wibisana, W. (2017). Perkawinan Wanita Hamil di Luar Nikah serta Akibat Hukumnya: Perspektif Fiqh dan Hukum Positif. *Jurnal Pendidikan Agama Islam-Ta'lim*, 15(1).
- Yunus, H., Rusli, R., & Abidin, A. (2020). The Concept of A Marriage Agreement in the Compilation of Islamic Law. *International Journal of Contemporary Islamic Law and Society*, 2(2), 33–45. <https://doi.org/10.24239/ijcils.Vol2.Iss2.20>