

---

## Construction of the Legal Position of the Religious Affairs Office in Handling Early Marriage from the Perspective of Maqasid Usrah Jamaluddin 'Atiyyah

Ibnu Aly Ismail\*, Sugianto\*\*, Ahmad Rofii\*\*\*

Islamic Family Law Study Program

UIN Siber Syekh Nurjati Cirebon

[musrifinode@gmail.com](mailto:musrifinode@gmail.com)

---

### ARTICLE INFORMATION

#### History of Article:

Received: 25 April, 2025

Accepted: 5 May, 2025

Available Online: 25 June, 2025

Copyright © 2025



This is an open-access article distributed under Creative Commons Attribution-Commercial 4.0 International License.

---

### ABSTRACT

Early marriage is often motivated by economic, educational, and cultural factors. The Religious Affairs Office's efforts to prevent early marriage are less effective due to differences in perspectives between religion and the state. This study examines the legal position of the Religious Affairs Office in addressing early marriage in Sokaraja District and explores the views of maqashid al-usrah in preventing early marriage. Using a normative descriptive approach, the study found that early marriages in Sokaraja District were 29 cases in 2020, 23 cases in 2021, 40 cases in 2022, and 13 cases in 2023, representing a 67% decrease. The Sokaraja District Religious Affairs Office has socialized Law Number 16 of 2019 concerning marriage, which sets the ideal age limit for marriage at 19 years. This law considers legal, psychological, biological, and other aspects. From a maqashid al-usrah perspective, the aim is to protect children's rights, maintain family structure, and support community welfare. The Office of Religious Affairs' efforts to prevent early marriage align with these goals. By socializing the marriage law and promoting awareness, the office contributes to achieving the objectives of maqashid al-usrah.

**Keywords:** Income; Education; Consumption Pattern

---

## A. INTRODUCTION

One of the conditions for a valid marriage in Islam is that both the prospective bride and groom must have reached puberty, meaning they must be mature or adults.<sup>1</sup> The general age limit for someone to be considered a person who has reached puberty is 9 years old for women (generally, women start menstruating) and 15 years old for men.<sup>2</sup> According to the latest law, specifically Law Number 16 of 2019, Article 7, paragraph 1, the age limit for marriage for both men and women is 19 years.

Early marriage is a contemporary term. Early is associated with time, specifically referring to a very early period in a certain time frame. The opposite is expired marriage. For people living in the early 20th century or earlier, the marriage of a woman at the ages of 13-14 or a man at 17-18 was not uncommon and was considered normal. But for today's society, it is an oddity. Women who marry before the age of 19 or men before the age of 19 are also considered unnatural. In the development of times, the view of society is the opposite. Even for women who marry at a young age is considered taboo. Furthermore, it is supposed to destroy the future of women, hinder their creativity, and prevent women from gaining broader knowledge and insight.<sup>3</sup>

Many people get married at a young age, and society gives a positive assessment. There are also negative comments that arise when someone gets married young, as society has not yet seen signs of maturity. In conditions like this, married life is lived by people only to fulfill their biological needs or for the sake of status alone.<sup>4</sup>

Therefore, steps to strengthen and preserve the values of marriage by religious teachings, including preventing early marriage, need to receive greater attention from all parties, both society and the government.

The KUA directly engages with the community and is responsible for conducting educational activities and providing community services for men and women, both before and after marriage, which also supports efforts to prevent marriages that are not recognized by religious and state laws.<sup>5</sup>

In terms of early marriage, the government is increasing socialization efforts to prevent early marriages, which often fail to achieve the goals and benefits of marriage, namely the welfare of married life, community life, and guarantees of safety during pregnancy, as well as the formation of a harmonious family and the raising of children.<sup>6</sup>

---

<sup>1</sup> Abi Isa Muhamad, *Sunan Al-Tirmidzi Al-Jami Al-Shohih* (Beirut: Daar al-Ma'rifat, 2002), 114.

<sup>2</sup> Imam Abi Husain, *Shahihul Muslim, Al-Musnad Asshahihu Al-Mukhtasar Minas Sunani Binaqli Al-Adlu Anil Adl* (Kairo: Daar al-Hadis, 1991), 595.

<sup>3</sup> Mohamad Fauzil Adhim, *Indahnya Pernikahan Dini*, 1st ed. (Jakarta: Gema Insani Press, 2002).

<sup>4</sup> M. Fuad Nasar, "Refleksi Setengah Abad BP4: Penguatan Peran BP4 Di Tengah Tingginya Angka Perceraian, Dalam BP4 Pusat," *Majalah Perkawinan & Keluarga*, 2012, 11.

<sup>5</sup> Ahmad Sutarmadi, "Peranan BP4 Dalam Menurunkan Angka Perceraian," sururudin's Weblog, 2010, <http://sururudin.wordpress.com/2010/09/19/peranan-bp4-dalam-menurunkan-angka-perceraian>.

<sup>6</sup> Ma'ruf Amin et al., *Himpunan Fatwa Majelis Ulama Indonesia Sejak 1975* (Surabaya: Erlangga, 2010).

The government (KUA) has made efforts to prevent early marriage by providing counseling to the community. The material presented consists of Law of the Republic of Indonesia Number 1 of 1974 concerning marriage, fiqh munakahat, fiqh of worship and mu'amalat, family planning (KB) and health programs, as well as fostering and education of sakinah families.<sup>7</sup>

However, the government's efforts (KUA) in preventing early marriage have become relatively less effective due to differences in the meaning of early marriage from a religious and state perspective, society's assessment of early marriage, and also because the sacredness of the institution of marriage has begun to fade.

Likewise, what happened at the KUA of the Sokaraja sub-district. The KUA of Sokaraja sub-district is located at Jalan Puteran Kauman Baru No.40, Sokaraja Lor, Kec. Sokaraja, Banyumas Regency, Central Java Province. The latest data obtained by researchers showed that 1813 married couples were married and registered their marriage at the KUA of the Sokaraja sub-district.

## **B. RESEARCH METHODS**

The content of the research method is written in Book Antiqua type with a font size of 12 and a line spacing of 1.15. The significant title of the research method is written using font 14, bold, and all capitalized.

This section explains the type of research, how the research was conducted, data sources, population and sample (research targets), place and time of research, data collection techniques, and data analysis techniques.

References must accompany the methods used, and relevant modifications must be explained. Data analysis procedures and techniques must be emphasized in the literature review article. The stages of the research must be stated clearly. The research method must be written in paragraph form.

## **C. RESULTS AND DISCUSSION**

### **1. Legal Construction of KUA in Preventing Early Marriage**

Early marriage is a marriage that is carried out under the condition that the prospective bride and groom are less than or do not meet the minimum age requirements stipulated in the marriage age provisions. The rules regarding the minimum age limit for marriage in Indonesia are 16 years for the prospective bride and 19 years for the groom. This means that if one of the two prospective brides or grooms does not meet the age standard set, the marriage cannot be carried out.<sup>8</sup>

In the Marriage Law No. 1 of 1974, Article 7, it is explained that:

---

<sup>7</sup> Sutarmadi, "Peranan BP4 Dalam Menurunkan Angka Perceraian."

<sup>8</sup> "Undang-Undang Nomor 16 Tahun 2019 Tentang Perkawinan" (n.d.).

- a. Marriage is only permitted if both the man and the woman are 19 years old.
- b. In the case of deviation from paragraph (1), this article may request dispensation from the court or other officials appointed by both the male and female parents.
- c. The provisions regarding the circumstances of one or both parents in Article 6 paragraphs (3 and 4) of the law apply in the case of a request for dispensation in paragraph 2 of this article without reducing the meaning of Article 6 paragraph (6).<sup>9</sup>

The Compilation of Islamic Law explains this issue in article 15 paragraph (1) that: For the benefit of the family and household, marriage may only be carried out by prospective bride and groom who have reached the age specified in article 7 of Law no. 16 of 2019, namely the prospective husband must be at least 19 years old, the prospective husband and wife.<sup>10</sup>

Underage marriage, which often occurs in the field during the study, is a form of marriage that cannot be considered ideal; it concerns provisions in force, where existing legislation sets age limits for marriage. Thus, early marriage is a form of deviation or cultural product in marriage that does not comply with the established requirements of marriage.

Regarding early marriages in the Sokaraja District, Banyumas Regency, it cannot be separated from the role of all parties, including the employees of the Sokaraja District KUA. In addition, the Sokaraja District KUA plays an important role beyond the duties, main points, and functions stipulated in the Minister of Religion's Decree No. 517 of 2001. The steps that the Religious Affairs Office can carry out in the Role of the Sokaraja District KUA in overcoming early marriage through its role as follows:

- a. Services in the field of administration, including marriage registration, divorce and reconciliation, and other records related to the duties and roles of the KUA. In this case, KUA sub-district employees can develop policies that are technically operational regarding marriage registration procedures and administration, provided they do not violate the rules, to prevent early marriage.
- b. Counseling and Socialization of the Marriage Law Today, the KUA needs to socialize Law Number 16 of 2019 concerning marriage to the public through various media, prioritizing Article 7, paragraph 1, with an editorial on the ideal age limit for marriage, namely 19 years for both men and women. On the other hand, the KUA conducts counseling for the public on the importance of

---

<sup>9</sup> Tim Penyusun, *Kompilasi Hukum Islam* (Jakarta: Departemen Agama, 1995), 11.

<sup>10</sup> Abdul Manan and M. Fauzan, *Pokok-Pokok Hukum Perdata Wewenang Peradilan Agama*, 5th ed. (Jakarta: Raja Grafindo Persada, 2000), 10.

understanding the negative impacts of early marriage, considering legal, psychological, biological, and other aspects, so that the public recognizes the importance of marrying within the age limit determined by law.

- c. Services in the field of marriage registrar. There is an optimization in the KUA that focuses on marriage registrars and village administrators in socializing the importance of getting married within the specified age limit, either through marriage sermons or when invited to religious activities.

In overcoming early marriage, the KUA can also utilize various media, including both print and electronic, through seminars, religious studies, sermons, and other means, so that the community can understand the importance of marrying according to age, as stipulated by the Law. For this effort to run effectively, the KUA can involve various elements of society. However, has the KUA of the Sokaraja sub-district implemented this role in a programmed manner so that the results are optimal.

The KUA employees of the Sokaraja sub-district have carried out at least four tasks based on their roles above; there are not too many differences with existing regulations, including:

- a. In the field of administrative and marriage services, KUA sub-district employees and village amils are reluctant to implement policies that are technically operational regarding marriage registration procedures and their administration, which do not conflict with the provisions, to prevent early marriage. However, they are trying to tighten (existing rules) through administrative selection and are committed to not accepting bribes, thus minimizing deviations such as age manipulation that many people commonly do.
- b. Meanwhile, in the field of socialization services regarding the importance of marriage based on the provisions of the law and family guidance services, the KUA employees of the Sokaraja sub-district and the village government have tried to do this, however, they have not socialized it through print media or seminars, it is only done through religious studies, Friday sermons and so on, and even that is not done continuously (not programmed).<sup>11</sup>
- c. Inhibiting factors in overcoming early marriage at the KUA, Sokaraja sub-district.

If reviewed based on early marriage data, the community perspective on early marriage, including the factors and impacts of early marriage, has been taken by many authorities; therefore, the inhibiting factors in efforts to prevent early marriage:

---

<sup>11</sup> Amil Desa, "Wawancara Resmi" (Banyumas, 2024).

- a. Differences in the meaning of underage marriage from a religious and state perspective. Marriages that are carried out beyond the minimum limit of the marriage law, based on state law, are invalid. In contrast, from a religious perspective, underage marriage is a marriage carried out by two candidates who have not reached puberty. This is the reason why the views of the ulama are more inclined towards Islamic rules, becoming an obstacle in efforts to overcome early marriage in the Sokaraja District.
- b. In addition to the inhibiting factors above, the positive view of society towards early marriage also inhibits the effectiveness of preventing early marriage.

## 2. Maqashid Usrah's Perspective on the Role of the KUA

Maqashid Al-usrah is a derivative of Maqashid Al-Syari'ah, which specifically discusses the purpose of marriage. The purpose of marriage is crucial to understand, considering that its implementation is not only to satisfy momentary lust, but also not merely a response to feelings of love.

According to customary law and religious law, the existence of age restrictions for marriage aims to prevent early marriage. This restriction is important because it is related to physical readiness and the ability to think maturely, which is the benchmark in building a *sakinah, mawaddah, and warrahmah* family. In addition, other objectives of age restrictions are intended to prevent early divorce, produce quality offspring, and control population growth. In the view of Maqashid Al-Usrah, early marriage should not be understood from one goal, such as preventing adultery. This is also related to the protection of the soul (*hifz al-nafs*), property (*hifz al-mal*), and reason (*hifz al-aql*). This means that early marriage cannot be carried out only to achieve one goal, while other maqashid principles are ignored. Additionally, consider the benefits (*maslahat*) and negative impacts (*mafsadat*) in detail before deciding whether early marriage can be pursued.

This matter was mentioned in *Maktabah al Qahira Juz 7*, page 5, with the following wording:

*"Imam Ibn Qudamah al-Maqdisi in the book al-Mughni explains the benefits obtained from marriage: "Marriage includes (several benefits), such as maintaining religion, protecting it, maintaining a woman's honor, nurturing her, meeting her needs, and producing offspring."*

According to Imam Ibn Qudamah, marriage is not just a physical or emotional bond between husband and wife; rather, marriage has various benefits and noble goals in terms of religion, society, and morals. These benefits align with the goals of Al-usrah (Maqashid al-Usrah), namely maintaining the religion, soul, honor, descendants, and family welfare.

The negative aspects (mafsadat) and benefits (maslahat) of early marriage are related to one of the principles in the formation of Islamic law, as outlined in Syarh al-Qawa'id al-Fiqhiyyah. Dar al-Qalan, Damascus. H.205. Muhammad Al-Zarqa's essay explains that "eliminating mafsadah takes precedence over taking benefits." Meanwhile, the focus of hifz an-nafs is protecting human safety and life. Couples who marry early are more vulnerable to various negative risks, such as health problems, inability to manage the household, and risks to the safety of the mother and baby. Thus, the potential negative impacts (mafsadah) and benefits (maslahat) of early marriage are as follows:

a. Mafsadah (loss)

In young women, an underdeveloped pelvis can lead to the risk of serious complications when giving birth, such as premature birth or a deformed baby. The young age of a mother also has a very high risk of death when compared to a physically mature mother. In addition, couples who have married early, especially those who are not mentally and financially ready, are forced to take extreme measures such as abortion, which is very contrary to the principle of hifz an-nafs.

b. Maslahah (benefit)

Early marriage can provide benefits if done with thorough preparation and adequate support. In addition to good supervision, early marriage can help maintain morality and prevent actions that damage social morality. However, overall, the benefits that can be obtained from early marriage are far less when compared to the risks that can occur, such as health risks, emotional problems, and financial constraints, which can endanger the sustainability of marriage, especially for teenagers who are not ready to start a household.

Based on the principle of hifz an-nafs, Islam does not recommend early marriage if the couple is not physically, mentally, and socially ready. On the contrary, Islam encourages marriage based on mature readiness to create a harmonious, stable life and avoid various risks.

## D. CONCLUSION

Based on the data presented and the explanation above, it can be concluded that the average number of early marriages occurring in the Sokaraja District is 26.2. and, if examined more closely through the maqashid al-usrah perspective approach, as follows: First, the construction of the legal standing of the KUA Sokaraja District. The KUA disseminates Law Number 16 of 2019 concerning marriage to the public through various media, with a particular emphasis on Article 7, paragraph 1, which outlines the ideal age limit for marriage, specifically 19 years for both men and women. On the

other hand, the KUA provides counseling to the public on the importance of knowing the negative impacts of early marriage based on legal, psychological, biological, and other aspects. So that the public understands the importance of marrying within the age limit determined by law. Second, Maqashid al-usrah, the construction of the KUA's legal position in addressing early marriage, aims to protect children's rights, maintain family structure, and promote community welfare. Thus, the KUA's efforts to address early marriage are part of its efforts to achieve the goals of maqashid al-usrah.

## E. BIBLIOGRAPHY

- Adhim, Mohamad Fauzil. *Indahnya Pernikahan Dini*. 1st ed. Jakarta: Gema Insani Press, 2002.
- Amin, Ma'ruf, M. Ichwan Sam, Zainul Tauhid, Hasanudin AF, Hasanudin Hasanuddin, and Asrorun Ni'am Sholeh. *Himpunan Fatwa Majelis Ulama Indonesia Sejak 1975*. Surabaya: Erlangga, 2010.
- Desa, Amil. "Wawancara Resmi." Banyumas, 2024.
- Husain, Imam Abi. *Shahihul Muslim, Al-Musnad Asshahihu Al-Mukhtasar Minas Sunani Binaqli Al- Adlu Anil Adl*. Kairo: Daar al-Hadis, 1991.
- Manan, Abdul, and M. Fauzan. *Pokok-Pokok Hukum Perdata Wewenang Peradilan Agama*. 5th ed. Jakarta: Raja Grafindo Persada, 2000.
- Muhamad, Abi Isa. *Sunan Al-Tirmidzi Al-Jami Al-Shohih*. Beirut: Daar al-Ma'rifat, 2002.
- Nasar, M. Fuad. "Refleksi Setengah Abad BP4: Penguatan Peran BP4 Di Tengah Tingginya Angka Perceraian, Dalam BP4 Pusat." *Majalah Perkawinan & Keluarga*, 2012.
- Penyusun, Tim. *Kompilasi Hukum Islam*. Jakarta: Departemen Agama, 1995.
- Sutarmadi, Ahmad. "Peranan BP4 Dalam Menurunkan Angka Perceraian." sururudin's Weblog, 2010.  
<http://sururudin.wordpress.com/2010/09/19/peranan-bp4-dalam-menurunkan-angka-perceraian>.
- Undang-Undang Nomor 16 Tahun 2019 Tentang Perkawinan (n.d.).