



Reconceptualizing the Marriage Age Limit in Indonesia: Efforts to Strengthen Family Resilience in North Sumatra

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Abstract: The issue of early marriage has become a polemic and still occurs frequently in Indonesian society. This paper considers the importance of limiting the age of marriage to prevent negative physical, social and emotional impacts on children. This paper abstracts how early marriage in Indonesia impacts family resilience. This type of research is field research, with a text analysis approach related to social issues to answer related factors that influence early marriage and how to improve family resilience. The author conducted research by interviewing five people, one of whom is the deputy head of the Religious Court, the other four are actors who play the role of parents in fulfilling the economical and social needs of children in low-income families, the impact of the increase in the marriage age limit on the rise in marriage dispensation applications at the Indonesian Religious Court, irregularities in marriage dispensation, the phenomenon of underage marriage, the practice of nikah sirri and its implications for marriage registration in Indonesia. The results show the need for better education, economic access, substantial law enforcement, and changes in social and cultural norms to address early marriage, concluding that limiting the age of marriage is vital to achieving family stability, happiness and well-being in Indonesia.

Keywords: *Marriage Age Limit; Marriage Dispensation; Family Resilience; Early Marriage*

Abstrak: Permasalahan tentang pernikahan usia dini menjadi polemik dan masih sering terjadi dalam kehidupan masyarakat Indonesia. Tulisan ini memandang betapa pentingnya pembatasan usia pernikahan untuk mencegah dampak negatif terhadap fisik, sosial, dan emosional bagi anak-anak. Tulisan ini mengabstraksi tentang bagaimana pernikahan dini di Indonesia dan dampaknya terhadap ketahanan keluarga. Jenis penelitian ini adalah penelitian lapangan, dengan pendekatan analisis teks terkait isu-isu sosial untuk menjawab terkait faktor-faktor yang mempengaruhi pernikahan dini dan bagaimana meningkatkan ketahanan keluarga. Penulis dalam melakukan penelitian dengan mewawancarai lima orang, satu di antaranya merupakan wakil ketua Pengadilan Agama, empat yang lain merupakan para pelaku yang memerankan peran orang tua dalam pemenuhan

kebutuhan ekonomi dan sosial anak di keluarga berpenghasilan rendah, dampak kenaikan batas usia perkawinan terhadap peningkatan permohonan dispensasi nikah di Pengadilan Agama Indonesia, penyimpangan dalam dispensasi perkawinan, fenomena perkawinan di bawah umur, praktik nikah sirri dan implikasinya terhadap pencatatan pernikahan di Indonesia. Hasil penelitian menunjukkan perlunya pendidikan yang lebih baik, akses ekonomi, penegakan hukum yang kuat, dan perubahan norma sosial dan budaya untuk mengatasi pernikahan dini, yang tersimpulkan pada pembatasan usia pernikahan penting untuk mencapai stabilitas, kebahagiaan, dan kesejahteraan keluarga di Indonesia.

Kata Kunci: Batasan Usia Perkawinan; Dispensasi Perkawinan; Ketahanan Keluarga; Pernikahan Dini

Introduction

Islam does not regulate the age limit for marriage in nominal terms, either the minimum or maximum limit. The absence of these provisions is understood as an opportunity for *ijtihad* for humans and shows the elasticity and dynamics of Islamic law.¹ The Qur'an only indicates the existence of psychological and emotional abilities for people before marriage. Allah SWT says in Surah an-Nur verse 32. As defined by Ulama, a person who is fit to marry is someone who has the mental, spiritual, and psychological abilities to have a family. This is as stated in the hadith of the Prophet Muhammad regarding the requirements for having abilities in the recommendation for young people to get married.²

The Qur'an and Hadith implicitly encourage individuals to possess maturity as a fundamental basis for marriage.³ In Islamic jurisprudence, maturity is indicated by being *baligh* (pubescent) and having the capacity to reason. Being *baligh* signifies that a person is considered mature and capable of performing legal actions. It also implies that someone is eligible for marriage once they meet the criteria of being *baligh*. Therefore, the indicator of maturity in Islam is being *baligh*. Although this standard for maturity is not rigid and can be relative.⁴

In Indonesia, the regulation governing the legal age for marriage is stipulated in Law No. 16 of 2019. It states that marriage is permitted if both the man and the woman are at least 19 years old (Article 7). Therefore, the age of 19 is set as the minimum age for both men and women to get married. This age is considered to be the minimum maturity level required to handle the responsibilities and consequences of marriage. The establishment of this age limit underscores the importance of the health of both prospective spouses and the well-being of future generations.⁵

¹ Muhammad Ishom, "The Loose Interpretation of Dominus Litis Principle in Marriage Dispensation for Underage Marriage in Banten," *AHKAM: Jurnal Ilmu Syariah* 23, no. 2 (2023); Achmad Fathoni, "Family Resilience and Implementation of Islamic Family Jurisprudence on Millennial Muslim Families in Gresik, Indonesia," *Journal of Islamic Law* 2, no. 2 (2021): 247–67, <https://doi.org/10.24260/jil.v2i2.332>.

² Ahmad Dakhoir and Sri Lumatus Sa'adah, "Meta-Juridical Analysis on the Legal Arguments beyond Changes in Indonesian's Marriage Age Rule," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 1 (2023): 80–101; Fathoni, "Family Resilience and Implementation of Islamic Family Jurisprudence on Millennial Muslim Families in Gresik, Indonesia."

³ Amal Hayati et al., "The Impact of The Minimum Age Limit Regulation for Continuing Child Marriage After the Birth of Law Number 16 Of 2019 on The Child's Future," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (July 2023): 174, <https://doi.org/10.22373/ujhk.v6i1.16837>; Wafa Alifatuzzahroh and Alfadhli Tasman, "Tawakal and Life Optimism for Divorced Married Couples: A Case Study in Medan, Satria Village, Bekasi City, West Java Province," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023): 227–48.

⁴ Muhammad Fuad Zain and Ansori Ansori, "Rekonstruksi Batas Usia Perkawinan Pasca Putusan MK NO. 22/PUU-XV/2017 Sebagai Penguat Bangsa Di Era Industri 4.0," *ADHKI: Journal of Islamic Family Law* 1, no. 1 (2019): 45–56, <https://doi.org/10.37876/adhki.v1i1.9>.

⁵ Darmawan Darmawan et al., "Marriage Dispensation and Family Resilience: A Case Study of the Bener Meriah Shariah Court, Aceh Province," *AHKAM: Jurnal Ilmu Syariah* 22, no. 2 (2022); Silawati et al., "The Application of Aspects of Islamic Family

Similarly, Law No. 16 of 2019, which amends Marriage Law No. 1 of 1974, sets the marriage age for both men and women at 19 years old. This decision is made with careful consideration, including ensuring the rights of children during their growth and development. This encompasses aspects such as education, health, and other social rights, allowing children to experience a joyful childhood and receive protection from violence and injustice.⁶ The minimum marriage age is set by the government to ensure that couples are physically and mentally prepared for married life. This aligns with the Prophet Muhammad's (PBUH) teaching about "ba'ah," which emphasizes a man's ability to support his household.⁷

The age restriction for marriage in Indonesia is driven by various factors, including the prevalence of early marriages or underage marriages within Indonesian society. This issue is particularly pronounced in East Java, which contributes significantly to the number of marriage dispensation cases in Religious Courts. According to a report from Kumparan, citing UNICEF data from the end of 2022, Indonesia ranks 8th in the world and 2nd in ASEAN for the highest number of child marriage cases, totaling nearly 1.5 million cases.⁸ In addition, in North Sumatra, the divorce rate continues to rise each year, with divorces predominantly initiated by wives filing for divorce from their husbands.⁹

In today's technological era, marrying at a young age is seen as a regression to the past, a time when education and research on marriage were less developed. Early marriage is not only common in rural areas but also in large cities due to free association, which can lead to premarital pregnancies. Ultimately, marrying at a very young age significantly impacts the likelihood of divorce. Data from 2010 to 2020 shows an increasing divorce rate in Indonesia, often due to personal incompatibility and economic factors. These issues frequently lead to conflicts as each partner clings to their ego, a situation exacerbated by the age of the married couple. Divorce often becomes the preferred solution for couples trapped in monotonous situations or when partners do not meet pre-marriage expectations. Changes in perspectives and unmet expectations further drive the desire for divorce.¹⁰

Initial research conducted in Deli Serdang Regency and Medan City in North Sumatra found that one of the main causes of high divorce rates among young couples is inadequate economic support, often due to the husband's unpreparedness to earn or provide a living. Husbands aged 19 often appear indifferent to earning a living, still caught up in their unfinished adolescence, neglecting essential needs such as clothing, food, and shelter. Many young husbands still rely on parental support.¹¹

Thus, the marriage age limit of 19 years for both men and women, as mandated by Law No. 16 of 2019 on Marriage, needs to be reconsidered to enhance family resilience. This consideration

Law to the Muslim Minority in Singapore: A Literature Review," *International Journal of Social Science and Religion (IJSSR)* 5, no. 1 (2024): 23–38, <https://doi.org/10.53639/ijssr.v5i1.206>; Muhammad Farhan Alwani, "Pencegahan Perkawinan Usia Anak Di Indonesia Perspektif Filsafat Hukum Islam: Pencegahan Perkawinan Usia Anak Di Indonesia Perspektif Filsafat Hukum Islam," *Khuluqiyya: Jurnal Kajian Hukum Dan Studi Islam* 5, no. 1 (2023), <https://doi.org/10.56593/khuluqiyya.v5i1.94>.

⁶ Fajri M Kasim et al., "The Protection of Women and Children Post-Divorce in Sharia Courts in Aceh: A Sociological Perspective," *Ahkam: Jurnal Ilmu Syariah* 22, no. 2 (2022): 411–32.

⁷ Muhammad Nurohim, Yusuf Hanafi Pasaribu, and Asmaiyani Asmaiyani, "The Relationship between a Wife's Satisfaction in the Iddah Period with Marriage and Divorce," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 2 (December 2021): 208–18, <https://doi.org/10.30631/alrisalah.v21i2.778>.

⁸ Masruroh, *Laporan Tahunan 2023* (Jakarta: United National Children's Fund, 2023).

⁹ Elfa Harahap, "Telusuri Akar Permasalahan Lonjakan Angka Perceraian Di Medan" (2024).

¹⁰ Erfaniah Zuhriah et al., "Dispen-Ku Android-Based Application: Assisting Religious Court Judges in Deciding for Marriage Dispensation," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 2 (2023): 519–43.

¹¹ Nasa'iy Aziz, Riadhus Sholihin, and Miss Nifatimah Samoh, "Child Marriage in Kabang, South Yala, Thailand: Islamic Family Law Perspective," *El-Ushrah: Jurnal Hukum Keluarga* 6, no. 2 (2023): 215–26.

has driven the author to conduct in-depth research, presented in a study titled “Reconceptualizing the Marriage Age Limit in Indonesia: An Effort to Improve Family Resilience in North Sumatra.” A previous study by Fitri Yanni Dewi Siregar and Jaka Kelana, published in the Mahakim Journal of Islamic Family Law in 2021, titled “Equality of Marriage Age Limits in Indonesia from an Islamic Law Perspective,” examined the equality of marriage age limits in Indonesia from an Islamic law perspective to ensure the principle of equality before the law can be implemented.¹²

Dynamics of Underage Marriage in Indonesia

Underage marriage, also known as child marriage, refers to individuals marrying at an age younger than the legal threshold, which in Indonesia is under 19 years. This issue is not merely a legal violation under Article 7 Paragraph (1) of Law Number 1 of 1974 on marriage, but it also represents a significant social problem with various causes and impacts.¹³ In Indonesia, early marriage remains a significant social issue with various contributing factors and impacts.¹⁴ In Malang Regency, underage marriage among teenagers hampers their development and creates physical and mental health issues. Research indicates that early marriage can be categorized into objective and subjective conditions.

Regarding concerns about marrying young, six couples reported no worries about their decision. Conversely, two couples expressed concerns about being unable to live independently post-marriage. Similar concerns were shared by one couple’s parents. When asked if their parents or others encouraged them to marry young, all eight couples denied any family pressure.¹⁵

Community commentary on the concerns and motivations for early marriage was inevitable. All discussed couples noted that their parents never prohibited their decision to marry young. Parents often felt pleased as their children would learn independence and reduce the family’s financial burden, leading to easy approval of the marriage without much thought. Parents were also concerned about their children’s ability to live independently and the freedom to marry when desired.

From an objective perspective, there are views concerning religion, economy, and education. According to 2020 data from Dampit Subdistrict, Malang Regency, the community practices six religions: Islam, Protestant Christianity, Catholicism, Hinduism, Buddhism, and Confucianism, with Islam being the majority, embraced by around 142,672 people.¹⁶ The study results show that one reason for early marriage is the combination of romantic attachment and religious factors. All couples involved in the study had long-term relationships from a young age and decided to marry early to avoid engaging in premarital sex. It can be concluded that, according to the subjects, religious factors help prevent negative behaviors.

¹² Hasyim Sofyan Lahilote et al., “Judge’s Dilemma in Marriage Dispensation in the Religious Court,” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 1 (June 2022): 52–60, <https://doi.org/10.30631/alrisalah.v22i1.979>.

¹³ Syufa’at Syufa’at, “Marriage Dispensation in Underage Marriage: A Case Study at the Purwokerto Religious Court,” *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 1 (May 2022): 91–102, <https://doi.org/10.24090/mnh.v16i1.4229>.

¹⁴ Ade Setiawan, Sy. Nurul Syobah, and Akhmad Haries, “Impact Of Underage Marriage On Divorce Rates At The Religious Court Of Samarinda (Study Directory Of The Samarinda Religious Court Decisions),” *Al Qalam: Jurnal Ilmiah Keagamaan Dan Kemasyarakatan* 16, no. 4 (May 2022): 1307, <https://doi.org/10.35931/aq.v16i4.1070>; Dinda Difia Madina, Ahmad Rezy Meidina, and Anwar Zein, “The Dynamics of Polygamy and Divorce in Muslim Countries,” *El-Aqwal: Journal of Sharia and Comparative Law*, 2023, 135–48.

¹⁵ Achmad Hariri, “The Dialectics Feminism Paradigm Of The Legal Marriage As A Form Of Legal Protection In Girls,” *Syariah: Jurnal Hukum Dan Pemikiran* 21, no. 2 (2021): 125–36, <https://doi.org/https://doi.org/10.18592/sjhp.v21i2.3992>.

¹⁶ Badan Pusat Statistik Kabupaten Malang, “Penduduk Menurut Agama Dan Kecamatan, 2018-2020” (2019).

Educationally, data from Dampit Village in 2020 indicated that 7,068 individuals completed elementary education, while 3,256 completed junior high school. Early marriage often led to the discontinuation of education, impacting economic opportunities and the community environment. Thus, early marriage in Dampit is influenced by low educational awareness.

Economically, Dampit's primary sectors in 2020 were agriculture, plantations, and livestock, with many residents managing natural resources. The community's economic welfare was low as measured using indicators of living standards. According to BKKBN (the National Family Planning Coordinating Board), there are five levels of welfare.¹⁷ Many Dampit residents fall into the categories of Welfare Family I and Pre-Prosperous Family, indicating that their average economic conditions are still low. Economic factors heavily influenced early marriage, seen as a way to improve welfare by marrying into better economic conditions or reducing the family burden. This resulted in significant differences in economic conditions pre- and post-marriage.

Factors Causing Early Marriage in Indonesia

The causes of early marriage in Indonesia are complex and vary across communities. Key factors include:¹⁸ (1) Tradition and Culture: Some regions view early marriage as normal and a way to maintain family honor. Some local cultures encourage early marriage to uphold family honor. (2) Poverty: Economically disadvantaged families may support early marriage to reduce financial burdens. (3) Education Perception: Some view education as less important for girls, preferring marriage over prolonged schooling. (4) Premarital Pregnancy: Pregnancy out of wedlock is stigmatized, leading families to marry off young pregnant girls. (5) Social Pressure: societal expectations drive families and individuals to marry at certain ages, particularly for girls.¹⁹

Families in poverty often have impermanent housing and unstable incomes, while middle-class families have semi-permanent homes and sufficient earnings. Upper-class families have permanent housing, stable jobs, and high incomes. For instance, Khairul Comar and Leni Nihaya, farmers with moderate economic conditions, sought a husband for their daughter even though she graduated from junior high school a year ago, hoping he could help with family needs and reduce economic burdens by receiving marriage contributions. They hope that their daughter's husband can help with the family's work and needs. They also want to marry off their daughter first so they can receive contributions for daily expenses and assist with the future marriage expenses of their son.²⁰

The Indonesian government has attempted to address early marriage by regulating the minimum marriage age. Current regulations stipulate a minimum marriage age of 19 for both males and females (Article 7 Paragraph 1 Law No.1 of 1974, revised by Law No. 16 of 2019) raising the minimum marriage age for women from 16 years to 19 years.²¹ Despite this, the demand for marriage dispensations has

¹⁷ Masawah, "Tingkat Kesejahteraan Keluarga Dan Indikator Tahapan Keluarga Sejahtera" (2018).

¹⁸ Irwan Haryo Wardani, "Legal Protection of Underage Women In Early Marriage," in *Proceeding International Seminar and Conference on Islamic Studies (ISCIS)*, vol. 1, 2022.

¹⁹ Samin Batubara et al., "Marriage Preparation Courses in Indonesia: Comparative Study of Muslims and Christians," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 1 (June 2022): 139–54, <https://doi.org/10.30631/alrisalah.v22i1.1231>.

²⁰ Khairul & Leni Nihaya Comar, "The Role of Parents in Fulfilling Children's Economic and Social Needs in Low-Income Families, Dampit District, Malang Regency," 2023.

²¹ Rabiatul Adawiyah, "Analisis Batas Usia Perkawinan Pada UU No. 16 Tahun 2019 Atas Perubahan UU No. 1 Tahun 1974 Tentang Perkawinan (Studi Terhadap Pandangan Ilmuan Kota Padang Tentang Perubahan Batas Usia Perkawinan)," *Hukum Islam* 21, no. 2 (2021): 256–78.

increased, with more cases of data manipulation and unregistered marriages to circumvent legal restrictions.

The increase in the minimum marriage age for women has resulted in a higher number of requests for marriage dispensation in almost every religious court throughout Indonesia.²² This has become a new issue because even with the age requirement set at 16 years, there was still a high interest in marriage in the community. With the requirement raised to 19 years, an increase in marriage dispensation requests is expected due to the three-year difference in age requirements.²³

Not only has there been an increase in marriage dispensations, but various irregularities have also been found in the field in pursuit of marriage. This includes manipulating or falsifying someone's birth and age data. This is done through cooperation between the community in Malang Regency and certain village or sub-district officials, fueled by a strong sense of solidarity and tolerance within the local community. Furthermore, to facilitate underage marriages, local communities sometimes resort to irregularities such as conducting secret marriages or marriages not recorded by the Office of Religious Affairs (KUA). Such marriages are not recognized by the state.²⁴

Vulnerabilities of Early Marriage

Early marriage poses severe social issues, affecting many children and teenagers. Early marriage refers to the practice of marrying when one or both partners are under the age of 19. Factors contributing to its prevalence include:²⁵ (1) Social and Cultural Factors: Indonesia still holds strong cultural norms that support marriage at a younger age. Social norms emphasizing the importance of marriage and having children can influence the decision-making of both parents and children. (2) Poverty Factor: Poor families are often more vulnerable to early marriage because they may view marriage as a way to reduce economic burdens or secure their children's future. Early marriage can be seen as a solution to financial problems. (3) Limited Access to Education: Many children in remote or low-income areas of Indonesia lack adequate access to formal education. This lack of education can lead to a lack of understanding of the risks of early marriage and its negative impacts. (4) Lack of Awareness and Education: Awareness of the negative impacts of early marriage may be low in some communities. Education and campaigns aimed at increasing awareness of this issue are crucial.²⁶

These factors contribute to the prevalence of early marriage in Indonesia and highlight the need for comprehensive approaches that address social, economic, educational, and awareness aspects to combat this practice effectively. Early marriage has serious consequences, hindering physical, social, and emotional development, and limiting educational and skill acquisition opportunities. Addressing

²² Personal Interview with the Deputy Chairperson of the Religious Court of Malang Nurul Maulidah, The Impact of the Increase in the Marriage Age Limit on the Increase in Marriage Dispensation Requests at the Indonesian Religious Courts, Malang, August 2023.

²³ Faida Hilyasani, Agus Moh Najib, and Reiki Nauli Harahap, "Dispensasi Nikah: Analisis Kontemporer Dimensi Pernikahan Dini Menurut Berbagai Aktor Di Kabupaten Bantul D.I Yogyakarta," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (July 2022): 139–52, <https://doi.org/10.37680/almanhaj.v4i2.1710>.

²⁴ Interview with Salim, The Phenomenon of Underage Marriage: The Practice of Nikah Sirri and its Implications for Marriage Registration in Indonesia, Malang, August 2023..

²⁵ Fika Zulfarina et al., "Pernikahan Dini Dan Kerentanan Rumah Tangga (Studi Kasus Di Desa Ujung Kubu Kecamatan Tanjung Tiram Kabupaten Batu Bara)," *G-Couns: Jurnal Bimbingan Dan Konseling* 8, no. 01 (July 2023): 67–88, <https://doi.org/10.31316/gcouns.v8i01.5007>.

²⁶ Asman Asman, "Dinamika Usia Dewasa Dan Relevansinya Terhadap Batas Usia Perkawinan Di Indonesia: Perspektif Yuridis-Normatif," *JIL: Journal of Islamic Law* 2, no. 1 (February 2021): 119–38, <https://doi.org/10.24260/jil.v2i1.66>.

early marriage requires comprehensive efforts, including better education, economic resources, law enforcement, and changing social and cultural norms.

Efforts to Enhance Family Resilience in Indonesia

Family resilience in Indonesia refers to efforts made by families to confront various economic, social, and environmental challenges to achieve stability, happiness, and well-being. Family resilience is crucial as families are the fundamental unit of society, and strong welfare forms the foundation for sustainable social and economic development in Indonesia. The struggle to achieve family resilience encompasses several key aspects; (1) Parental Role. Parents play a crucial role in monitoring their children's interactions, as increased attention leads to more structured social patterns.²⁷ Additionally, applicants and respondents for marriage dispensations also need deeper religious understanding to avoid violating religious norms. (2) Education. Education is a critical factor in enhancing family resilience, where families strive to provide quality education to their children despite high costs and limited access to quality schools.²⁸ (3) Environmental Sustainability. Families must address challenges such as climate change and environmental degradation by conserving natural resources and adopting sustainable practices. (4) Quality of Family Relationships. Good communication and emotional support among family members are essential in managing conflicts and maintaining family resilience. (5) Community Participation. Active engagement in social, cultural, and economic activities helps families build social networks and community support.²⁹ Family resilience in Indonesia is a complex and multifaceted issue requiring significant contributions from the government, non-governmental organizations, and civil society to assist families in overcoming these challenges through educational programs, skills training, social assistance, and policies supporting family stability.³⁰

In Islam, family resilience involves maintaining stability and harmony based on Islamic principles. Muslim family members maintain and strengthen stability, harmony, and resilience including religious, social, economic, and psychological domains. These efforts are guided by Islamic principles. Several important aspects of enhancing family resilience in Islam include: (1) Faith and Taqwa: Family resilience begins with strong faith and awareness of Allah. Muslim families are encouraged to worship consistently, deepen their religious knowledge, and apply Islamic teachings in their daily lives. (2) Just Leadership: Husbands are responsible for fair leadership, protecting, providing for, and respecting the rights of their wives and children. (3) Shared Leadership: Encouraging husbands and wives to make important decisions together through consultation and cooperation. (4) Education and Guidance of Children: Parents are required to educate their children in Islamic teachings, ethics, and morals, and provide strong religious education. (5) Responsible Finance: Muslim families are

²⁷ Hilyasani, Najib, and Harahap, "Dispensasi Nikah: Analisis Kontemporer Dimensi Pernikahan Dini Menurut Berbagai Aktor Di Kabupaten Bantul D.I Yogyakarta"; Martin Kustati et al., "The Model for Maintaining Families with Noble Character During the Pandemic in Kampung KB Villages," *Jurnal Ilmiah Peuradeun*; Vol 12 No 1 (2024): *Jurnal Ilmiah Peuradeun*, 2024, <https://doi.org/10.26811/peuradeun.v12i1.1126>.

²⁸ Defel Fakhyadi and Muhammad Adib Samsudin, "Islamic Law Meets Minangkabau Customs: Navigating Forbidden Marriages in Tanah Datar," *El-Mashlahah* 14, no. 1 (2024): 1–20, <https://doi.org/https://doi.org/10.23971/el-mashlahah.v14i1.7364>.

²⁹ Elok Anggraini, "Analisis Faktor-Faktor Ketahanan Keluarga Pada Keluarga Pekerja Migran Indonesia Di Desa Sukowilangun, Kecamatan Kalipare, Kabupaten Malang," *Jurnal Ekonomi Pertanian Dan Agribisnis* 7, no. 1 (February 2023): 317, <https://doi.org/10.21776/ub.jepa.2023.007.01.28>.

³⁰ Taufiqur Rohman et al., "Preventing Violations of Religious and Social Norms: Judicial Interpretation of 'Urgent Reasons' in Marriage Dispensation at the Wonosari Religious Court, Indonesia," *JIL: Journal of Islamic Law* 4, no. 2 (August 2023): 218–36, <https://doi.org/10.24260/jil.v4i2.1535>.

expected to manage finances wisely, avoid interest (riba), ensure basic family needs are met, and give zakat and charity to those in need. (6) Harmony in Family Relationships: Involves respect, support, conflict avoidance, and forgiveness among family members. (7) Effective Communication: Teaching family members to listen, speak gently, and resolve conflicts constructively. (8) Self-Control and Honesty: Emphasizing the importance of self-control and integrity. (9) Protection from External Harm: Encouraging families to protect themselves and their children from negative influences such as harmful media or unhealthy environments. (10) Prayer and Engagement in Religious Activities: Encouraging Muslim families to pray, read the Quran, and participate in religious activities together to strengthen their spiritual bonds.

These aspects collectively contribute to building strong and resilient Muslim families, fostering a cohesive and supportive environment grounded in Islamic values and teachings. Family resilience in Islam is a continuous effort requiring commitment and sincerity, aiming to create spiritually and socially strong families for a better society. This can be achieved through the maturity of both the physical and emotional aspects of married couples.³¹

The Urgency of Reconceptualizing Marriage Age in North Sumatra

The study on age limits for marriage is not something new, and it addresses the urgency of these limitations. This study will address all questions regarding the urgency of setting marriage age limits. While the Quran and Hadith do not explicitly discuss marriage age, interpretations suggest the importance of competence in family management, implying a need for marriage age limitations. Based on Surah An-Nisa verse 6, the writer strongly agrees with the existence of age limits for marriage as regulated by the law, because, in that verse, the writer finds an indication of the importance of competence in managing a family household. Therefore, the implied indication from that verse is the age of marriage.³²

Islam does not set a minimum age for marriage. The appropriate age for marriage is when someone can act and exercise their rights. An example can be found in Chapter XVI of the Civil Code, which states, "That with the maturity of a child who is under age, they can be declared mature or given certain rights of adults." In other words, if a child exhibits mature characteristics but is still under nineteen years old, they may marry underage. As long as the child understands how married life works and their mental and physical health are sufficient to manage their household. Therefore, from a marriage jurisprudence perspective, there is no age limit, as long as the mental and physical conditions are mature.³³

³¹ Rudi Mayandra, "Regulation of Marriage Dispensation Against Marriage of Children Under The Age of Post Decision of The Constitutional Court Number 22/Puu-Xv/2017," *Syariah: Jurnal Hukum Dan Pemikiran* 20, no. 2 (2020): 187–200, <https://doi.org/https://doi.org/10.18592/sjhp.v20i2.4160>; Durotun Nafisah et al., "Comparative Analysis of Islamic Family Law and Normative Laws: Examining the Causes of Divorce in Purwokerto, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 847–71.

³² Anthin Lathifah, Briliyan Ernawati, and Anwar Masduki, "Problems with the Islamic Legal System Regarding Child Marriages in Indonesia during the Covid-19 Pandemic Period," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (December 2022): 155–76, <https://doi.org/10.18326/ijtihad.v22i2.155-176>. that is based on Friedman Hayden's legal system theory. The results of the study show that there are three substantial problems with the Islamic legal system, namely: (1

³³ Nurul Husna et al., "Children Citizenship Status of Acehese-Rohingya Mixed Marriage in Aceh: Maqāṣid Shari'ah Perspective," *Al-Ahkam* 34, no. 1 (April 2024): 169–92, <https://doi.org/10.21580/ahkam.2024.34.1.20162>; Ahmad Rezy Meidina et al., "What an Important Implementation of the Educational Rights of Adopted Children in Indonesia from an Islamic Jurisprudence Perspective?," *El-Aqwal : Journal of Sharia and Comparative Law*, May 2024, 85–96, <https://doi.org/10.24090/el-aqwal.v3i1.11125>.

Considering the current social conditions, especially regarding marriage and family issues, the opinions of the jurists in fiqh, in the writer's view, are no longer relevant. The high prevalence of underage marriages, rampant illegal marriages, and the increasing divorce rates highlight the troubling issues surrounding marriages in today's society. Therefore, setting age limits for marriage has become urgent and should be a matter of concern.³⁴

Although the government has established strict age limits for marriage through Law No. 1 of 1974 on marriage, it turns out that this has not resolved the issue. Even after the law was revised with the enactment of Law No. 16 of 2019, which raised the standard age limit for marriage from 16 years to 19 years for women (and remained 19 years for men), research conducted by the writer among 20 parents living near those involved in underage marriages revealed that 19 out of 20 parents cited economics as a major factor contributing to early marriage and subsequently leading to divorce.³⁵

Financial difficulties are the main trigger for marital breakdown. The fragile mental condition results in many wives being unable to cope with the complexities of life. Wives who have been accustomed to a comfortable life with their parents, enjoying various facilities they have long enjoyed, find that this cannot continue after they start living with their husbands. This is because their husbands work only as agricultural laborers and partly as traders, with uncertain or at least barely sufficient income for daily needs.

From the results of the Focus Group Discussion conducted by the writer in Medan City, 18 out of 20 students agreed that the ideal age for a man to secure a decent job is at least 21 years old. This is because, below the age of 21, a man typically needs to continue schooling or pursuing education, honing skills and abilities to qualify for a job and a decent salary, at least after obtaining a bachelor's degree. Moreover, nowadays, large offices or companies rarely hire employees who have not completed their bachelor's degrees; if they do, it's usually for laborers or low-paying positions.

From the results of the Focus Group Discussion conducted by the writer in Medan City, 18 out of 20 students believe that the ideal age for a man to obtain a decent job is at least 21 years old. This is because, below the age of 21, a man especially needs to continue his education and hone his skills and abilities to secure a decent job and salary, at least after graduating from college. Moreover, nowadays large offices or companies rarely accept employees who have not completed their studies, and if they do, it is usually for labor or positions with low wages.

Similar sentiments were expressed by Taufic Rachman in his book "The New You," where he categorizes a person's career age linearly as follows:

Ages 15-20: a time when young people build their foundation. During this period, ideally, young people explore their potential and talents, both within their families, in school and college environments, and within their social circles. This foundation will be very useful for them in the coming years.

Ages 21-30: when a young person full of potential and energy starts their career journey. At this stage, a young professional is building and sharpening their skills, and competencies, and gaining experience in their chosen field. This phase is often seen as a highly productive period.

³⁴ Firman Wahyudi, "Ithbāt Ṭalāq: An Offer of Legal Solutions to Illegal Divorce in Indonesia," *Al-Ahkam* 32, no. 2 (October 2022): 211-32, <https://doi.org/10.21580/ahkam.2022.32.2.11720>.

³⁵ Dri Santoso et al., "Harmony of Religion and Culture: Fiqh Munākahat Perspective on the Gayo Marriage Custom," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (December 2022): 199-218, <https://doi.org/10.18326/ijtihad.v22i2.199-218>.

Ages 31-40: When a young professional becomes more established in their career and it is time to expand their network. Productivity continues to grow, not only for themselves but also through teamwork and collaboration within their networks.

Ages 41-50: a time when a mature professional focuses on empowering their team. This phase is often seen as a career threshold for an individual, but they can still be productive in preparing future potential leaders.

Age 51+: this stage is where every knowledge and experience acquired can be shared with younger generations. While times always change, the experience and wisdom of a professional cannot be gained instantly. This is where senior generations play a role in sharing insights and experiences with today's young professionals.

From this explanation, the writer concludes that 19 years old is not an ideal age for a man to marry, unlike women. The change in the minimum marriage age for women from 16 years old to 19 years old, in the writer's opinion, is a good decision, considering factors such as reproductive health or readiness to bear children. This is evidenced by the decrease in maternal mortality rates both during pregnancy and childbirth processes.³⁶

From the explanation, the writer concludes that 19 years old is not an ideal age for men to marry, unlike for women. The change in the minimum marriage age for women from 16 years old to 19 years old, according to the writer, is a good decision. This can be seen as addressing reproductive health concerns and readiness to bear children. This is evidenced by the decrease in maternal mortality rates during pregnancy and childbirth.

There is a significant difference in the maturity levels between men and women, so the minimum marriage age should be reconsidered. Women typically mature faster than men; a woman matures five years earlier than a man. Additionally, Husni states that "men tend to mature slower than women." Ideally, age growth indicates an individual's maturity improvement. However, this does not apply universally because many factors can influence it, such as parenting styles, education, family environment, social environment, education, nutrition, friendships, and others.

Restricting the marriage age is considered crucial to prevent numerous illegal marriages and child marriages. Because child marriages cannot achieve the goals of a marriage, there will be many complex marital conflicts that require knowledge they do not yet possess.³⁷ According to Solehuddin, "maturity is mental, emotional, or psychological maturity." Maturity or *baligh* is when someone reaches a certain age; for males, it is marked by *ihtilam* (nocturnal emission), and for females, it is marked by the onset of menstruation, thereby beginning their legal responsibilities.³⁸ Based on that opinion, the integrity of a household is influenced by the level of maturity, enabling individuals to resolve and face every issue with a healthy mindset. No household operates without challenges. When someone is mature, developing a healthy mindset becomes essential for maintaining the integrity of the household.

³⁶ Asman Asman and Resali Bin Muda, "Controversy of Marriage Agreements in Indonesia-Malaysia Border Communities in Sambas Regency," *El-Mashlahah* 13, no. 1 (June 2023): 1-16, <https://doi.org/10.23971/el-mashlahah.v13i1.4382>; Adri Latif, Muhammad Arief Ridha Rosyadi, and Ahmad Rezy Meidina, "Jaminan Kesejahteraan Istri Dan Anak Perspektif Al-Qur'an," *Al-Bayan: Jurnal Ilmu Al-Qur'an Dan Hadist* 6, no. 1 (January 2023): 85-101, <https://doi.org/10.35132/albayan.v6i1.258>.

³⁷ Iwan Nasution Armia, "Pedoman Lengkap Fikih Munakahat," Jakarta: PT Kencana, 2020.

³⁸ Interview with Solehuddin, The Concept of Psychological Maturity and Legal Responsibility in an Adult Perspective, Psychologist, Medan, August 2023.

Based on the explanation, the author argues that setting a minimum age for marriage is crucial, especially in today's era. Children tend to mature physically at an earlier age but may not be mentally or emotionally mature enough to handle significant responsibilities in marriage, unlike previous generations. Another important reason for rethinking the age limit for marriage is to improve human resources as agents of change for the nation, especially for young men. In the author's opinion, the age of 19 for a young man is a crucial time for acquiring knowledge, honing skills, and gaining expertise, rather than being the right time for marriage. It is expected that this approach will lead to higher quality and bargaining power in their careers. According to Focus group Discussion in Malang City, the ideal age for men to marry is between 21 and 25 years old. Therefore, mental maturity is a critical requirement for anyone considering marriage. Essentially, a person's age correlates with their level of maturity. Younger individuals tend to be less mature compared to older ones.

However, there are still those who argue that early marriage has its benefits. At least, it is considered preferable to prevent adultery. This is because early marriage is inherently individual-relative. It means the measure of benefit depends on each person. If getting married at a young age can save oneself from negative aspects of life, then marriage is seen as the best alternative. On the other hand, if delaying marriage until a "mature" age holds positive value, then that would be considered preferable.³⁹ The writer's opinion on this matter may not be entirely accurate, as Prophet Muhammad himself has provided a solution for those concerned about falling into adultery, which is to fast frequently.

From a perspective of benefit (*mashlahah*), the writer believes that the current age limit for men in Indonesia, as stipulated by Law No. 16 of 2019, does not necessarily lead to beneficial outcomes in marriages. The age of 19 is highly susceptible to issues related to mental unpreparedness and lack of skills in earning a livelihood, which ultimately results in various marital problems. On the other hand, Islamic law consistently prioritizes benefit (*maslahah*) as its objective, encompassing five fundamental principles: safeguarding religion (*hifz al-din*), safeguarding life (*hifz al-nafs*), safeguarding progeny (*hifz al-nasl*), safeguarding wealth (*hifz al-mal*), and safeguarding intellect (*hifz al-'aql*), including in matters of marriage. While early marriage may have some benefits, the potential threats and harms associated with it are far more significant.⁴⁰

Considering the primary objectives (*al-kulliyat al-khamsah*) of *maqāṣid al-sharī'ah*, safeguarding progeny (*hifz al-nasl*) is a crucial element in religion. Marriage is naturally formed by the biological elements of human life, such as biological needs and functions, procreation, the need for kinship and affection, and the nurturing of children. All these aspects contribute to individuals becoming integral members of society.⁴¹ Furthermore, underage marriage is considered medically unproductive and can endanger the health of both the spouses and the unborn child.⁴²

³⁹ Tri Eka Putra Muhtarivansyah Waruwu, "Analisis Yuridis Normatif Terhadap Konsep Masalah Perkawinan Di Usia Muda," *Syarah: Jurnal Hukum Islam & Ekonomi* 9, no. 2 (2020); Azim Izzul Islami, "Pengukuran Kualitas Mashlahat Dan Madharat Dalam Penetapan Dispensasi Kawin (Measuring the Quality of Mashlahat and Madharat in the Decision of Marriage Dispensation)," *Khuluqiyah: Jurnal Kajian Hukum Dan Studi Islam*, 2023, 111–30.

⁴⁰ Ahmad Yani and Megawati Barthos, "Transforming Islamic Law in Indonesia from a Legal Political Perspective," *Al-Ahkam* 30, no. 2 (October 2020): 159–78, <https://doi.org/10.21580/ahkam.2020.30.2.6333>.

⁴¹ Muhammad Fauzinudin Faiz, Zezen Zainul Ali, and Muhammad Taufiq, "Underage Widows and Widowers before the Law: Problem, Contestation and Legal Certainty in Marriage Dispensation," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 2023): 223, <https://doi.org/10.31958/juris.v22i2.9097>.

⁴² Ismail Ismail et al., "Legal Age Equality in Marriage According to Indonesian Positive Law in the Studies of Gender and Maqāṣid Al-Sharia," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 1 (July 2023): 67–81, <https://doi.org/10.18860/j-fsh.v15i1.17696>.

Additionally, marrying at a young age indirectly hinders or even prevents the development of a quality human being (*hifz al-'aql*). This is because individuals must mature quickly and shed their natural childish traits, after which they establish a new family life that hardly differs from what they had before. Psychologically, marrying too early causes mental incapacity to build, organize, and maintain marital harmony, as well as the inability to achieve the goals of goodness, namely safeguarding the soul (*hifz al-nafs*). Therefore, the biological function of striving for progeny will not occur if children marry at a young age. Thus, this practice is indirectly prohibited by Islam. In essence, the purpose of marriage in Islamic law is to achieve companionship, preserve honor, obtain progeny, and tranquility, and imply rights and obligations for both spouses. Conversely, failing to achieve these goals and violating legal boundaries can lead to harm. In addition, marrying at a young age indirectly inhibits or even prevents the development of a mindset from becoming a quality human being (*hifz al-'aql*). This is because they must immediately mature and eliminate instinctive traits as children, after which they establish a new family almost entirely different from what they had before.

From the study of family sociology, it is explained that the goals of marriage within a family can be achieved if both husband and wife possess sufficient maturity. This means having the same paradigm about the purpose of marriage, having mutual respect, prioritizing the interests of the household over individual interests, and considering disagreements as complementary to marriage without blowing them out of proportion. Therefore, men and women inherently differ and have different maturity periods and processes of maturation. Men, in particular, are expected to become leaders within the household, bearing the burdens and responsibilities towards their families. Thus, ideally, the age of marriage between men and women should be differentiated. With maturity and responsibility, a husband can effectively provide for his family, especially concerning financial support or maintenance (*ba'ah*).⁴³

In the Hadith, it is explained how crucial readiness in providing for a family (*ba'ah*, the ability to provide sustenance) is for a man who wishes to marry. The Prophet even said that if someone is not yet capable, they should fast instead. The requirement to be able to provide for the family stems from the fact that a man who becomes the head of the household has the duty to provide both material needs such as food, clothing, and shelter, as well as emotional support in the form of protection, comfort, and love for his wife and children.⁴⁴

The author agrees that 19 years old is a suitable minimum age for a woman to marry, as indicated by academic research. However, the situation differs for potential husbands. The author does not agree that 19 years old is also an ideal minimum age for a man to marry. This is because a husband is expected not only to have physical and mental readiness but also to bear the responsibility as the head of the household, and even as a protector or leader within the family, known as *qawwamun ala an-nisa* (enforcers for women).

⁴³ Aristoni Aristoni, "Quo Vadis Marriage Dispensation in Indonesia: Judge's Decision in Preventing Child Marriage at the Jepara Religious Court," *De Jure: Jurnal Hukum Dan Syar'iah* 14, no. 2 (2022): 226–43, <https://doi.org/https://doi.org/10.18860/j-fsh.v14i2.17408>.

⁴⁴ Shella Oetharry Gunawan and Syamsul Bahri, "Impacts of Early Childhood Marriage in Indonesia Viewed from Child Protection Laws Perspectives," *El-Ussrah: Jurnal Hukum Keluarga* 6, no. 2 (2023): 362–80, <https://doi.org/http://dx.doi.org/10.22373/ujhk.v6i2.20262>.

Implications of Reconceptualizing the Minimum Marriage Age on Family Resilience in North Sumatra

Despite the government's establishment of minimum marriage age limits, early marriage rates continue to rise. This can be attributed to several factors such as low education levels, economic issues, marriages stemming from premarital sex, cultural norms of early marriage, arranged marriages, personal desires, religious considerations, social pressures, and family expectations. There's a belief that marrying young is a way to relieve burdens, but it can also lead to problems.

Those who marry too young may experience psychological, social, and physical impacts. Consequently, they may struggle to meet their basic needs, be unprepared for building a household, and lack knowledge on how to be parents.⁴⁵ They may also find themselves in environments they are not ready to accept due to unwanted marriages. Additionally, early marriage increases the risks of domestic violence and childbirth complications since reproductive organs are not fully developed at a young age, which can lead to maternal or infant mortality.

Moreover, marrying young can leave individuals unprepared to manage household responsibilities due to insufficient maturity in attitudes and decision-making. Domestic Violence (KDRT) is more likely to occur among young married couples. Girls who enter such marriages experience high-frequency KDRT in 44% of cases, and low-frequency KDRT in 56% of cases. Data shows that couples marrying too early are ill-prepared to establish a family, which disrupts family resilience.

According to Government Regulation No. 21 of 1994, family resilience is defined as "the dynamic condition of a family that has tenacity, resilience, and physical, material, and mental ability to live independently." Considering the high divorce rates in religious courts, it can be concluded that family resilience cannot be achieved because spouses lack adequate education, mental preparedness, and economic stability, causing husbands to struggle to meet household needs. However, families must be able to adapt to and cope with difficult changes or issues in life to survive. A family's ability to overcome various problems and threats that can disrupt family integrity is also part of family resilience. Three latent factors shape family resilience: physical resilience, social resilience, and psychological resilience. Additionally, five indicators reflect the level of family resilience, including 1) Mutually helpful attitudes that reflect honor; 2) Intimacy between husband and wife contributing to a good marriage quality; 3) Parents educating and training their children through creative challenges, consistent training, and skill development; 4) Husbands and wives leading their entire family with affection; and 5) Obedient and respectful children to their parents.⁴⁶

This family resilience has elements aimed at individual growth within it and the family as a whole. Since the family is the smallest part of the social structure, family resilience can also be referred to as social resilience. All aspects of fulfilling roles, functions, and family responsibilities, as well as how families interact, fall within the scope of family resilience.⁴⁷

⁴⁵ Ashabul Fadhli and Muhammad Hizbi Islami, "Out-of-Court Assistance Based on the Principle of the Best Interests of the Child: Study on Examination Process of Marriage Dispensation Cases," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (2024): 67–80, <https://doi.org/10.31958/juris.v23i1.10281>.

⁴⁶ Edy Setyawan et al., "Legal Age for Marriage: SDGs and Maslahah Perspectives in Legal Policy Change in Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023): 183–198, <https://doi.org/10.24090/mnh.v17i2.9506>.

⁴⁷ Ahmad Faris Hilmi and Muhammad Zawil Kiram, "The Under-Age Marriage during the Pandemic: The Best Interest of the Child Principle," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (September 2023): 71, <https://doi.org/10.22373/ujhk.v6i1.11303>.

According to Law Number 52 of 2009, family resilience can be measured using a system approach. This system approach includes meeting physical and non-physical needs (input components), family management processes (issues and coping mechanisms), and physical and psycho-social needs. From this system perspective, family resilience is defined as the ability of a family to solve its problems using what they have. A family can have a good level of family resilience if it meets the following needs: 1) Physical resilience, by meeting food, housing, education, clothing, and health needs; 2) Social resilience, focusing on religious values and strong family commitments; and 3) Psychological resilience, the ability to handle non-physical problems, control emotions positively, have a positive self-concept, and have a husband who cares for his wife. These factors of family resilience can also shape family resilience, one of which is readiness to marry.⁴⁸

Conclusion

The results of this study indicate that early marriage in North Sumatra remains a severe issue, impacting family resilience. Economic, social, and cultural influences affect the decision to marry at a young age. Minimum marriage age regulations have been established in Indonesia, but there are still deviations and increasing marriage dispensations. Addressing early marriage requires better education, economic access, substantial law enforcement, and social and cultural norms changes. Restricting the marriage age in Indonesia is crucial to prevent illegal marriages and child marriages, as well as to maintain family stability, happiness, and well-being. The ideal age for marriage is between 21 and 25 years for men and a minimum of 19 years for women. Mental and emotional maturity are crucial in maintaining family integrity. Further research is needed to understand the factors influencing family resilience and how to improve it.

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⁴⁸ Nurunnisa Nurunnisa et al., "Implications of Annulment of Marriage on the Distribution of Joint Assets According to the Compilation of Islamic Law and National Law," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 1 (2023): 1–23, <https://doi.org/https://doi.org/10.18592/sjhp.v23i1.9523>.

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