



LOOKING FOR MEET POINTS OF REJECTION OF ISLAMIC LAW AND POSITIVE LAW IN CHANGES IN THE LIMIT OF MARRIAGE

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ABSTRACT

This paper analyzes the relevance between rejecting the Prophet Muhammad's SAW monographic and rejecting the marriage limitation age. It has qualitative research for data, books, and articles. They contain Muhammad saw monographic and revision of the marriage limitation age. This research continues the topic of the relevance between rejecting the Prophet Muhammad SAW monographic and rejecting the marriage limitation age. We can see from the results that there is relevance. Both reject revisions and keep freshness. But both understand the revision. Unbelievers don't understand that Muhammad's SAW lesson was a truth for life and hereafter. Meanwhile, other people reject the revisions because they need to learn the effects a lot.

Keywords: Relevance, Change, The Marriage Age Limit

ABSTRAK

Tulisan ini bertujuan untuk menganalisis apakah terdapat relevansi antara penolakan risalah nabi Muhammad SAW dengan penolakan perubahan batasan usia perkawinan. Tulisan ini merupakan penelitian kualitatif terhadap sejumlah sumber data (karya); buku dan artikel yang membahas mengenai risalah nabi Muhammad SAW dan perubahan batasan usia perkawinan. Penelitian ini termasuk dalam kategori penelitian lanjutan terhadap objek kajian yang sama yaitu mengenai relevansi antara penolakan risalah nabi Muhammad SAW dengan penolakan perubahan batasan usia perkawinan. Hasil penelitian menunjukkan bahwa terdapat relevansi antara penolakan terhadap risalah nabi Muhammad SAW dan perubahan batasan usia perkawinan di atas, yaitu keduanya menolak adanya pesan perubahan, serta keduanya ingin mempertahankan kebiasaannya. Selain itu, relevansi lainnya yaitu bahwa keduanya kurang memahami terkait perubahan tersebut. Masyarakat kafir jahiliyyah kurang memahami bahwa risalah yang dibawa dan diajarkan oleh nabi Muhammad merupakan kebenaran yang harus diterima untuk keselamatan hidup dunia dan akhirat, sedangkan masyarakat yang menolak adanya perubahan batasan usia perkawinan kurang memahami dampak yang ditimbulkan akibat perkawinan di bawah umur.

Kata Kunci: Relevansi, Perubahan, Batas Usia Menikah.



INTRODUCTION

Allah SWT sent the Prophet Muhammad SAW as a Prophet and Messenger to bring treatises to the world and spread mercy to the entire universe. Mentioned in the Qur'an surah Al-Anbiya'

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

"We did not send you (Prophet Muhammad), except as a mercy to all the worlds" (Al-Anbiya' (21): 107).

Therefore, the treatise brought by the Prophet Muhammad SAW can be enjoyed by all humans, that is, not only for people who believe but also for humans in general, including those who deny it. People who believe that mercy is the happiness of the world until the hereafter, while those who deny it will receive mercy only while living in the world, which means it becomes a pause as well as a postponement of torment for them while living in the world (Siti Malaiha Dewi, 2015, p. 355).

As for the interpretation of Al-Khozin by Ala'uddin Ali, it is explained that the asbabun nuzul of Surat Al-Anbiya' verse 107 was when the condition of the people was shackled by heresy (*jahiliyyah*) and the people of the book at that time were experiencing confusion in religious matters. Thus, Allah SWT by sending the Prophet Muhammad SAW at the time of instilling faith in God was confused and actually could not find the steps of happiness, so then they were invited by the Messenger of Allah to go to the path that was pleasing to Allah SWT by directing them to the path of truth and implementing the law Allah (Ala'uddin Ali Bin Ibrahim al-Baghdadi, tt, p. 297).

However, along the way, the treatise brought and taught by the prophet Muhammad received various rejections from the ignorant community,

فَلَا تَكُ فِي مِرْيَةٍ تِمَّا يَعْبُدُ هَؤُلَاءِ مَا يَعْْبُدُونَ إِلَّا
كَمَا يَعْْبُدُ آبَاؤُهُمْ مِن قَبْلُ وَإِنَّا لَمَوْفُوهُمْ نَصِيْبُهُمْ
غَيْرَ مَنقُوصٍ

"So, do not you (Prophet Muhammad) doubt about (false) what they worship. They have nothing but worship as their ancestors used to do. We will definitely improve their reply without any reduction" (Hud (11): 109).

In fact, at that time, the heathen *Jahiliyyah* community was used to following the traditions of their ancestors, namely worshiping idols. In another case, the Indonesian people, especially indigenous Muslims, carried out the orders of Law Number 1 of 1974 calmly and without dispute. However, as time has progressed, several parties with a background in child protection observers have argued that there are points in the Marriage Law that need to be revised to apply. This point is contained in Article 7, paragraph 1, which states the age limit for marriage for men and women, namely 19 years for men and 16 years for women.

In the decision of the Constitutional Court, the marriage law should be amended through the Government within three years at the latest. This change is related to the norms in the Marriage Law, namely by equating it with the minimum age limit for men, namely 19 years old. At the age of 19 (nineteen) years, it is considered that a person who wants to get married is considered to have the mental

and physical maturity to enter into a marriage to realize the purpose of marriage properly, namely to become a happy family with healthy and quality offspring. (Decision of the Constitutional Court Number 22/PUU-XV/2017). Thus, the Government amended the Act, and on October 14, 2019, Law Number 16 of 2019 was ratified by the President of the Republic of Indonesia concerning changes to Law Number 1 of 1974, namely regarding marriage which regulates the age limit for men and women 19 years for those who are going to marry. But unfortunately, the change in the age limit for marriage has been rejected by various groups, one of which is the reason that the number of early marriages in Indonesia will increase.

This paper becomes a study by elaborating on the rejection of the treatise of the Prophet Muhammad SAW by rejecting changes to the limit of marriage age, which then draws the red thread on whether the two cases above have any relevance. The two cases have the same position: to bring about positive changes.

Many other researchers have written discussions on rejecting the Prophet Muhammad's treatise and changing the marriage's age limit. The writings in question can be grouped into two. The first group is writings that explain the treatise of the Prophet Muhammad. The writings included in the first group are as follows; Contextualization of the Mission of the Prophetic Treatise in Counteracting Radicalism (Siti Malaiha Dewi, 2015, p. 358), the results of her research revealed that the Prophet Muhammad's mission in preaching is a form of God's command to change all human beings in terms of

obedience to Allah. His teaching contains the characteristics of polite and flexible preaching so that it will be easily understood and well felt by recipients whose hearts are open. This means that the Prophet Muhammad did not preach cruelly. Humans whose hearts are already open will easily follow the invitation of the Prophet Muhammad both individually and in groups. Meanwhile, those whose hearts are not yet open will reject the invitation of the Prophet Muhammad.

Then the authenticity of the prophetic treatise on pluralism and humanity (Arif Nuh Safri, 2012, th) this study reveals clearly that the Prophet Muhammad successfully formed a new civilization in terms of changes in the Islamic world. In addition, God's grace appears not only in the form of a perfect religion, but tolerance is the most important thing in the success of prophetic treatises, namely by reflecting tolerance between religions, races, and ethnicities. Violence in religion then became an arena for proving the Prophet Muhammad in implementing God's commands about preaching. The Prophet Muhammad exemplified his followers and was recognized as a guide for their lives. Evidence from the Prophet Muhammad's treatise was a great blessing because he was a good and relevant role model at that time.

Then the results of research on the People's Rejection of Prophetic treatises and their relevance to the UUP (Khoiruddin Nasution, 2020, p. 25-38) in his research revealed that any change brought about and taught by someone has the possibility of being rejected in a community gathering. His research also reveals that the law is only partially

accepted. This is relevant to the teachings of the Prophet Muhammad during this change. The reason for rejecting the treatise and changes is that the community still needs to understand the substance of the changes brought by the Prophet Muhammad and the existing laws. Both from the formation, results, and objectives, they still need to understand it fully so that the assumption is that it is limited to change and is considered to be making up something new about something related to marriage that first appeared.

Then, the second group is writing that explains the change in the age limit for marriage. The writings included in the second group are as follows; legal policy of changing the minimum age limit for marriage from the perspective of Islamic law (Aristoni, 2021, th). This research is a literature study with a qualitative approach; this paper reveals that it reviews the concept of age at marriage in Islamic law and positive law. His research revealed a difference between Islamic law and positive law because there is no clear explanation from the Qur'an or hadith. In addition, it is also because there needs to be more clarity and good coordination involving parties in setting the age limit for marriage. There is an age limit in laws and regulations, namely as a principle of certainty.

Also, research on the Dynamics of Age Limits for Marriage in Indonesia: Studies of Psychology and Islamic Law (Yusuf, 2020, pp. 200-217). This research is library research. As for the results of his research, namely first that Islamic law does not determine the age of marriage, but there is a difference of opinion among jurists. Still, it is by the purpose of marriage

itself. Second, at the age of 21 years, you are more likely to be able to get married well and be considered an adult. Third, by engaging in early marriages, it triggers a loss of control caused by inadequate psychological and physical weakness and results in sexual deviation

. Finally, it results from research on Law No. 16 Years 2019 *Maslahah Mursalah* Perspective (Iwan Romadhan Sitorus, 2020, p. 190-199). The results of his research stated that the change in regulations from the age limit in Law Number 1 of 1974 to Law Number 16 of 2019 provided many benefits. The reason is that with age, the husband and wife are more established and mature to carry out their mandate and their rights and obligations. At the age of 19 years, from the perspective of *maslahah mursalah*, they can better apply the four Islamic goals, namely protecting offspring, reason, wealth, and family.

The systematics of this paper starts with an introduction that reviews the background of the Prophet Muhammad SAW, who was given the task of Allah to bring and convey the treatise, and reviews the background of the change in the age limit for marriage, which then both cases received a rejection from the community. The next discussion is about the traces of rejection of the treatise of the Prophet Muhammad SAW. Then, we continued the discussion regarding the controversy over the change in the age limit for marriage. The description continues with a discussion of the relevance of the rejection of the treatise of the Prophet Muhammad SAW with changes in the age limit for marriage and ends with a conclusion.

RESEARCH METHODS

This paper is qualitative research with normative research (Soerjono Soekanto, 2009, p. 134), as this data source was found from several data sources (works), books, and articles that discuss the treatise of the Prophet Muhammad SAW and changes in the age limit for marriage. This research is included in the category of follow-up research on the same object of study, namely regarding the relevance between the rejection of the treatise of the Prophet Muhammad SAW and the rejection of changes in the age limit for marriage. It is continued by analyzing it by reconstructing and elevating it. The research approach that the author determines is to use a normative-juridical approach, namely an approach that refers to applicable laws and regulations. (Kornelius Benus, Muhammad Azhar, 2020, p. 24).

As for data collection by examining sources from literature related to the rejection of the treatises of the Prophet Muhammad, the dispensation of marriage, verses of the Koran, or other related documentation in books, journals, and the internet. (Suharsimi Arikunto, 2002, p. 9.) Then the approach in this research is juridical-normative-historical by looking at issues of Islamic law with traces of rejection of the Prophet's message in the context of Islamic family law.

RESULTS AND DISCUSSION

Traces of Rejection of the Prophet Muhammad SAW's Treatise on Islamic Law

The Al-Qur'an explicitly states that the Prophet Muhammad possessed great qualities and morals as a provision to convey his message. Rasulullah is the only

human with physical and mental greatness, so humans on Earth follow his orders. Allah appointed him as His messenger, proof of his nobility and glory, His word in the Qur'an surah al-Qolam: 4,

وَإِنَّكَ لَعَلَىٰ خُلُقٍ عَظِيمٍ

"And you are the virtuous, noble character." (al-Qolam (68): 4).

In addition, the Qur'an has a basic principle that confirms and states that the Prophet Muhammad is His Prophet and messenger. The existence and position of the Messenger of Allah is a form of belief for humans, which is one of the conditions for becoming a believer. Affirmations of his position are listed in the holy book of the Qur'an, namely; surah al-Baqarah verse 285 confirms that the Prophet Muhammad confirmed the teachings of the earlier apostles (al-Baqarah (2): 285).

أَمَّنَ الرَّسُولُ بِمَا نَزَّلَ إِلَيْهِ مِنْ رَبِّهِ وَالْمُؤْمِنُونَ كُلٌّ
أَمَّنَ بِاللَّهِ وَمَلَائِكَتِهِ وَكُتُبِهِ وَرُسُلِهِ لَا نُفَرِّقُ بَيْنَ أَحَدٍ
مِّنْ رُّسُلِهِ وَقَالُوا سَمِعْنَا وَأَطَعْنَا غُفْرَانَكَ رَبَّنَا
وَإِلَيْكَ الْمَصِيرُ

"The Prophet (Muhammad) believed in what was revealed to him (the Qur'an) from his Lord, and so do those who believe. All believe in Allah, His angels, His books, and His messengers. (They said), 'We do not discriminate against any of His messengers.' And they said, 'We hear, and we obey. Forgive us, O our Lord, and to You is our return.'" (al-Baqarah (2): 285).

In surah al-A'raf, verses 156 and 157 confirm that the Prophet Muhammad was an *Ummi* prophet (al-A'raf (7): 156-157).

اَكْتُبْ لَنَا فِي هَذِهِ الدُّنْيَا حَسَنَةً وَفِي الْآخِرَةِ اِنَّا
هٰذَا نَالِيكَ قَالَ عَذَابِيْٓ اُصِيبُ بِهٖ مَنْ اَشَاءُ وَرَحْمَتِيْ
وَسِعَتْ كُلَّ شَيْءٍ فَسَاكُنْهَا لِلَّذِيْنَ يَتَّقُوْنَ وَيُؤْتُوْنَ
الرَّزْقَةَ وَالَّذِيْنَ هُمْ بِآيٰتِنَا يَوْمُنُوْنَ

"And assign us good in this world and the hereafter. Indeed, we return (repent) to You. (Allah) said, 'My punishment I will inflict on whom I will, and My mercy covers everything. So I will assign My mercy to pious people, pay zakat, and believe in Our verses.'" (al-A'raf (7): 156-157).

وَاَكْتُبْ لَنَا فِي هَذِهِ الدُّنْيَا حَسَنَةً وَفِي الْآخِرَةِ اِنَّا
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الرَّزْقَةَ وَالَّذِيْنَ هُمْ بِآيٰتِنَا يَوْمُنُوْنَ الَّذِيْنَ يَتَّبِعُوْنَ
الرَّسُوْلَ النَّبِيَّ الَّذِيْ يَجِدُوْنَهُ مَكْتُوْبًا عِنْدَهُمْ
فِي التَّوْرَةِ وَالْاِنْجِيْلِ يَأْمُرُهُمْ بِالْمَعْرُوْفِ وَيَنْهَاهُمْ
عَنِ الْمُنْكَرِ وَيُحِلُّ لَهُمُ الطَّيِّبَاتِ وَيُحَرِّمُ عَلَيْهِمُ
الْخَبٰٓئِثَ وَيَضَعُ عَنْهُمْ اَصْرَهُمْ وَالْاَغْلَالَ الَّتِيْ كَانَتْ
عَلَيْهِمْ فَاَلَّذِيْنَ اٰمَنُوْا بِهٖ وَعَزَّرُوْهُ وَنَصَرُوْهُ وَاتَّبَعُوا
النُّوْرَ الَّذِيْ اُنْزِلَ مَعَهُ اُولٰٓئِكَ هُمُ الْمُفْلِحُوْنَ

"(That is) those who follow the Messenger, the Ummi Prophet (ill read and write) whose (name) they find written in the Torah and the Gospel that they have, who orders them to do what is good and prevent what is wrong, and who justifies everything good for them and prohibits everything bad for them, and releases the burdens and shackles that

are on them. As for those who believe in him, honor him, help him, and follow the bright light sent down to him (the Qur'an) are the lucky ones." (al-A'raf (7): 156-157).

Also, surah al-Qolam verse 4 confirms that the Prophet Muhammad had commendable morals (al-Qolam (68): 4).

وَإِنَّكَ لَعَلَىٰ خُلُقٍ عَظِيمٍ

"And you are the virtuous, noble character." (al-Qolam (68): 4).

At-Taubah verse 128 also confirms that the Prophet Muhammad has the nature of compassion (at-Taubah (9): 128).

لَقَدْ جَاءَكُمْ رَسُولٌ مِّنْ أَنْفُسِكُمْ عَزِيزٌ عَلَيْهِ مَا عَنِتُّمْ
حَرِيصٌ عَلٰٓى يَكُنَ بِالْمُؤْمِنِيْنَ رَءُوْفٌ رَّحِيْمٌ

"Indeed, there has come to you an apostle from your people; he feels the weight of the suffering you are experiencing, (he) wants (faith and safety) for you, forbearing and merciful to those who believe." (at-Tauba (9): 128).

Several reviews regarding the position of the Prophet Muhammad among his creations it does not guarantee that the ignorant heathen community would easily accept the treatise that the Prophet Muhammad brought and taught at that time. The treatise of the Prophet Muhammad, which was rejected by the *Jabiliyyah* infidel community, related to the Prophet Muhammad's command to the *Jabiliyyah* infidel community not to hesitate to leave and change the worship of their ancestors. It is enshrined by Allah (Hud (11): 109).

فَلَا تَكُ فِي مِرْيَةٍ تِمَّا يَعْبُدُ هَؤُلَاءِ مَا يَعْْبُدُونَ إِلَّا كَمَا
يَعْبُدُ آبَاؤُهُمْ مِنْ قَبْلُ وَإِنَّا لَمُوفُونَ نَصِيبُهُمْ غَيْرُ
مَنْقُوصٍ

"So do not you (Muhammad) doubt about what they worship. They worship as their ancestors used to worship. We will perfect our revenge (against) them without the slightest reduction." (Hud (11): 109).

Which verse describes how the infidel community *jahiliyyah*, who are accustomed to following traditions since the time of their ancestors, then the Prophet Muhammad asked them to leave it. (Khoiruddin Nasution, 2020, p. 31). This habit is ingrained and carried out from generation to generation. This rejection became a guide because it was considered a new teaching and a destroyer of the old teachings they adhered to as long as they knew the previous ones. In addition, the infidel community *jahiliyyah* neither accepts nor denies the oneness of Allah. They want to stay what their ancestors did and will continue to follow it (Luqman (31): 21).

"And when it is said to them, 'Follow what Allah has sent down!'" They replied, "(No), but we (only) follow the custom that we got from our ancestors." Will they (follow their ancestors) even though Satan is calling them to the fiery torment (hell)?" (Luqman (31): 21).

This verse then also harmonizes with the word of Allah in sura as-Saba' verse 43, which relates to the steadfastness in the ancestors' teachings (as-Saba' (34): 43).

وَإِذَا تُتْلَىٰ عَلَيْهِمْ آيَاتُنَا بَيِّنَاتٍ قَالُوا مَا هَذَا إِلَّا
رَجُلٌ يُرِيدُ أَنْ يَصُدَّكُمْ عَمَّا كَانُ يَعْبُدُ آبَاؤُكُمْ قَالُوا

مَا هَذَا إِلَّا إِفْكٌ مُفْتَرًى وَقَالَ الَّذِينَ كَفَرُوا لِلْحَقِّ
لَمَّا جَاءَهُمْ إِنَّ هَذَا إِلَّا سِحْرٌ مُبِينٌ

"And when Our clear verses are recited to them, they say, 'This person does nothing but hinder you from what your forefathers worshipped,'" and they say, 'This (Qur'an) does not everything else is just a fabricated lie.'" And those who disbelieve say against the truth when the truth (Qur'an) comes to them, 'This is nothing but real magic.'" (as-Saba' (34): 43).

Another verse that is also related is the letter as-Syuara verse 70 (as-Syuara (26): 70)

قَالُوا نَعْبُدُ أَصْنَامًا فَنَنْظِلُ لَهَا عَظِيمِينَ

They replied: "We worship idols and always diligently worship them" (as-Syuara (26): 70).

It also illustrates that the infidel community *jahiliyyah*-refused because they were asked to leave the traditions carried out by their ancestors (Khoiruddin Nasution, 2020, p. 31).

After seeing traces of rejection of the message of the Prophet Muhammad through the verses in the Qur'an, it can be said that the infidel community *jahiliyyah* refused for the following reasons; *first*, Society *jahiliyyah* rejected the treatise of the Prophet Muhammad because he was ordered to change their worship, which initially they worshiped what their ancestors had done to change to worship Allah. This means that habits that have long been carried out culturally will be maintained as a form of obedience to previous teachings. *Second*, Society *jahiliyyah* rejected the message of the Prophet Muhammad because he was ordered to change what their ancestors had done.

Changing the God he has worshiped for a long time is difficult because the belief is already embedded in their hearts.

In fact, in its purpose, the treatise brought by the Prophet Muhammad is a message of change. The message is intended for the non-believer's *jabilhyyah* to change. However, they refuse to change and maintain old habits, situations, and behaviors passed down from generation to generation (Khoiruddin Nasution, 2020, p. 32). The change taught by the Prophet Muhammad is a change in principle. This is one of the core problems. The teachings brought by the Prophet Muhammad are the teachings of divinity, which deify Allah. At the same time, the old beliefs of the infidels are the teachings carried out by the ancient ancestors, so their mindset with the arrival of new teachings is considered as destroying the old teachings.

The Age Limit for Marriage in Indonesian Legislation

Regarding the age limit for marriage, Islam does not explicitly regulate it. Departing from that, in Indonesia, stipulated by law, namely Law No. 1 of 1974. In its contents, the marriage age limit for prospective grooms is 19 years, while for brides, it is 16 years. (Yopani Selia Almahisa and Anggi Agustin, 2021, p. 27) This is based on the results of various areas of expertise. However, the law was no longer relevant to the current conditions and situation over time, so the Government changed Law Number 1 of 1974 with Law No. 16 of 2019.

Law Number 16 of 2019 is a form of revision of the old law. The important part is the change in Article 7 of Law No. 1 of 1974, which is related to the age limit for

marriage. This change, namely by increasing the age limit for marriage, which was originally 16 years for the bride, was then changed to the minimum limit between prospective brides and grooms, namely 19 years (Mughniatul Ilma, 2020, p. 135).

Laws and regulations become regulations that apply to Muslim communities in Indonesia. This means that Law No. 16 of 2019 regulates that anyone who is an Indonesian citizen and Muslim going to get married must be based on existing regulations. The size of 19 years old must be obeyed by anyone who wants to get married. If someone is going to get married but is under the age stipulated in the law, then this is in the category of violating the law. (Kamarusdiana and Ita Sofia, 2020, p. 60).

In line with Salamah Fa'atin's research, he said that a relatively low age would have the potential for divorce. The reason is that when viewed psychologically, marriage at 16 and 19 years is still considered not mentally ready and mature. So, the marriage age based on Law No. 1 of 1974 is no longer relevant because maturity indicates a more mature age (Salamah Fa'atin, 2015, p. 567).

Controversy over the change in the age limit for marriage

Rules with limitations of marriage are a difficult problem to solve. This problem becomes a general problem, from state problems to problems in various circles, such as; activists, academics, and agencies. They have debated a lot about the age limit for marriage, where a person is considered an adult when he is fully prepared. It is not merely measured physically but also

psychological, religious, economic, and social readiness.

In principle, it is evident that the age limit for marriage is not regulated in detail and firmly. It's just that the Qur'an hints to humans that someone who wants to get married is required to be mature (an-Nisa (4: 6)).

وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ
مِّنْهُمْ رُّشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا
إِسْرَافًا وَبِدَارًا أَنْ يَكْبَرُوا وَمَنْ كَانَ غَنِيًّا
فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفَةِ
إِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ وَكَفَىٰ بِاللَّهِ
حَسِيبًا

"And test the orphans until they are old enough to marry. If, in your opinion, they are smart (good at maintaining wealth), then give them their wealth. And do not eat them (the orphan's wealth) beyond the limits of decency, and (do not be) in a hurry (hand them over) before they grow up. Whoever (among the caregivers) is able, then let him refrain (from eating the orphan's wealth), and whoever is poor may eat the treasure properly. When you hand over the treasure to them, then you must bring witnesses. And sufficient is Allah as a watchdog."(an-Nisa (4: 6)).

Regarding size, Hamka explained that *baligh* a marriage is maturity. Maturity is not seen from the number of ages alone, but from various aspects, both from maturity, intelligence, or immaturity or having good thinking, because not a few of someone who is not young but has a mindset that is still childish. The signs of puberty for men are experiencing wet dreams at a certain age and marked by hair growth in certain areas. Whereas for women with signs of

menstruation and pregnancy (Hamka, 1983, p. 30). Based on this, there are no provisions in the Shari'a regarding when it is permissible to enter into a marriage based on age.

In Indonesia itself, the Marriage Law regulates the age limit for marriage. That is regulated in Law no. 1 of 1974 article 7, paragraph 1; this provision reads that marriage can only be permitted if the man has reached the age of 19 and 16 years for women. As time goes by, several parties with a background in child protection activists and observers consider that there are articles in Law Number 1 of 1974 that need to be more suitable to be applied. Article 7 of the Marriage Law stipulates a marriage age limit of 19 years for men and 16 years for women. The reason is that the article allows for child marriage, especially for girls.

Whereas Article 1 Paragraph 1 of the law on child protection explains that "a child is someone who is not yet 18 (eighteen) years old" (Law No. 23 of 2002 article 1 paragraph 1). They then conducted a judicial review of Article 7 in the law on marriage at the Constitutional Court. After some time, the Constitutional Court finally decided on this matter [there is a decision Number 22/PUU-XV/2017]. The decision stated that there was discrimination against a person if the distinction against Indonesian citizens involved gender. This is related to the constitutional rights of protected citizens (Decision of the Constitutional Court Number 22/PUU-XV/2017.)

Based on this decision, the age of marriage is a strong consideration that by differentiating the age between men and women, there is the potential for inequality

in trying to form a suitable family. As guaranteed in Article 28B paragraph (1) of the 1945 Constitution. Apart from that, there can be potential for inequality directly as well as Article 28B paragraph (2) of the 1945 Constitution. If the age of marriage for women is younger, a woman will automatically have more potential to have a younger family. Women will dominate it, and of course, women will have the potential to live life as a family faster. Therefore, in the ruling, the Constitutional Court ordered the Government, through the legislators, to amend the contents of the law relating to the regulation on the age limit for marriage with a maximum period of three years. So, on that basis, the Government, through the President, ratified the changes that had been made on October 14, 2019, with Law no. 16 Years 2019 on Article 7 paragraph 1, which reads, "Marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years." (Law Number 16 of 2019).

The change in the age limit for marriage has caused controversy. Some accept the change in the age limit for marriage on the pretext that increasing the age of women has the potential to have a positive impact. Among them is a low childbirth rate, reducing the risk of maternal and child mortality. Not only that, but it will increase the growth and development of the child, and the accompaniment of the child will be more mature. This is by the mandate Law Number 23 of 2002 jo. Law Number 35 of 2014 concerning Child Protection.

On the other hand, some reject the change in the age limit for marriage. They quibble that underage marriage is an old

tradition, and the standard used to allow marriage is when the child is an adult by Islamic law. In addition, increasing the age limit for marriage, especially for women, will certainly increase the number of early marriages.

On the other hand, some opinions are against the regulations regarding the age limit for marriage. In one of the journals, it was said that there is a dangerous side if it requires that the minimum age limit for marriage be reached. The danger is that it threatens the existence of the teachings of Islamic law. The reason is that three things need to be included. Namely, First, not achieving the purpose of marriage. Second, eliminating the right of the guardian *mujbir*, and third, eliminating rights. (Zul Atril, 2018, p. 250). According to him, the condition for marriage is not a matter of age but a matter of intelligence of the prospective bride and groom. He said that intelligence means an intelligent way of thinking and good in terms of morals. The reason is that if you fixate and force the issue of age, the goal of marriage will not be achieved, namely the goal of benefiting the family being formed. Meanwhile, the rule of law only regulates issues of order to regulate society so that it is peaceful and just. (Zul Atril, 2018, p. 253)

In Islam, the limit of marriage that can be done is only related to being able or mature. While maturity in *fiqh* is *Baligh*, and *baligh* for men is the discharge of semen. From this, it is implied that they are already able to build a household, while the age limit in Islam is not a requirement of the law in marriage. That is, it remains legal and can be carried out only on condition that it is permitted by the guardian (Sri Rahmawati, 2020, p. 102-103).

As for this matter, looking at the problem requires a broad perspective. Yusuf Hanfi, in his research, linked the marriage age limit to the marriage controversy of Aisyah Ra. Second, corrective discourse appeared and was proposed by Muhammad Ali to TO Shanavas. This is a consistent and continuous flow. Third, which is a rebuttal related to the correction that says Aisyah's is at the age of marriage is not true. This is a suggestion from the corrector in seeking and doubting the academic credibility and moral integrity of hadith experts. And assume that the hadith experts are wrong in reporting Aisha's marriage age fourth, looking at the problem from the perspective of Islamic law, international human rights, and national law.

In his research, Yusuf said there would be a possibility of awkwardness and even being cornered in classical Islamic law (classical fiqh). This is because classical fiqh does not determine the age limit for marriage. Meanwhile, in other views, it is considered inequality and deprives human rights (Yusuf Hanafi, 2016, p. 317). So that family law activists and contemporary ulemas initiated a breakthrough by making rules limiting the age of marriage to the minimum age. Namely, in 2022, carried out since 2019, the marriage age limit is 19 years for prospective husband and wife. In his research, Yusuf said there would be a possibility of awkwardness and even being cornered in classical Islamic law (classical fiqh). This is because classical fiqh does not determine the age limit for marriage.

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The Meeting Point of Refusal of Islamic Law with Positive Law on Changes in the Age Limit for Marriage

From the description of the trail of rejection of the treatise of the Prophet Muhammad SAW and the controversy over changing the age limit for marriage above, there is a meeting point in the two cases, namely that they reject the message of change. Infidel community *jabiliyyah*

refused to change because they were ordered by the Prophet Muhammad to change their worship, which initially they worshiped what their ancestors had done to change to worship Allah, and were ordered to change what their ancestors had done. Meanwhile, in the context of changing the age limit for marriage, they refuse because underage marriage is an old tradition, and the standard used to allow marriage is when the child is an adult by Islamic law. In addition, increasing the age limit for marriage, especially for women, will certainly increase the number of early marriages.

Thus, it is proven that there is relevance to the rejection of the treatise of the Prophet Muhammad SAW with changes in the age limit for marriage, namely that they have something in common, namely, they reject changes and want to establish things that have been established for a long time. In addition, there is also a meeting point between the two, namely regarding the lack of understanding regarding these changes. Infidel community *jahiliyyah* does not understand that the message brought and taught by the Prophet Muhammad is a true belief and must be accepted by all humans to ensure happiness in the world and the hereafter. Then, for people who refuse to change the age limit for marriage, they do not know the impact of underage marriages.

Some of the impacts caused by perpetrators of child marriage are as follows: *first*, Economic impact. Husbands who cannot seek the economy. So there is a possibility that he has yet to be able to fulfill his obligation to provide for his wife. Until now, underage marriages are still very

high because society still considers the economy as one of the reasons for young marriages. Namely, assuming that stepping into the education sector is hampered because of economic difficulties, they prefer to marry (Siti Nurul Khaerani, 2019, p. 9)—in connection with rejecting the prophetic treatise. With a low economy, it is also not certain that poverty will be eradicated individually, but it could add to the burden of life in economic matters. The reason is looking for an economy with sufficient age conditions will hinder the work process. Namely, they are not physically strong and need a qualified diploma.

Second, Apart from that, low education is a factor; this factor is an important reason to consider because someone who has low education will find it difficult to find a job. So a husband needs various economic supports from the help of his parents because, First, he doesn't have the mental readiness to live independently. Adulthood is not yet the time to be one of the important triggers related to physical and mental stability. So it would be nice if the marriage was not carried out early and waited for the readiness (Hasyim Iskandar and Alfin Nur Parida, 2021, p. 82-83). Second, health impacts by marrying young physically; he is not fully able to live as a person ready to settle down should do, including regarding children's programs and reproductive health. Medically, children are not ready to conceive because the cervix of children is still very sensitive, which, if forced to become pregnant, is dangerous. Because forcing a pregnant woman will be vulnerable to cervical cancer in the future, even allowing the risk of death during childbirth. Third, psychological factors; someone who does

child marriage is considered not mentally ready. A child has a fairly free character, like his peers. Which means not thinking about the issue of being fully responsible for other people's rights. This triggers anxiety and feelings that children should not experience anger for no reason (Djamilah Reni Kartikawati, 2014, p. .13).

Third, Environment. Doing early marriage directly or not will greatly affect environmental conditions. In plain view, it will be seen as a primitive environment, giving rise to the habit of marrying young, considered normal and even good. As for heredity, in an environment where early marriage grows, it will become a hereditary habit. (Hasyim Iskandar and Alfin Nur Parida, 2021, p. 82-83)

Fourth, Descendants. Early marriages that are carried out will have bad potential biologically and hereditary. This is because the mother's condition, which is still not strong biologically, will result in congenital disabilities, the possibility of death, psychological health, and the risk of developmental delays. (Fauziatul Shufiyah, 2018, p. 65)

CONCLUSION

From the description above, it can be concluded that there is true relevance between human rejection of the message brought by the Prophet Muhammad SAW and the change in the marriage age limit above. Namely, both reject the message of change and want to maintain comfort. In addition, another relevance is that both lack understanding regarding these changes. The ignorant heathen community did not understand that the treatise brought and taught by the Prophet

Muhammad was a true teaching and guide. The goal is solely because of the safety of the people in this world and the hereafter. Meanwhile, people who reject the change in the age limit for marriage do not understand the purpose of the treatise and the negative impacts, such as the economic, environmental, and biological impacts of child marriage.

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