



SYNERGIZING THEMATIC QUR'ANIC EXEGESIS AND LEGAL REGULATION: RECONSTRUCTING QUR'ANIC VALUES TO PREVENT CHILD MARRIAGE IN INDONESIA

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ABSTRACT

Although Law No. 16 of 2019 concerning the Amendment to Law No. 1 of 1974 on Marriage has raised the minimum legal age of marriage to 19 years for both men and women, child marriage remains a pressing social phenomenon in Indonesia. Beyond its legal dimension, this issue also contains theological aspects that require the reconstruction of religious understanding. This article examines how legal regulation and thematic Qur'anic interpretation can work together to prevent child marriage in Indonesia. Using a qualitative research method with document analysis and literature study approaches, this study argues that the reconstruction of Qur'anic values through thematic interpretation, particularly concerning the concepts of bulūgh (maturity), rushd (responsibility), and maṣlahah (public benefit), can provide a theological foundation for strengthening regulations against child marriage. As a result of this synergy, Islamic law is understood not merely as requiring biological age, but also as emphasizing psychological, emotional, and socio-economic maturity that can be objectively measured for a marriage to be considered valid and beneficial. These findings have practical implications for the formulation of child protection measures in Indonesia and offer an academic contribution to the development of contextual Islamic jurisprudence.

Keywords: Child Marriage, Thematic Exegesis, Regulation, Value Reconstruction, Bulūgh, Rushd, Maṣlahah

ABSTRAK

Meskipun ada UU No. 16 Tahun 2019 tentang Perubahan UU No. 1 Tahun 1974 tentang Perkawinan, yang menaikkan usia minimum perkawinan menjadi 19 tahun untuk kedua jenis kelamin, perkawinan dini merupakan fenomena sosial yang terus menjadi perhatian utama di Indonesia. Selain masalah hukum, masalah ini juga mencakup komponen teologis yang memerlukan pembangunan kembali pengetahuan keagamaan. Artikel ini mengkaji bagaimana hukum dan interpretasi tematik Al-Qur'an bekerja sama untuk mencegah pernikahan dini di Indonesia. Rekonstruksi nilai-nilai Al-Qur'an melalui interpretasi tematik, khususnya

yang berkaitan dengan konsep Bulūgh (kedewasaan), Rushd (tanggung jawab), dan Maşlahah (manfaat), dapat memberikan landasan teologis untuk memperkuat peraturan anti pernikahan dini, menurut penelitian ini, yang menggunakan metode penelitian kualitatif dengan pendekatan analisis dokumen dan studi literatur. Sebagai hasil dari sinergi ini, kini dipahami bahwa hukum Islam tidak hanya mensyaratkan usia biologis tetapi juga kematangan psikologis, emosional, dan sosioekonomi yang dapat diukur secara objektif agar suatu perkawinan dianggap sah. Hasil ini memiliki implikasi praktis untuk pembuatan langkah-langkah perlindungan anak di Indonesia serta kontribusi akademis terhadap pengembangan yurisprudensi Islam kontekstual.

Kata Kunci: *Pernikahan Dini, Tafsir Tematik, Regulasi, Rekonstruksi Nilai, Bulūgh, Rushd, Maşlahah*

1. INTRODUCTION

The issue of early marriage poses significant obstacles for Indonesia and remains a critical concern in the country's development. Although there has been a considerable decline compared with previous years, the rate of child marriage in Indonesia remains alarming, according to the 2023 National Socio-Economic Survey (Susenas). Although Law Number 16 of 2019 clearly establishes the minimum age of marriage at 19 years for both sexes, the Ministry of Women's Empowerment and Child Protection (KemenPPPA) reported that 1.2 million Indonesian women were married before the age of 18 in 2023 (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak [KemenPPPA], 2023, p. 41).

The complex factors underlying early marriage in Indonesia are closely intertwined with this phenomenon. In some communities, early marriage is often perceived as a means of preserving family honor, preventing adultery, or reducing economic burdens (Nuraini & Mulia, 2022, p. 48). Theologically, through a literal interpretation of religious texts, particularly hadiths referring to 'Ā'ishah r.a., the practice of early marriage is frequently justified on the basis of the age at marriage (Shihab, 2002, pp. 234–235). This illustrates a gap between contemporary welfare needs and traditional religious understandings.

Reconstructing religious understanding is therefore highly important in this context. A thematic interpretation of the Qur'an provides an appropriate approach for revisiting the core Islamic principles related to marriage by considering social and psychological conditions as well as advances in contemporary science (Assagaf, 2019, pp. 78–82). This approach enables scholars, academics, and policymakers to identify common ground between universal Islamic values and the need for regulations that protect children's rights.

This method allows academics, religious experts, and legislators to harmonize the need for laws that safeguard children's rights with universal Islamic principles. In Indonesia, the legal framework has undergone significant changes. Prior to 2019, girls under the age of sixteen could marry with judicial approval under Law Number 1 of 1974 concerning Marriage (Law Number 1 of 1974, Article 7 paragraph [1]). However, Law Number 16 of 2019, which raised the minimum age of marriage to 19 years for both sexes, was eventually enacted after a long struggle by various groups, including women's activists, civil society organizations, and several religious scholars (Law Number 16 of 2019).

Nevertheless, the implementation of this law continues to face several challenges, including resistance from conservative groups who believe that the regulation contradicts Islamic law (Komnas Perempuan, 2023, p. 112).

To address the issue of early marriage comprehensively, this article proposes a framework that integrates statutory law with thematic interpretation of the Qur'an. Thematic interpretation provides a theological foundation for the legitimacy of regulation, while regulation offers a concrete instrument for translating these theological values into social practice. This synergy is not merely a combination of religious and legal approaches, but rather an integration that mutually reinforces both.

Regulation of Early Marriage in Indonesia

The formation of marriage law in Indonesia reflects the complex dynamics of legal politics. Prior to independence, Islamic law was dominant in many regions of Indonesia, while customary law also exerted a significant influence on marriage regulations, as noted in various studies of Indonesian Islamic law. After independence, disagreements between Islamic and nationalist forces made the formulation of a unified marriage law a difficult process.

Law Number 1 of 1974 concerning Marriage represented a political compromise that accommodated various interests. Article 7 paragraph (1) of the law stipulated that women had to be at least 16 years old, while men had to be at least 19 years old to marry (Law Number 1 of 1974, Article 7 paragraph [1]). However, a legal loophole emerged in Article 7 paragraph (2), which allowed marriages below the prescribed age limit to take place with court approval (Law Number 1 of 1974, Article 7 paragraph [2]). As this loophole was widely utilized, the practice of early marriage continued despite the existence of formal restrictions.

After more than four decades, the need to revise the Marriage Law became increasingly urgent. Several studies had demonstrated the adverse impacts of early marriage, while civil society movements became increasingly vocal in calling for reform. Ultimately, in 2019, the House of Representatives of the Republic of Indonesia enacted Law Number 16 of 2019, which raised the minimum age of marriage to 19 years for both men and women (Law Number 16 of 2019).

Nevertheless, the implementation of Law Number 16 of 2019 has faced various challenges. Research conducted by the National Commission on Violence against Women (Komnas Perempuan) in 2023 indicated that religious courts continued to grant marriage dispensations, although for very specific purposes (Komnas Perempuan, 2023, p. 115). In addition, unregistered marriages, commonly referred to as *sirri* marriages, remain widely practiced, particularly in communities with orthodox religious orientations.

2. RESEARCH METHOD

This qualitative study examines the relationship between early marriage law and thematic interpretation of the Qur'an through document analysis and literature review. To reconstruct Qur'anic principles as a theological foundation for anti-early marriage regulations, primary data derived from religious and legal texts were evaluated through data reduction, matrix display, and synthesis of conclusions.

3. RESULT AND ANALYSIS

The Concept of Bulūgh (Maturity) in the Qur'an

A fundamental verse frequently associated with the prerequisites of marriage in the Qur'an is QS. An-Nisā' [4]: 6, which states:

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

Translation:

“And test the orphans until they reach marriageable age. Then, if you perceive sound judgment in them, deliver their property to them...” (Ministry of Religious Affairs of the Republic of Indonesia, 2012).

QS. An-Nisā' [4]: 6 uses the term baligh, which means “to reach maturity” and is derived from the root balagha. A thematic interpretation indicates that this maturity encompasses both intellectual maturity, namely the ability to manage wealth wisely, and physical maturity. Imam al-Tabari emphasizes that baligh in this context refers not merely to age but also to the capacity to assume responsibility. In Tafsīr al-Manār, Muhammad ‘Abduh stresses that psychological and emotional maturity, which can be assessed through health conditions, educational attainment, and socio-economic readiness, constitutes a prerequisite for a valid marriage. The concept of *rushd* in this verse highlights the necessity for a person to possess wisdom, stability, and the ability to distinguish right from wrong before being entrusted with the property of orphans. By demonstrating that functional competence, rather than biological age alone, is a requirement for marriage, this interpretation provides a theological foundation for anti-early marriage legislation.

In this verse, bulūgh is the verbal noun of balagha, which means to arrive, to reach, or to mature (Shihab, 2002, p. 456). In this context, bulūgh refers not only to biological age but also to the ability to manage wealth responsibly. According to Imam al-Tabari's interpretation, bulūgh in this verse includes both intellectual capacity, namely the ability to manage wealth wisely, and physical maturity, namely reaching adulthood (al-Tabari, 1995, p. 234).

QS. Al-An'ām [6]: 152 states:

وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ وَأَوْفُوا بِالْعَيْلِ وَالْمِيزَانَ بِالْقِسْطِ ۗ لَا نُكَلِّفُ نَفْسًا إِلَّا وُسْعَهَا وَإِذَا قُلْتُمْ فَاعْدِلُوا وَلَوْ كَانَ ذَا قُرْبَىٰ ۗ وَبِعَهْدِ اللَّهِ أَوْفُوا ۗ ذَلِكُمْ وَصَّوْنَاكُمْ بِهِ لَعَلَّكُمْ تَتَّقُونَ

Translation:

“And do not approach the property of the orphan except in the best manner until he reaches full maturity...” (Ministry of Religious Affairs of the Republic of Indonesia, 2012).

In this passage, bulūgh is also associated with the ability to manage wealth, indicating that maturity in Islam is functional rather than merely formal. The term bulūgh, derived from balagha, is used in QS. Al-An'ām [6]: 152 to denote the attainment of maturity. From a thematic interpretive perspective, maturity in Islam extends beyond chronological age and includes the capacity to manage financial matters wisely. In Tafsīr al-Manār, Muhammad ‘Abduh emphasizes that a valid marriage requires psychological and

emotional maturity, which may be assessed through educational achievement, mental health, and socio-economic readiness. Similarly, Imam al-Tabari explains that *bulūgh* in this context refers to both intellectual maturity, namely the ability to manage wealth properly, and physical maturity. The concept of *rushd* in this verse further underscores the necessity for a person to be wise, stable, and capable of distinguishing right from wrong before being entrusted with the property of orphans. This interpretation therefore offers a theological basis for anti-early marriage legislation by affirming that functional competence, rather than biological age alone, is a prerequisite for marriage.

A functional understanding of maturity is also empirically supported by recent findings in neuroscience. According to research by the National Institute of Mental Health (NIMH), the human brain, particularly the prefrontal cortex, which is responsible for impulse control and decision-making, does not fully mature until around the age of 25 (National Institute of Mental Health, 2011). Although the age of 25 cannot be used as an absolute legal threshold, this finding indicates that individuals under the age of 18 generally have not yet attained sufficient cognitive and emotional maturity to make major life decisions such as marriage.

The Concept of *Rushd* (Capacity for Responsibility) in the Qur'an

Another highly relevant concept is *rushd*, which is often translated as responsibility, wisdom, sound judgment, or maturity. QS. An-Nisā' [4]: 6 states:

وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ أُسْنِتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَنْ يَكْبَرُوا ۗ
وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ ۖ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ ۗ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ ۗ وَكَفَىٰ بِاللَّهِ حَسِيبًا

Translation:

"...and if you perceive in them *rushd* [maturity and the ability to manage property properly], then deliver their property to them..." (Ministry of Religious Affairs of the Republic of Indonesia, 2012).

QS. An-Nisā' [4]: 6 employs the term *rushd*, which denotes the capacity for responsibility, wisdom, and maturity. A thematic interpretation demonstrates that maturity in Islam is functional in nature, encompassing not only age but also the ability to manage wealth wisely. In *Tafsīr al-Manār*, Muhammad 'Abduh emphasizes that psychological and emotional maturity, which may be determined through educational attainment, mental health, and socio-economic readiness, is a prerequisite for a valid marriage. Imam al-Tabari also stresses that *rushd* in this context includes both mental capacity, namely the ability to manage wealth appropriately, and physical maturity. The concept of *rushd* in this verse therefore highlights the necessity for a person to be wise, stable, and capable of distinguishing right from wrong before being entrusted with the property of orphans. By establishing that functional competence, rather than biological age alone, is a requirement for marriage, this interpretation provides a theological foundation for anti-early marriage legislation.

The meaning of *bulūgh* is further clarified by the term *rushd* in this verse. In *Mufradāt Alfāz al-Qur'ān*, al-Rāghib al-Aṣḥānī defines *rushd* as "correctness in a matter and firmness in it," which includes the ability to distinguish between right and wrong and to act in accordance with truth (al-Aṣḥānī, 2005, p. 345).

In the context of marriage, *rushd* refers to the ability to: (1) understand marital rights and responsibilities; (2) manage family life financially and emotionally; (3) care for and educate children; and (4) deal with conflict and stress within the household. These capacities require a long process of psychosocial development that extends far beyond biological age alone.

In his commentary *Tafsīr al-Manār*, Muhammad ‘Abduh emphasizes that the ability to realize the objectives of marriage, namely achieving tranquility and establishing a harmonious family, is a necessary condition for a valid marriage in Islam (Abduh, n.d., p. 123). A marriage may therefore be considered invalid, or at least defective, if one of the spouses lacks this capacity.

The Concept of *Maslahah* (Public Welfare) in the Quran

The principle of *maṣlaḥah* constitutes a fundamental principle in Islamic law. QS. Al-Baqarah [2]: 185 states:

شَهْرُ رَمَضَانَ الَّذِي أُنزِلَ فِيهِ الْقُرْآنُ هُدًى لِّلنَّاسِ وَبَيِّنَاتٍ مِّنَ الْهُدَىٰ وَالْفُرْقَانِ فَمَن شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ وَمَن كَانَ مَرِيضًا أَوْ عَلَىٰ سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ وَلِتُكْمِلُوا الْعِدَّةَ وَلِتُكَبِّرُوا اللَّهَ عَلَىٰ مَا هَدَاكُمْ وَلَعَلَّكُمْ تَشْكُرُونَ

Translation:

“Allah intends ease for you and does not intend hardship for you” (Ministry of Religious Affairs of the Republic of Indonesia, 2012).

QS. Al-Baqarah [2]: 185 highlights the Islamic legal principle of benefit and ease. A thematic interpretation indicates that Islamic law is essentially intended to serve human welfare rather than impose hardship. According to Muhammad ‘Abduh in *Tafsīr al-Manār*, this verse provides a basis for the concept of *maqāṣid al-sharī‘ah*, or the objectives of Islamic law. Al-Shāṭibī, in *al-Muwāfaqāt*, also uses this verse as evidence that every legal ruling should be assessed in terms of its benefit for humankind. A thematic analysis of the concept of *maṣlaḥah* reveals that this principle is incompatible with early marriage, which has been shown to have adverse effects on reproductive health, education, and welfare. Thus, efforts to prevent early marriage may be theologically justified as an attempt to fulfill the Qur’anic mandate of *maqāṣid al-sharī‘ah*.

This verse illustrates that Islamic law is fundamentally concerned with human welfare. The concept of *maṣlaḥah* stands in opposition to early marriage because the practice has been proven to generate negative consequences for well-being, health, and education.

A thematic interpretation of the concept of *maṣlaḥah* shows that the Qur’an consistently prioritizes human welfare. QS. Al-Mā‘idah [5]: 6 states:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا وَإِنْ كُنْتُمْ مَرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُم مِّنَ الْغَائِطِ أَوْ لَمَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِرُءُوسِكُمْ وَأَيْدِيكُمْ مِنْهُ مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ وَلَٰكِنْ يُرِيدُ لِيُطَهِّرَكُمْ وَلِيُنِيمَ نِعْمَتَهُ عَلَيْكُمْ لَعَلَّكُمْ تَشْكُرُونَ

Translation:

“O believers, when you rise for prayer, wash your faces and your hands up to the elbows, wipe your heads, and wash your feet up to the ankles. If you are in a state of major

impurity, purify yourselves. But if you are ill, on a journey, have relieved yourselves, or have been in contact with women and cannot find water, then purify yourselves with clean dust, wiping your faces and hands with it. Allah does not intend to place hardship upon you, but He intends to purify you and complete His favor upon you so that you may be grateful” (Ministry of Religious Affairs of the Republic of Indonesia, 2012).

QS. Al-Mā'idah [5]: 6 emphasizes that Allah's purpose is not to burden human beings, but to purify them and perfect His blessings upon them. A thematic interpretation demonstrates that Islamic law primarily aims at benefit, ease, and purification rather than hardship. According to Muhammad 'Abduh in *Tafsīr al-Manār*, this verse serves as a foundation for the principle of *maqāṣid al-sharī'ah*, which prioritizes human protection and welfare. Al-Shātibī, in *al-Muwāfaqāt*, also refers to this verse as evidence that every legal provision must be evaluated based on the benefit it produces. From a thematic perspective, the concept of *maṣlaḥah* is inconsistent with early marriage because early marriage has been empirically shown to harm health, education, and welfare. Therefore, addressing early marriage can be understood as a means of realizing the objectives of Islamic law.

QS. Al-Ḥajj [22]: 78 states:

وَجَاهِدُوا فِي اللَّهِ حَقَّ جِهَادِهِ هُوَ اجْتَبَاكُمْ وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ مِّلَّةَ أَبِيكُمْ إِبْرَاهِيمَ هُوَ سَمَّاكُمُ الْمُسْلِمِينَ مِنْ قَبْلِ
وَفِي هَذَا لِيَكُونَ الرَّسُولُ شَهِيدًا عَلَيْكُمْ وَتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ فَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَاعْتَصِمُوا بِاللَّهِ هُوَ مَوْلَاكُمْ
فَنِعْمَ الْمَوْلَى وَنِعْمَ النَّصِيرُ

Translation:

“Strive for Allah with the striving due to Him. He has chosen you and has not placed upon you any hardship in religion. Follow the faith of your forefather Abraham. He named you Muslims before and in this Qur'an, so that the Messenger may be a witness over you and you may be witnesses over humanity. So establish prayer, give alms, and hold firmly to Allah. He is your Protector; what an excellent Protector and what an excellent Helper” (Ministry of Religious Affairs of the Republic of Indonesia, 2012).

QS. Al-Ḥajj [22]: 78 underscores that Allah does not impose upon human beings religious obligations that exceed their capacity. In light of the concept of *maqāṣid al-sharī'ah*, a thematic interpretation indicates that Islamic law is characterized by flexibility and is not intended to create hardship. According to Muhammad 'Abduh in *Tafsīr al-Manār*, this verse provides the basis for the requirement that every legal ruling must be consistent with human capacity and welfare. Al-Shātibī, in *al-Muwāfaqāt*, considers this verse as evidence that Islamic law seeks to protect life, intellect, and lineage. From the thematic interpretation of *maṣlaḥah*, early marriage is incompatible with this principle because it places excessive responsibilities upon children. Therefore, preventing early marriage may be justified as an effort to fulfill the Qur'anic mandate of *maqāṣid al-sharī'ah*.

Human beings are not meant to be excessively burdened by divine law. In the context of marriage, *maṣlaḥah* may be measured through several indicators, including reproductive health of mothers and children, educational attainment, economic welfare, and household harmony. Empirical data show that all of these dimensions are negatively affected by early marriage. Thus, efforts to address early marriage can be justified as part of the realization of the Qur'anic mandate concerning *maṣlaḥah*.

The Concept of Nikāḥ in the Qur'an: From Social Contract to Protective Institution

A thematic analysis of the term nikāḥ in the Qur'an reveals that marriage in Islam is a social institution intended to establish a sakinah family, rather than merely a biological or reproductive contract. QS. Ar-Rūm [30]: 21 states:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

Translation:

“And among His signs is that He created for you spouses from among yourselves so that you may find tranquility in them, and He placed between you affection and mercy. Indeed, in that are signs for people who reflect” (Ministry of Religious Affairs of the Republic of Indonesia, 2012).

QS. Ar-Rūm [30]: 21 emphasizes that sakinah or tranquility, as well as mawaddah wa raḥmah or affection and mercy, constitute the objectives of marriage. A thematic interpretation shows that these objectives require emotional and psychological maturity, which cannot be adequately achieved at a very young age. According to Muhammad ‘Abduh in Tafsīr al-Manār, both spouses must possess psychological maturity for a marriage to fulfill its intended purpose. Imam al-Tabari also explains that the values of affection and mercy require empathy, self-control, and effective communication. From this perspective, early marriage, which often leads to conflict, psychological pressure, and domestic vulnerability, contradicts the core objectives of marriage in Islam.

According to this verse, the objectives of marriage are love and compassion (mawaddah wa raḥmah) as well as tranquility (sakinah). Emotional and psychological maturity is required to realize both objectives, and such maturity cannot be adequately attained at a very young age.

QS. An-Nisā’ [4]: 25 states:

وَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مِمَّا مَلَكَتْ أَيْمَانُكُمْ مِنْ قَتِيلِكُمُ الْمُؤْمِنَاتِ وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُمْ مِنْ بَعْضٍ فَانكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَأَتُوهُنَّ أَجُورَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسْفَحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ فَإِذَا أَحْصَيْتُمْ أَنْ تَنْكِحُنَّ فَاغْتَسِبْنَ فَعَلَيْهِنَّ نِصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ ذَلِكَ لِمَنْ خَشِيَ الْعَنَتَ مِنْكُمْ وَأَنْ تُصْبِرُوا خَيْرٌ لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ

Translation:

“Whoever among you does not have the means to marry free believing women may marry believing women from among those whom you possess. Allah knows best your faith. You are one from another. So marry them with the permission of their guardians and give them their dowries in a proper manner, provided that they are chaste, neither committing fornication nor taking secret lovers. If, after marriage, they commit an indecent act, their punishment shall be half of that prescribed for free unmarried women. This concession is for those among you who fear falling into hardship. Yet patience is better for you. Allah is Most Forgiving, Most Merciful” (Ministry of Religious Affairs of the Republic of Indonesia, 2012).

QS. An-Nisā' [4]: 25 indicates that family consent and the ability to provide a dowry are prerequisites for marriage. From a thematic interpretive perspective, these conditions require developed social and financial capacity. In *Tafsīr al-Manār*, Muhammad 'Abduh states that responsibility and financial readiness are necessary in order to provide a dowry in a *ma'rūf* or proper manner. Imam al-Tabari further explains that family consent and the protection of chastity require legal and ethical understanding, which presupposes cognitive maturity. This interpretation provides a theological basis for anti-early marriage legislation by emphasizing that individuals under the age of 19 generally need financial, social, and intellectual readiness before entering marriage.

QS. An-Nisā' [4]: 25 also outlines the conditions for marrying a bondwoman. These conditions include the ability to avoid immoral conduct and the capacity to provide a dowry. Such requirements indicate that marriage demands certain financial, cognitive, and moral capacities.

Discussion

Law Number 16 of 2019 was the outcome of a long struggle involving multiple stakeholders. Prior to the enactment of this law, Indonesia had the second-highest rate of early marriage in Southeast Asia after Cambodia (UNICEF, 2023, p. 18).

Law Number 16 of 2019 rests on four main pillars. First, it equalizes the minimum age of marriage for men and women at 19 years, marking a significant change from the previous law, which differentiated the minimum age based on sex. Second, it restricts general dispensations, meaning that marriage dispensations for individuals under the age of 19 may only be granted under very limited circumstances and through strict judicial consideration. Third, it provides sanctions for perpetrators of early marriage, although their implementation still faces various challenges. Fourth, it protects victims of early marriage by providing access to health services, education, and social rehabilitation (Law Number 16 of 2019).

According to data from the Ministry of Women's Empowerment and Child Protection in 2023, the implementation of Law Number 16 of 2019 has produced outcomes in four main areas. First, the prevalence of child marriage declined significantly from approximately 11% in 2018 to around 8% in 2023 (KemenPPPA, 2023, p. 47). However, this figure remains far from the SDG target, which calls for the elimination of child marriage by 2030. Second, although marriage dispensation has been restricted, several Religious Courts in certain regions continue to grant dispensations on insufficient grounds, often due to social pressure or traditional considerations. Third, unregistered marriage remains a major challenge. Data from Statistics Indonesia in 2023 indicate that approximately 30% of marriages in several regions were not officially registered, making them difficult to monitor (Badan Pusat Statistik, 2023, p. 23). Fourth, conservative organizations continue to oppose this law on the grounds that it is incompatible with Islamic law, particularly those relying on literal interpretations of religious texts (Komnas Perempuan, 2023, p. 118).

Several derivative regulations also support the prevention of early marriage. These include Government Regulation Number 21 of 2022 concerning the Implementation of Child Protection, which regulates mechanisms for protecting children from early marriage; Regulation of the Minister of Women's Empowerment and Child Protection Number 4 of 2022 concerning Service Standards for the Protection of Women and Children

Victims of Violence, which includes victims of early marriage; and Presidential Instruction Number 1 of 2022 concerning the Prevention and Handling of Child Marriage, which assigns various ministries and institutions to collaborate in preventing early marriage (Presidential Instruction Number 1 of 2022). Effective inter-institutional coordination requires cooperation among the Supreme Court, the Ministry of Health, the Ministry of Education and Culture, the Ministry of Women's Empowerment and Child Protection, the Ministry of Religious Affairs, and local governments. However, according to the 2023 assessment, such coordination remains inadequate and is often hindered by differences in institutional perspectives (various institutions, 2023).

The first step in creating synergy between thematic interpretation and regulation is to provide both with a theological foundation. Conservative groups often view anti-early marriage legislation as a product of secularism that contradicts Islam. Therefore, thematic interpretation can offer a counter-narrative by demonstrating that such legislation is consistent with Islamic principles. Three main pillars emerge from the reconstruction of Qur'anic values through thematic interpretation. First, the prerequisite for marriage is maturity rather than chronological age. The concepts of *bulūgh* and *rushd* indicate that the requirement is functional capacity, not merely biological age, which in the modern context can be measured through educational attainment, mental health, and socio-economic readiness. Second, Islam prioritizes the protection of the vulnerable. The Qur'an consistently emphasizes protection for vulnerable groups, including children; therefore, early marriage may be understood as a form of child exploitation that contradicts the protective spirit of Islam. Third, the principle of benefit requires marriage to take place under conditions that support the realization of *sakinah*, *mawaddah*, and *rahmah*. Thus, early marriage, which has been shown to contradict public welfare, is inconsistent with the objectives of Islamic law, as discussed in contemporary literature on child protection from an Islamic perspective.

This study has several significant theoretical implications for the development of contemporary Islamic scholarship. First, in relation to the development of contextual thematic interpretation, this study demonstrates that thematic interpretation is not only relevant for academic inquiry but can also be applied to social problem-solving. This approach may be further developed to analyze other social issues, such as gender-based violence, radicalism, and social inequality.

Furthermore, in the context of *fiqh* reconstruction, this study supports the efforts of contemporary Muslim scholars such as Fazlur Rahman, Muhammad Arkoun, and Abdullahi Ahmed An-Na'im, who argue that Islamic jurisprudence is dynamic and capable of responding to changing social contexts, as long as it remains grounded in the fundamental principles of the *sharī'ah* (Rahman, 1982).

Third, this study contributes to theoretical discussions on the relationship between Islamic law and positive law. The proposed synergy shows that positive law can function as an instrument for realizing Islamic legal values rather than as a rejection or replacement of them, as discussed in contemporary Islamic legal literature. Taken together, these implications indicate that thematic interpretation and contextual reconstruction of Islamic jurisprudence can serve as a bridge between the demands of modern social issues and the classical Islamic scholarly tradition. This framework enables contemporary social

challenges to be addressed without compromising the spirit and foundational principles of the sharī'ah.

4. CONCLUSION

Based on the discussion above, several conclusions can be drawn. The thematic interpretation of the Qur'an reconstructs legal understandings related to Islamic concepts by shifting from a literal and chronological understanding toward a functional understanding grounded in psychological maturity. The concepts of bulūgh, rushd, and maṣlahah demonstrate that the validity of marriage requires the capacity to achieve the objectives of marriage, namely the realization of sakinah, mawaddah, and raḥmah. Early marriage, which often fails to realize these benefits, is therefore inconsistent with the objectives of Islamic law.

Indonesian legislation, particularly Law Number 16 of 2019, has provided a strong legal foundation for the prevention of early marriage. However, its implementation continues to face several challenges, including resistance from conservative groups, the persistence of unregistered marriages, and weak inter-institutional coordination.

The synergy between thematic interpretation and regulation offers an effective framework for addressing early marriage in Indonesia. Thematic interpretation provides a theological foundation and religious legitimacy for regulation, while regulation offers legal instruments for translating theological values into social practice. The proposed synergy model includes four stages: theological reconstruction, regulatory formulation, integrated implementation, and continuous evaluation.

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