

## ANALYSIS OF IDEAL MARRIAGE AGE PERSPECTIVE OF ISLAMIC FAMILY LAW PHILOSOPHY

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**Abstract:** This study analyses the ideal marriage age from the perspective of Islamic family law philosophy in Indonesia. Islamic law emphasizes not only biological readiness but also emotional, mental, and social maturity. Using a qualitative approach that incorporates legal philosophy, health, psychology, and maqasid sharia perspectives, this research finds that 21 years is the most appropriate age for marriage. At this age, individuals generally achieve physical maturity, psychological stability, and socio-economic readiness, thus increasing the potential to build a *sakinah, mawaddah, and rahmah* family. These findings have implications for formulating marriage laws that are more aligned with both Islamic legal principles and contemporary societal needs.

**Keywords:** Ideal Marriage Age, Islamic Legal Philosophy, Maqasid Shariah, Reproductive Health, Legal Reform in Indonesia

## Introduction

Marriage is an essential institution in human life, with personal, social, cultural, and religious dimensions. This is a vital principle for marriage as found in Surah Ar-Rum (30:21), Surah An-Nisa (4:1), and Surah An-Nur (24:32) (Asad, 1980; Hamka, 1955, 2005; Katsir, 1999).

In Indonesia, the provisions on the minimum age for marriage are regulated in Article 7 of Law Number 16 of 2019, which revises Law Number 1 of 1974 (hereinafter referred to as UUP in this paper). This provision states that the minimum age to marry is 19 for both men and women. Judging from the purpose of the amendment, this age determination aims to protect the rights of children and women and ensure the physical and mental readiness of prospective married couples.

The determination of the age of marriage of 19 years, as in the UUP, needs to be studied and tested from various perspectives. Several questions can also be asked to test it. For example, from a Health Perspective, is the age of 19 medically considered ideal for pregnancy and childbirth, especially related to maternal and infant health risks?, Is the age of 19 enough to deal with post-pregnancy physical and psychological challenges, such as baby blues or postpartum depression?. From the perspective of family psychology, is the age of 19 considered emotionally mature enough to become a parent, especially in the face of the pressures of home life and parenting? How does the age of 19 compare to a more mature age in terms of emotional stability, conflict resolution ability, and resilience to family stress?, Does the individual already understand each partner's role in marriage and parenting at this age?

From a Household Responsibility Perspective, can a person carry out household responsibilities that require maturity, skills, and financial stability at 19? Does this policy consider the young couple's potential financial dependence on parents or extended family?

From the perspective of the Responsibility of Parenting and Motherhood, are 19-year-olds mature enough to educate and raise children in an emotionally, spiritually, and socially healthy environment? How is a 19-year-old woman's

psychological readiness to become a mother affected by the various physical and mental challenges she faces?

Social Interaction Perspective. Is the age of 19 mature enough to deal with the dynamics of social relationships in the extended family, society, and work environment? How is the ability of a 19-year-old couple to build healthy and supportive social relationships in the household?

A Moral/Ethical Perspective on Marriage: Does the age of 19 reflect a deep understanding of the moral and ethical principles of marriage, such as fidelity, commitment, and responsibility? How do certain religions or cultures view this age as the minimum limit for marriage? Is it in line with the universal values that apply?

Educational and Career Perspectives: Does this policy allow 19-year-old individuals to complete higher education and build a career before marriage? How does early marriage affect women's access to education or employment?

Maqashid Sharia Perspective. From the perspective of maqashid sharia, is the age of 19 capable of realizing the main goals of sharia, such as the protection of the soul (hifz al-nafs), reason (hifz al-aql), and heredity (hifz al-nasl)? Is this policy more inclined to prevent harm than to provide benefits?

From a health perspective, individuals under 20 are often not mature enough to deal with the biological risks of pregnancy. Female reproductive organs at that age, although they have reached biological maturity, are not yet fully optimal to support the safe process of pregnancy and childbirth. (American College of Obstetricians and Gynecologists, 2021). Risks such as anemia, preeclampsia, and premature birth are higher in this age group. In addition, psychologically, those under the age of 20 are often still at an unstable stage of emotional development, making it challenging to manage the stress of home life (Belsky, 1984). This can trigger conflicts, including Domestic Violence (KDRT), and ultimately increase the risk of divorce.

From an ethical and responsible perspective, marriage demands the ability to exercise the role of spouse and parent wisely. At too young an age, moral maturity and social responsibility are often unfulfilled (Belsky, 1984). In an

Aristotelian view of ethics, the age of 20 is the ideal time to fulfil this responsibility because the individual has already reached moral maturity (Aristotle, 1962).

Psychologically, people under 20 are often still at an unstable stage of emotional development, making it challenging to manage the pressures of home life (Erikson, 1950). Individuals at this age may not have the maturity to deal with conflict, which can trigger Domestic Violence (KDRT) and divorce. According to Erik Erikson's developmental theory, the age of 19 is in the "Identity vs. Role Confusion" stage, in which the individual is still searching for identity and stability.<sup>3</sup> Giving birth and motherhood at this age is very stressful due to a lack of emotional readiness.

Al-Qaradawi emphasized that Islamic law does not only rely on formal legal aspects, but also on the benefits felt by individuals and society (Al-Qaradawi, 1995; Azizy, 2004; Manan, 2006). In this context, marriage law considers not only the legal aspect but also the benefits that result for individuals, families, and society. In another editorial, Al-Zuhaili explains that marriage in Islam aims to realize peace of mind (sakinah), affection (rahmah), and mutual happiness (mawaddah). So it is on this basis that the age gap becomes vital in marriage (Al-Zuhaili, 2002; Nasution, 2004). The determination of the ideal age of marriage is closely related to achieving these benefits, such as minimizing domestic violence, improving the quality of domestic life, and giving birth to a healthier and more qualified generation.

Another problem is the high divorce rate in couples who marry at a young age. According to data from the Central Statistics Agency (BPS), one of the leading causes of divorce is couples' lack of mental and emotional readiness to face domestic challenges. This reinforces the urgency of discussing the ideal age of marriage from the perspectives of health, psychology, biology, ethics, and benefits in Islamic law.

The phenomenon of high rates of young marriage and its impact on the quality of family and community life shows the importance of this study. This research aims to provide a comprehensive view of the ideal age of marriage based on the perspectives of health, psychology, biology, ethics, and benefits in

Islamic law. This topic is also essential to making a real contribution to minimizing social problems such as divorce and domestic violence, and supporting the creation of a *sakinah*, *mawaddah*, and *rahmah* family.

Therefore, a study of the ideal age of marriage needs to be conducted to provide a comprehensive view that can be a foundation for society and policymakers. This topic is also essential to making a real contribution to minimizing social problems such as divorce and domestic violence, and supporting the creation of a *sakinah*, *mawaddah*, and *rahmah* family.

## **Research Methodology**

This research is a juridical normative research. This study focuses on legal provisions that regulate the minimum age of marriage, such as Law Number 16 of 2019 (Herviani dkk., 2022; Yanni Dewi Siregar & Kelana, 2022). The approach used is a legislative approach, a philosophical approach. Psychological approach, Health approach, and sociological approach. The data will be analysed descriptively and comparatively to identify the ideal age of marriage from various perspectives. The results of the analysis will be systematically compiled to answer the research problem, namely, the ideal age of marriage from the standpoint of Islamic legal philosophy and benefits (Albi & Johan, 2018; Hasibuan dkk., 2022; Syahrums, 2022).

## **Results and Discussion**

### **Age Limit for Marriage in Islamic Law**

The Qur'an and Hadith do not clearly state the age limit for marriage. The two primary sources only affirm that a person who will carry out a marriage is fit and mature so that they can manage and live their home life well. With this maturity, married couples can fulfill their obligations and rights reciprocally.

In the Qur'an, Surah An-Nisa' verse 6 (Departemen Agama RI, 1993) Affirms that a person can marry when he is old enough. In other words, a person's marriage can occur during puberty or adulthood. A hadith explains that the Prophet Muhammad PBUH married Siti Aisha when Aisha was still

young, as narrated by Bukhari and Muslim (Hajjaj, t.t.).

Regarding the above hadith, two thoughts of Mu'tabar contradict each other, namely the scholars who accept the text and the scholars who reject it, for those who receive, the primary basis is the absolute validity of the hadith conveyed by Imam Bukhari to be accepted because his book is the best of the other hadith books. In contrast, those who reject underage marriage consider that the marriage of the Prophet Muhammad with Aisha is an exceptional quality possessed by the Prophet and is not something that his people just followed. Because the marriage of the Prophet Muhammad with Aisyiyah was solely due to the guidance of Allah, so the emphasis on the specificity of the Prophet Muhammad above must be put forward so that it does not become a new legitimacy in carrying out the practice of underage marriage (Rajafi, 2015).

Meanwhile, the four Imams of the Mahzab have different opinions regarding the minimum age limit for marriage. Imam Malik argued that the age limit for puberty for marriage for men and women is 17 years or 18 years. Abu Hanifah argued that the age of puberty for marriage is 19 years for men and 17 years for women. Meanwhile, according to Imam Shafi'i and Imam Hanbali, the age of puberty to get married is 15 years (Al-Asqalani, t.t.).

The differences of the madhab imams above regarding the age of puberty are greatly influenced by the environment and socio-culture in which they live. Imam Abu Hanifah lived in Kufa, Iraq. Imam Malik lived in the city of the Prophet (peace be upon him), Medina. Imam Shafi'i lived in Medina, Baghdad, Hijaz, and Egypt, and he died in this last place. Meanwhile, Imam Ahmad resided in Baghdad. From the difference of opinion of the Imam of the Mazhab, the opinion of Imam Abu Hanifah is the one that gives the highest age limit compared to other Imams of the Mazhab. This opinion of Imam Abu Hanifah is used as a reference in the marriage law in Indonesia (Al-Asqalani, t.t.).

M. Rashid Ridha argues that the limit until the time of marriage means that a person has arrived to marry, until he dreams as a sign that he has reached puberty, where he has been taught, both worship and muamalah, so that the meaning of rushdan is the ability of a person to do an act that will bring a good

and avoid bad. This proves his mind is perfect (Ridha, t.t.).

Imam Ibn Katsir argued in his commentary that the meaning of the limit until the time of marriage is to be old enough or intelligent, while what is meant by adulthood is marked by the existence of a dream that causes the water to become a child (Katsir, t.t.) Ibn Katsir agrees with Rashid Ridha that the time limit for a person to marry is emphasized on *rushdan*, namely age and intelligence, which are characterized by physical characteristics such as wet dreams in men and menstruation in women.

Hamka in the Tafsir of Al-Azhar argues that the limit until marriage is interpreted with the meaning of adulthood, where a person's maturity depends not on age but on intelligence or intelligence of mind. Because there are children whose age is immature but intellectually they are intelligent/intelligent, and conversely, there are children whose age is said to be mature but their thinking is immature (mature) (Hamka, 1984).

In the interpretation of the verse Al-Ahkam, a child is said to be puberty if a man has dreamed, as scholars have agreed that a child who has dreamed is *junub* (semen). (Al-Shabuny, 1999) Then he has puberty, while the characteristics of women when they are pregnant or menstruating are the limits of puberty. As explained in Tafsir Al-Misbâh, the root word *rushdan* means the precision and straightness of the road. So, the word *rushd* for humans is the perfection of the mind and soul that makes them able to behave and act as accurately as possible.

The interpretation of the verse above shows that maturity can be demonstrated through dreams and *Rusyd*. However, *Rusyd* and age are sometimes impossible and difficult to determine. A person who has dreamed is sometimes not rushed in his actions, or the Scientific Dictionary mentions that maturity (truth) has been reached. Contemporary scholars argue that the time to marry is determined by physical characteristics and emphasise the perfection of the mind and soul. Therefore, a marriage requires physical maturity and must be balanced with

psychological, social, economic, intellectual, and religious maturity.

### **Marriage Age Limit in Positive Law**

In the National Laws and Regulations, the issue of the marriage age limit is explained in several rules, namely:

1. Law number 1 of 1974 concerning marriage, stated in article 50 paragraph 1 “Children who have not reached the age of 18 (eighteen) years or have never been married, who are not under the authority of parents, are under the power of guardians, while regarding the limit of maturity to carry out marriage is determined in article 6 paragraph 2 (two) states “To carry out a marriage, a person who has not reached the age of 21 (twenty-one) years must obtain a second permit parents”. Article 7, paragraph 1 states that “Marriage is only allowed if the man has reached the age of 19 (nineteen) years and the woman has reached 16 (sixteen) years”. The provisions of this Law have been updated with Law number 16 of 2019 concerning marriage. In the provisions of Law Number 16 of 2019, the age of marriage between women and men is equivalent to 19 years.
2. Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law (KHI) article 98 paragraph 1 states that the age limit for children who can be independent is 21 (twenty-one) years, as long as the child is not physically or mentally disabled or has never been married.
3. Law Number 3 of 1997 concerning the Children’s Court Article 1 number 1 states that a child is a person who in the case of a delinquent child has reached the age of 8 (eight) years but has not reached the age of 18 (eighteen) years and has never been married”. Article 4 paragraph (2) states “If the child commits a criminal act at the age limit as referred to in paragraph (1) and is submitted to the court after the child concerned exceeds the age limit, but has not reached the age of 21 (twenty-one) years, it shall still be submitted to the juvenile court”.
4. The Civil Code (KUH Pdt) article 330 paragraph (1) states “Immature are those who have not reached the age of twenty-one years and have not been married before”, while in paragraph (2) it states “If the marriage



is dissolved before they reach the age of twenty-one, then they do not return to their immature position”.

5. Article 171 of the Criminal Code (KUHP) states, “Those who may be examined to give evidence without oath are: a. Children who are not yet fifteen years old and have never been married. B. Memory sick or mentally ill even though sometimes their memory is good”. Article 153 paragraph (5) states that “The presiding judge of the trial may determine that a child who has not reached the age of seventeen years is not allowed to attend the hearing”. Article 45 of the Criminal Code (KUHP) states “In the case of criminal prosecution of a minor for committing an act before the age of sixteen, the judge may determine: order the guilty person to be returned to his parents, guardians or guardians, without any criminal penalty; or order that the guilty person be handed over to the government without any criminal charge, if the act constitutes a crime or one of the offenses under articles 489, 490, 492, 496, 497, 503-505, 514, 517-519, 526, 531, 532, 536 and 540 and has not passed two years since the conviction of the crime or one of the above-mentioned offenses, and the verdict has become final, or impose a penalty on the guilty.”
6. Law Number 23 of 2002 concerning child protection, article (1), number 1 states “A child is a person who is not yet 18 (eighteen) years old, including a child who is still in the womb.

From the various bases in the above laws and regulations, it can be clearly understood that the concept of adulthood does not have a single understanding, so for specific purposes and purposes almost every existing legislation will provide its own limit regarding the adult age limit. The discussion of the age of adulthood cannot be understood with only one scientific discipline. This work must use scientific interdisciplinarity, because the age of maturity is used in every discipline, such as law, sociology, politics, economics, and even in religion, especially in the issue of marriage, the age of maturity is something of a principle.

Diversity in determining the age limit of maturity is due to the absence of a benchmark that can be used accurately to determine the limit of human

maturity. Age can indeed be one of the determinants of maturity, but it is not always the right measure because maturity itself is a state in which a person has reached a level of maturity in thinking and acting, while the level of maturity is present in each person differently, there is even an opinion that it is possible that until the end of life a human being has never experienced maturity because maturity is not always directly proportional to age, therefore, it is necessary to examine in depth which regulations can or are more appropriate to be used as a juridical handle in determining the age limit of maturity.

## **Philosophical Values in Marriage: Age Restrictions in the Study of Family Law Philosophy**

### **1. The Urgency of Philosophy in the Rules on Marriage Age Restrictions**

Understanding the nature of the regulation is necessary to understanding the fundamentals of marriage's value, especially the issue of regulating the age limit of marriage as stipulated in the applicable law. Knowledge of the essence of a rule is carried out through the rational element of humans to obtain knowledge fundamentally and radically so that the knowledge produced can be firmly embedded and not easily shaky.

Philosophical thinking involves ontological (metaphysical) elements in understanding the nature of knowledge. As the object of discussion, the marriage age restriction regulation is a case in point.

As mentioned in Article 1 of the UUP, marriage is an innate bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on the One Godhead (Republik Indonesia, 1974b).

Furthermore, in article 7, paragraph (1), it is stated that marriage is only allowed if the man has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years (Republik Indonesia, 1974a)

Marriage is carried out to form family bonds. The family bond is intended to meet the essential needs of man as a being who is personally a man and a woman who desires to fulfill his biological needs. Besides being individuals,

humans also have social relationships that in their daily lives require elements of calm, order, and a sense of mutual care and affection. In the meantime, as a creature, man also has a relationship with his god so that the absolute religious element must be fulfilled. Marriage thus has fulfilled all the elements that exist in human beings, both as individuals, social beings, and divine beings. Therefore, the ontological review of the regulation of the age limit on marriage shows that the restriction is a legal remedy that meets human needs according to its nature.

To understand the essence of the truth that rationalists have achieved about the rules of restricting the age of marriage, the epistemological aspect is a philosophical attempt to uncover it. There are at least three theories of truth as advocated by philosophers, namely (1) Coherence Truth Theory which is based on criteria about the consistency of an argument; (2) The Theory of Truth of Correspondence which is based on the criteria of conformity between the material contained in such a statement; and (3) a Pragmatic Theory of Truth that is based on usability, efficiency and satisfaction (Yasid, 2010).

From the three theories of truth, the existence of the marriage age restriction rule gets its side of the truth. First, in terms of coherence, the rule has been based on the basic purpose of marriage to form a happy and eternal family that will only be realized if the perpetrators have been able to know and carry out their respective rights and obligations. Correspondingly, the rules on the age restriction of marriage have been strictly implemented according to the regulations by the authorized state apparatus and have been carried out in real terms by the community as a regulated object. Meanwhile, pragmatically, the rules on restricting the age of marriage have been applicable to reduce the rate of divorce due to family disharmony, domestic violence, reduce the risk of mortality due to lack of biological maturity, and suppress the rampant early child marriage.

Still in the same discussion, the axiological aspect seeks to discover the essence of the values in the marriage age restriction rules. The values referred to here are related to good and evil, ethics and morals and the benefits contained

in the rules. It was revealed that among the impacts of the absence of a marriage age restriction can result in health hazards and social hazards.

Among the health hazards are the risk of giving birth to a premature baby and damage to the organs of the mother who gave birth. Meanwhile, the social dangers that arise are the increasing number of unwanted pregnancies, abortion, human trafficking, the number of abandoned children, as well as the increase in divorce and unemployment rates, the increase in the oppression of women, and of course, the rise in divorce rates (Suryadilaga, 2009) Thus, if the dangers posed by the practice of marriage that does not meet the age criteria can be reduced, it clearly shows the value of the benefits contained in the rules of the age restriction of marriage.

## **2. Age Restrictions on Marriage According to Islamic Family Law Philosophy**

The philosophy of Islamic family law is the eldest child of the philosophy of Islamic law. In the study of Islamic legal philosophy, experts divide into two types of philosophy: the philosophy of tashri' and the philosophy of shari'ah. The philosophy of tashri' emphasizes the discussion of daim al-ahkam (the basics of Islamic law), mabadi al-ahkam (principles of Islamic law), usul al-ahkam (the principles of Islamic law), maqasid al-ahkam (the purposes of Islamic law), and qawaid al-ahkam (the principles of Islamic law). Meanwhile, shari'ah philosophy talks about asrar al-ahkam (the secrets of Islamic law), khasais al-ahkam (the characteristics of Islamic law), mahasin al-ahkam (the virtues of Islamic law), and tawabi' al-ahkam (the characteristics of Islamic law). The issue of restricting the age of marriage is associated with the philosophy of tashri', then the field of study is related to maqasid al-ahkam (the purposes of Islamic law).

The primary purpose of the shari'ah is to bring about good to people in their affairs, both in this world and the hereafter. In general, shari'ah in all its parts wants to secure the good of human beings, either in the form of an order to ensure good or a prohibition to avoid damage and evil (Kamali, 2013).

In addition to utilizing the teachings of the Qur'an, al-Sunnah, and ijma to realize the benefits, using ratios as an interpretation tool cannot be denied in Islamic law. The use of ratios in understanding nass is the correct standard

of understanding and it is the same as practicing *nass*, not practicing ratios, said al-Sarkhasi as quoted by Ahmad Imam Mawardi (Mawardi, 2012) The use of ratios through *qiyas* and new variants such as *istishab*, *istihsan*, *istislah*, and *al-maslahah al-mursalah*, no matter how many differences of opinion there are regarding its authority as a legal methodology, is still quite effective in overcoming the legal problems of *waqi'iyah*.

The rationalization and interpretation of the law that has been carried out is an effort to harmonize the goals of Sharia and the existing reality. This effort is essential to do, because as stated by al-Shahrastani and Abd. Salam Arief that: The texts of the nass are limited while the legal problems that require solutions are not limited, therefore, *ijtihad* is needed to interpret the limited nass so that various issues that are not explicitly stated in the nass can be sought (Arief, 2003).

The benefit aspect should be used as the main spirit and consideration carried out by legal experts in carrying out ijthihad because the essence of the whole shari'ah leads to only two things: bringing fame and avoiding damage. The determination of fame and damage can be known by reason and most matters of shari'ah. In its development, if there is a contradiction between benefit and harm, then what is favored to be implemented is to minimize damage. There is one well-known rule:

İóÑúÁō ÇáúāōÝóÇÓöİö Ãóæúáóí āōāú İóáuÈö ÇáúāōÕóÇáöİö

Meaning: Rejecting damage is prioritised over bringing good (Al-Qarafi, t.t.; Azzam, 2005; Taqi Al-Din, 1989; Zain-Al-Din, t.t.).

Regarding marriage, in Islamic law there is no limit on the age of marriage. The absence of a marriage age limit contains several benefits, including the immediate realization of marriage between a man and a woman so that they can immediately carry out the Sunnah of the Prophet in the form of marriage and strengthening the bond of brotherhood between two families. Even this kind of marriage tradition has also been exemplified by the Prophet and his companions.

However, seeing the harmful excesses that arise due to the absence of a marriage age limit, it is considered important to have such an age restriction. The age limit of marriage does not intend to prevent a person from getting married, but instead aims to avoid the danger and damage caused.

Even though the age restriction of marriage in the UUP outwardly seems contrary to the provisions of jurisprudence, philosophically it is not so, because it is by the spirit and purpose of the jurisprudence itself, namely the fulfillment of the principles of law by trying to eliminate damages.

## **The Ideal Age of Marriage: An Analysis Based on Multiple Perspectives**

The ideal age for marriage is not only seen from biological readiness, but also involves mental, emotional, social, and ethical dimensions. Based on health theory, psychology, ethics/morals, maternity readiness, and legal philosophy, the age of 20 to 30 years is the ideal range for marriage. Here is the argument:

### **1. Health Perspective**

- a. Reproductive Health: Biologically, the age of 20–30 years is the peak period of female fertility, with minimal risk of pregnancy complications (American College of Obstetricians and Gynecologists, 2021). Women who are married and pregnant under the age of 20 have a high risk of developing anemia, preeclampsia, and preterm birth (World Health Organization, 2022). Over the age of 35, reproductive health risks increase, including the possibility of having a baby with a genetic disorder (March of Dimes, 2020).
- b. General Health: The body's systems in their 20s are stronger at dealing with the physical demands of pregnancy and childcare than those of teenagers or older adults.

### **2. Psychological Perspective**

- a. Emotional Maturity: According to Erik Erikson's theory, the 20s are the stage of Intimacy vs. Isolation, when individuals begin to seek a stable and deep relationship (Erikson, 1950). This is when the individual has enough emotional maturity to enter a marital relationship.

- b. Mental Readiness: Marrying under the age of 20 is often not ideal because individuals are still in the stage of searching for identity (Identity vs. Role Confusion) (Piaget, 1950). In contrast, the age of 20s allows couples to make rational decisions regarding marriage, parenting, and family planning.

### **3. Ethical and Moral Perspectives**

- a. Moral Responsibility: Marriage is a binding social and moral contract, requiring individuals to be responsible for their spouse, children, and society. In an Aristotelian view of ethics, the age of 20 is the ideal time to fulfill this responsibility because the individual has already reached moral maturity (Aristotle, 1962).
- b. Rights and Obligations: Morally speaking, couples who marry in early adulthood can better carry out their role in building harmonious families and educating children responsibly.

### **4. Childbirth Readiness Perspective**

- a. Minimal Risk: Pregnancy at age 20-30 has a lower risk of complications than teenage or older. According to the World Health Organization (WHO), pregnancy before the age of 20 or after 35 years has a greater potential for complications, both for the mother and the baby (World Health Organization, 2022).
- b. Psychosocial Support: Being in your 20s allows mothers to receive better emotional and financial support than during adolescence.

### **5. Legal Philosophy Perspective**

- a. Purpose of Marriage Law: In Islamic legal philosophy, marriage aims to preserve religion, offspring (hifz al-nasl), and create family harmony (Al-Shatibi, t.t.). Too young is not ideal because the couple cannot yet understand and carry out legal and social responsibilities.
- b. State Interests: Setting the age of marriage at the ideal range (20-30 years) allows the state to protect family welfare, prevent early marriage, and reduce the risk of divorce (Giddens, 2013).

The ideal age for marriage is 20 to 30 because this range is when an

individual is at the peak of physical, emotional, moral, and social readiness. This ensures that couples can optimally carry out their marital and childcare responsibilities in accordance with the principles of health, psychology, ethics, and legal philosophy. So, based on this description, the ideal marriage age is set at 21.

Among the goals of marriage is to form a happy and harmonious family. Every couple who wants to get married needs careful planning, especially in terms of financial management, housing, and so on, with the goal that the household does not stutter when facing family problems (Alexander, 2020). A man and a woman who are about to get married must have physical and mental maturity before entering the world of marriage. This is undoubtedly closely related to the age of the bride-to-be. Because of this, the age of marriage depends more on physical conditions and the willingness to build a household mentality (Yusuf, 2020).

Psychology is a science that studies human behavior, and age is one of the components studied by psychology, from the perspective that the human soul is divided into three phases. The first phase concerns children (0-12 years old). In this phase, the child will begin to experience behavioral development. Among the development of these behaviors are closed behaviors or hidden behaviors, such as perception, memory, attention, and open behavior, which are immediately visible behaviors such as walking, running, laughing, and writing.

A person's behavior also changes; even the exact change will be seen at a certain age within certain limits. Finally, it can be seen that humans have experienced mental development. In addition to behavior development, in this phase you will also feel personality development. The formation of consciousness as a personal core, behavioral guidance, and the sensory perception of unnatural desires are channeled with three traits. The first is that selfishness begins to erode, and the nature of concern for others begins to grow. The second is curiosity that is channeled through questions that demand answers. The third is a culture of discipline and a sense of responsibility is beginning to be embedded (Yusuf, 2020).



The second phase is adolescence (13-21). Adolescence is a period of transition from childhood at the age of 12, moving to adulthood at the age of 21. At each stage of this age, a person feels and experiences the progress achieved. If the person experiences a failure in developmental tasks, then the person will get into trouble at the next stage of development (Sujanto, 2006).

The third phase is adulthood (adolescence), which is the transition period from adolescence to early adulthood, where this phase is the closing phase of adolescence. It usually occurs at the age of 21 (Jalaludin, 1998). This phase of Edolesen is because if a person has reached this phase, it does not take long to reach adulthood. The attitude that occurs in a person in this adolescent phase is that they begin to find their identity, become clearer and more directed, and are able to be accountable and set their own standards.

One of the factors behind divorce for married couples is the lack of maturity in dealing with family problems. The number of marriages that have not reached the age of maturity has a significant impact on a person's psychology, including the fact that it is easy for married couples to divorce, even if the one who sues for divorce is the wife. In this case, maturity must be considered for couples who want to get married. The age issue for couples who want to get married is not a problem, but for couples after marriage, their true nature and character will show at this age. Because a person's age indirectly affects his nature and character and the influence of his family. When that age is immature, they are generally easily offended, jealous, closed, quiet, and unable to control their emotions.

In addition, age-related reproductive problems also affect women who are not mature enough. Generally, women like to be emotional and unstable, so it affects the baby. A good pregnancy will undoubtedly produce a good child as well. Likewise, when reproduction is unhealthy, it will undoubtedly have harmful and even fatal consequences for the mother and baby.

The development of a person's personality can be seen from genetic factors and maturity plays a vital role in developing a person's personality. From the genetic and maturation processes inherent in the human soul at every moment in a person's individual life. The problem of life at a young age

is generally a matter of economic needs. Moreover, women who marry young must face environmental and social issues. Therefore, they must be able to survive to overcome the stress and pressure that arises in family life. According to field surveys, the impacts that occur due to marriage at a young age include domestic violence, a high risk of maternal death, and low rights to reproductive health (Badan Koordinasi Keluarga Berencana Nasional, 2011).

As for obtaining a harmonious marriage, namely a family that is *sakinah mawaddah wa rahmah*, it is essential for prospective couples who want to get married to understand and master the science of family psychology to maintain the harmony of the relationship that is the dream of every person in a family. Knowledge of family psychology will also help deal with family problems that may arise, so that every family easily accepts them as part of the dynamics of family life that need a standard solution (Mubarok, 2005).

## **Towards the Ideal of Marriage Age**

The author expressed his appreciation to the House of Representatives for agreeing with the government's proposal regarding the marriage age limit. After 45 years, the minimum age of marriage for women was finally raised from 16 to 19. This is a positive development, especially for the law in Indonesia.

Apart from this appreciation, the author considers that the marriage age limit proposed by the government has not been said to be ideal. The author uses the analysis and perspective of *Maqasid Syariah* to see the ideality of the marriage age limit. From these facts and theories, the author agrees with the Marriage Age Maturity Program (PUP) from the Government which advocates the ideal marriage age for marriage and having the first child with a *Maqasid Syariah* perspective, which is 21 years for women and men.

There are at least two basic reasons why the ideal marriage age is 21 for women and men: First, because of health factors, at the age of under 20, a person still does not experience maturity in himself, and the reproductive organs are not mature and not ready to experience pregnancy until the delivery of a woman. Second, the Population Density Factor shows that a low marriage age

limit will result in a high population growth rate.

Marital Age Maturation (PUP) is an effort to increase the age at the first marriage so that it reaches the minimum age of 20 years at the time of marriage. The age limit is considered ideal both in terms of health and emotional development to face family life (Badan Koordinasi Keluarga Berencana Nasional, 2013).

Maturation of marriage age (PUP) is not only delaying marriage until a certain age, but also trying to make the first pregnancy occur at a mature enough age. If a person fails to mature their marriage age, it means that they have already married under the age of marriage maturity program, then a postponement of the birth of the first child is sought. The delay in pregnancy and the birth of the first child is referred to as an encouragement to turn the honeymoon into a honeymoon. Marriage Age Maturity is part of the National Family Planning (KB) program. The PUP program will increase the age of first mating, reducing the total fertility rate (TFR).

The purpose of the marriage age maturity program (PUP) is to provide general understanding and awareness to parents who have adolescents and to adolescents themselves so that in family planning, they can consider various aspects related to family life, physical, mental, emotional, educational, social, economic readiness and determining the number and distance of births (Manan, 2005).

The effects of a madharat that an unprepared and ideal marriage will cause are:

First, in terms of health, adolescent girls aged 10-14 years are five times more likely to die during pregnancy or childbirth, compared to women aged 20-24 years, while this risk doubles in the age group of 15-19 years. The anatomy of the body of adolescent girls less than 20 years old is not ready for the process of pregnancy or childbirth so that complications can occur. Pregnant women under the age of 20 years often experience prematurity (premature birth), a high likelihood of congenital, physical, and mental disabilities, blindness and deafness, and an increased risk of medical complications in both mother and child.

Second, from an economic perspective, marriage at a young age has a

causal relationship with poverty. Families with low economic conditions tend to marry children at an early or young age. On the other hand, teenagers who get married at a young age often experience financial difficulties. The impact of marriage at a young age makes families, communities, and even the state have difficulty escaping from the shackles of poverty.

Third, Apek Psychology, Psychological readiness is the main reason for postponing marriage. Psychological readiness is defined as the readiness of individuals to carry out their roles as husband or wife, including knowledge of their duties in the household. Therefore, psychological readiness is essential in entering married life so that couples can face various problems that arise wisely, not easily become indecisive, and despair. Adolescents are 20-24 years old, entering early adulthood, where adolescents are approaching physical and emotional maturity.

Fourth, the education aspect, The younger the age of marriage, the lower the level of education achieved by adolescents. Conversely, the lower the education of adolescents, the more likely they are to marry at a young age.

Fifth, the population aspect. Women's median age of first marriage significantly affects the population, especially fertility. Fertility is a woman's ability to give birth to a live baby. Women who marry at a young age will have a more extended period at risk of getting pregnant, so marrying at a young age also has an impact on fertility rates in society. The younger the age of a person's marriage, the longer the fertile period of reproduction will be passed in the marriage bond.

The analysis of Maqasid Syariah on the provisions of the ideal age limit for marriage in the maturity of marriage age (PUP) aims to apply the perfect age limit of marriage, which is at least 21 years for women and men, is a solution to create a good Maqasid Syariah family, namely, Regulating the relationship between men and women, Maintaining offspring, Creating a family of sakinah, mawadah and rahmah, Maintaining the lineage, Maintaining religion in the family, Regulating good relationship patterns in the family, Managing financial aspects in the family.

The author recommends equalizing the age of marriage between women and men, which is equivalent to 21 years. Because 21 years is the right age to get married and the legal purpose itself has been realized, which is to provide the

principles of justice, utility, and legal certainty so that it can reduce the divorce rate due to the too young age factor. As for the author's view, if it is associated with the theory of *maslahah*, the change in the age limit is included in the category of *maslahah* in terms of needs, namely, *maslahah dharuriyat*. *Maslahah Dharuriyah* is a benefit related to humanity's basic needs (Manan, 2005). Because of the importance of the age limit, it is necessary to make changes to maintain basic human needs, namely to receive protection and fulfillment of constitutional rights and to be treated equally in the law (Syarifuddin, 2008).

When viewed in terms of its existence, the change in marriage age is included in the *maslahah mursalah*, which is the benefit whose existence is not supported by *Sharia* and is considered null by *Sharia*. The change in the age limit to 21 years is based on the theory contained in Islamic law, *maslahah mursalah*, namely, "taking benefits and rejecting *mudharat*. *Maslahah* is very concerned about the needs of humans at the time of development of this era. And it does not contradict the rules of Islamic law. Although Islamic law does not provide a minimum limit on the age of marriage, Islam provides a benchmark for a person who will carry out a marriage on the condition that the person is *mukallaf* (Syarifuddin, 2008). From the perspective of Islamic law, the change in the age limit for marriage in general has been in line with the goals of Islamic *sharia* (*maqasid shari'ah*) covering five principles, namely the protection of religion, soul, descendants, property, and intellect. Among them are in maintaining the safety of children's souls (*hifshu al-nafs*), in keeping children's education (*hifzhu al-aql*), and maintaining the safety of descendants (*hifzhu al-nasl*) (Koto, 2014).

Maintaining the soul, namely maintaining the body's safety, readiness when pregnant and giving birth, and dealing with household problems. Health for women, which was guaranteed to be fulfilled in the 1945 Constitution, needs to be raised. The minimum age limit for marriage for women in Article 7, paragraph 1 of the Marriage Law needs to be raised.

Maintaining reason is to eliminate women's lagging position in the field of education compared to men. Most women who get married at a young age tend to drop out of school. The marriage age limit needs to be raised so that not

only men can enjoy 12 years of compulsory education, but women can also feel the fulfillment of the right to obtain 12 years of compulsory education, as given by the 1945 Constitution. Maintaining offspring (hifz al-nasl) is maintaining the safety of offspring (Shidiq, 2011). Nurturing offspring, such as the sharia of marriage and the prohibition of adultery. If this rule is not followed, it will threaten the integrity of the offspring, with the increase of the ideal age for marriage for mothers-to-be to give birth to healthy and quality successors of the nation, and reduce the rate of miscarriage. From a medical point of view, getting married at a young age hurts both the mother and the child who is born. According to sociologists, from a social point of view, getting married at a young age can reduce family harmony. This is due to unstable emotions, young blood turmoil, and immature way of thinking (Candra, 2018).

The determination of the age of 21 can already be controlled well, meaning that every action is full of caution and consideration. So this will automatically have an impact on preventing the increase in divorce rates and reducing the occurrence of domestic violence. Looking at early marriage from its various aspects does have many negative consequences. Of course, with the efforts made by the government and the people's proposals, the community can accept this marriage law. And also this will have a good impact as a support to become a developed nation through optimizing the quality of families by raising and equalizing the marriage age limit.

## **Conclusion**

Based on the study in this paper, it can be concluded that the determination of 19 as the minimum age of marriage by law is not entirely relevant when viewed from the perspective of health, psychology, morality, sociology, philosophy, and benefits. Analysis from the point of view of Islamic legal philosophy and Maqasid Shari'ah shows that the primary goal of shari'a, namely maintaining religion (hifz ad-din), soul (hifz an-nafs), intellect (hifz al'aql), offspring (hifz an-nasl), and property (hifz al-mal), can be more optimally achieved if the age of marriage is increased. The age of 21 is considered more ideal because at this age a person has generally reached a better physical, mental, emotional, and social maturity to live a married life and carry out roles and responsibilities as a husband,

wife, and parent.

This study concludes that setting the legal minimum marriage age at 19 is insufficient when evaluated through the lenses of health, psychology, sociology, and the Islamic legal philosophy of *maqasid shariah*. By emphasizing the protection of life, intellect, progeny, and social welfare, Islamic law supports the establishment of an ideal marriage age at 21 years. This age reflects a critical threshold where individuals typically possess the maturity and readiness needed to fulfill marital responsibilities. The findings underscore the need for legal reforms that promote holistic well-being and uphold the principles of Islamic family law.

1. **Reformulation of the Marriage Age Policy.** The government is advised to revise the minimum age of marriage regulations by considering the results of studies from various perspectives, including reproductive health, developmental psychology, social science, and the principles of *Maqasid Sharia*. The age of 21 can be considered the ideal age for marriage.
2. **Increasing Public Awareness.** Education is needed to educate the public about the importance of age maturity in marriage. Counseling programs involving religious leaders, formal education, and the mass media need to be intensified to build a comprehensive understanding of the negative impacts of early marriage and the importance of physical, mental, and social readiness.
3. **A Multidisciplinary Approach in Policy.** Policymakers should involve experts from various fields, such as health, psychology, sociology, and Islamic law, in formulating rules on the age of marriage that are not only based on the needs of modern society but also on Islamic Sharia values.
4. **Advanced Research.** Further research on the impact of increasing the age of marriage on social, economic, and family aspects, especially in the context of Muslim society, is recommended. This research can provide strong empirical data to support new policies.

With these steps, it is hoped that a marriage age policy can be created that is legally relevant and supports the holistic achievement of people's benefits.

1. Reformulate marriage age policies by raising the minimum legal age to 21, based on interdisciplinary research that includes *maqasid shariah*.

2. Intensify public education on marriage readiness using religious, educational, and media platforms.
3. Formulate policies using multidisciplinary insights from health, psychology, law, and Islamic studies.
4. Conduct further empirical research to evaluate the societal impact of raising the marriage age to 21 in Muslim communities.

## References

- Al-Asqalani, I. H. (t.t.). *Fathul Bari Syarah Sahih Al-Bukhari*.
- Albi, A., & Johan, S. (2018). *Metodologi penelitian kualitatif*. CV Jejak (Jejak Publisher).
- Alexander, O. (2020). Tinjauan Batas Usia Perkawinan Dalam Perspektif Psikologis dan Hukum Islam. *El-Ghiroh: Jurnal Studi Keislaman*, 18(01), 69–76. <https://doi.org/10.37092/el-ghiroh.v18i01.169>
- Al-Qaradawi, Y. (1995). *Fiqh al-Awlawiyyat: Dirasah Jadidah fi Daw' al-Qur'an wa al-Sunnah*. Kairo: Dar al-Shuruq.
- Al-Qarafi, A. bin I. (t.t.). *Al-Furuq: Vol. Vol. 1*. Beirut: Dar al-Kutub al-Ilmiyyah.
- Al-Shabuny, M. A. (1999). *Muhammad Ali al-Shâbûny, Tafsîr Âyât Al-Ahkam minal Quran*. Bayrut: Dâr al-Kutub al'Ilmiyyah.
- Al-Shatibi. (t.t.). *Al-Muwafaqat fi Usul al-Shariah*.
- Al-Zuhaili, W. (2002). *Al-Fiqh al-Islami wa Adillatuh*. Beirut: Dar al Fikr.
- American College of Obstetricians and Gynecologists. (2021). *Optimizing Postpartum Care*. <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2018/05/optimizing-postpartum-care>
- Arief, Abd. S. (2003). *Pembaharuan Pemikiran Hukum Islam Antara Fakta dan Realita*. Yogyakarta: Lesfi.
- Aristotle, T. (1962). *Nicomachean ethics, book VIII*. Bobbs-Merrill Co, Indianapolis, IN. <https://www.gyf.com/wp-content/uploads/2022/09/Aristotle-on-friendship.pdf>
- Asad, M. (1980). *The Message of the Qur'an*. Gibraltar: Dar Al-Andalus.
- Azizy, A. Q. A. (2004). *Hukum Nasional: Eklektisisme Hukum Islam dan Hukum*



Umum. Jakarta: Teraju.

Azzam, M. (2005). *Al-Qawaid al-Fiqhiyyah*. Kairo: Dar al-Hadith.

Badan Koordinasi Keluarga Berencana Nasional. (2011). *Pernikahan Dini pada Beberapa Provinsi di Indonesia: Dampak Overpopulation, Akar Masalah dan Peran Kelembagaan di Daerah*. Jakarta (ID): BKKBN.

Badan Koordinasi Keluarga Berencana Nasional. (2013). *Program Genre Dalam Penyiapan Kehidupan Berkeluarga Bagi Remaja*. Semarang: BKKBN.

Belsky, J. (1984). The Determinants of Parenting: A Process Model. *Child Development*, 55(1), 83. <https://doi.org/10.2307/1129836>

Candra, M. (2018). *Aspek Perlindungan Anak Indonesia*. Jakarta: Kencana.

Departemen Agama RI. (1993). *Al-Qur'an dan Terjemahannya*. Surabaya: Surya Cipta Aksara.

Erikson, E. H. (1950). *Childhood and Society* (hlm. 116–118). New York: Norton. [https://doi.org/10.30965/9783657768387\\_048](https://doi.org/10.30965/9783657768387_048)

Giddens, A. (2013). *Sociology*. Polity Press.

Hamka. (1955). *Tafsir Al-Azhar*. Gema Insani.

Hamka. (1984). *Tafsir al-Azhar*. Jakarta: Pustaka Panji Masyarakat.

Hamka, B. (2005). *Tafsir Al-Azhar*. Jakarta: Gema Insani.

Hasibuan, A. T., Sianipar, M. R., Ramdhani, A. D., Putri, F. W., & Ritonga, N. Z. (2022). Konsep dan Karakteristik Penelitian Kualitatif serta Perbedaannya dengan Penelitian Kuantitatif. *Jurnal Pendidikan Tambusai*, 6(2), 8686–8692. <https://doi.org/10.31004/jptam.v6i2.3730>

Herviani, F., Zuhriah, E., & Yasin, R. C. L. (2022). Pertimbangan Hakim dalam Pemberian Dispensasi Nikah Perspektif Teori Sistem Hukum Lawrence M. Friedman di Pengadilan Agama Malang. *Jurnal Intelektualita: Keislaman, Sosial Dan Sains*, 11(1), 117–127. <https://doi.org/10.19109/intelektualita.v11i1.10684>

Jalaludin. (1998). *Psikologi Agama*. Jakarta: PT. Raja Grafindo Persada.

Kamali, M. H. (2013). *Membumikan Syariah: Pergulatan Mangaktualkan Islam*, terj. Miki Salman. Jakarta: Mizan.

Katsir, I. (t.t.). *Tafsir Ibn Katsir*. Mesir: Dar al-Kutub.

- Katsir, I. (1999). *Tafsir Al-Qur'an Al-Azhim*. Riyadh: Darussalam.
- Koto, A. (2014). *Ilmu Fiqh*. Jakarta: PT Grafindo Persada.
- Manan, A. (2005). *Penerapan Hukum Acara Perdata di Lingkungan Peradilan Agama*. Jakarta: Prenada Media Grup.
- Manan, A. (2006). *Reformasi Hukum Islam Indonesia: Dari Fikih Normatif ke Fikih Responsif*. Jakarta: Raja Grafindo Persada.
- March of Dimes. (2020). *Why at Least 18 is Best for Pregnancy*.
- Mawardi, A. I. (2012). Qiyâs dan Isti'sân dalam Rasionalitas Uçûl al-Sarakhsî. *Islamica: Jurnal Studi Keislaman*, 7(1), 85–99. <https://doi.org/10.15642/islamica.2012.7.1.85-99>
- Mubarak, A. (2005). *Psikologi Keluarga Dari Keluarga Sakinah Hingga Keluarga Bangsa*. Jakarta: Bina Reka Pariwisata.
- Nasution, K. (2004). *Hukum Perdata (Keluarga) Islam Indonesia*. Yogyakarta: Akademia dan Tazafa.
- Piaget, J. (1950). *The psychology of intelligence*. Routledge. <https://api.taylorfrancis.com/content/books/mono/download?identifierName=doi&identifierValue=10.4324/9780203981528&type=googlepdf>
- Rajafi, A. (2015). *Nalar Hukum Keluarga Islam di Indonesia*. Yogyakarta: Istana Publisng.
- Republik Indonesia, U.-U. (1974a). *Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Pasal 7 ayat (1)*.
- Republik Indonesia, U.-U. (1974b). *Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 Tentang Perkawinan*.
- Ridha, M. R. (t.t.). *Tafsir Al-Mannar*. Mesir: Al-Mannar.
- Shidiq, S. (2011). *Ushul Fiqh*. Jakarta: Kencana.
- Sujanto, A. (2006). *Psikologi Perkembangan*. Jakarta: Aksara Baru.
- Suryadilaga, M. A. (2009). Efek Pernikahan Dini: Sebuah Pertimbangan Bahaya Sosial dan Kesehatan. *Musāwa Jurnal Studi Gender Dan Islam*, 8(2), 245–257. <https://doi.org/10.14421/musawa.2009.82.245-257>
- Syahrum, M. (2022). *Pengantar Metodologi Penelitian Hukum: Kajian Penelitian*

*Normatif, Empiris, Penulisan Proposal, Laporan Skripsi Dan Tesis*. CV. DOTPLUS Publisher.

Syarifuddin, A. (2008). *Ushul Fiqh*. Jakarta: Kencana Prenadamedia Group.

Taqi Al-Din, A.-S. (1989). *Al-Ashbah wa al-Nazair*. Beirut: Dar al-Kutub al-Ilmiyyah.

World Health Organization. (2022). *Adolescent Pregnancy Factsheet*.

Yanni Dewi Siregar, F., & Kelana, J. (2022). Kesetaraan Batas Usia Perkawinan di Indonesia dari Perspektif Hukum Islam. *Mahakim: Journal of Islamic Family Law*, 5(1), 1–10. <https://doi.org/10.30762/mahakim.v5i1.130>

Yasid, A. (2010). *Aspek-aspek Penelitian Hukum: Hukum Islam Hukum-Hukum Barat*. Yogyakarta: Pustaka Pelajar.

Yusuf. (2020). Dinamika Batasan Usia Perkawinan di Indonesia: Kajian Psikologi Dan Hukum Islam. *JIL: Journal of Islamic Law*, 1(2). <https://ejournal.iainptk.ac.id/index.php/jil/article/download/59/34>

Zain-Al-Din, I. N. (t.t.). *Al-Ashbah wa al-Nazair fi Qawaid wa Furu' Fiqh Hanafi*. Beirut: Dar al-Kutub al-Ilmiyyah.