

Exploring the Diversity of Opinions in Contemporary Islamic Family Law: The Response of Islamic Civil Society Organizations in Banyumas to Changes in the Marriage Age Limit

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ABSTRACT

Purpose - One of the consequences of the enactment of Law Number 16 of 2019 amending Law Number 1 of 1974 is the increase in applications for marriage dispensations, particularly in the Banyumas region. With this issue, the response of Islamic organizations is something that must be accommodated, because these organizations are currently the institutions that oversee and provide solutions to contemporary issues in the field of Islamic family law. Based on this premise, the research problem formulated is how Islamic organizations in Banyumas respond to the changes in the marriage age limits under Law Number 1 of 1974 amended by Law Number 16 of 2019 concerning Marriage Age Limits.

Design/methods/approach - This study adopts a field research approach, where the primary method involves conducting interviews with several Islamic organizations in Banyumas, including Al Irsyad Al Islamiyah, Indonesian Islamic Da'wah Institute (Lembaga Dakwah Islam Indonesia/LDII), Muhammadiyah, and Nahdlatul Ulama. The object of this research is the response of Islamic organizations in Banyumas. Data collection is carried out using interview, observation, and documentation methods. The data gathered by the author is primarily sourced from interviews with these Islamic organizations in Banyumas.

Findings - The findings of this study reveal that Islamic civil organizations in Banyumas express that the changes in marriage age limits pose no issues and are in agreement with the amendments. They argue that Islam does not impose absolute restrictions regarding marriage age, and the matter remains debatable among scholars (Ulama) within the realm of *ijtihad* (independent legal reasoning). Furthermore, they assert that determining these limits does not violate Islamic law, considering that maturity for marriage is also a factor, with the goal of achieving a harmonious family (*Sakinah, Mawaddah, and Warrahmah*) and raising future generations to be virtuous. This is in accordance with the principle of *maqashid sharia* as a paradigm of contemporary Islamic family law.

Research implications/limitations - This research is limited to a field study whose object is Islamic civil organizations in Banyumas, including Muhammadiyah, Nahdlatul Ulama, LDII, and Al Irsyad Al Islamiyah.

Originality/value - This research is expected to contribute theoretically and practically to the development of legal construction regarding the age limit of marriage in Indonesia.

Keywords: *Islamic Civil Society Organizations; Marriage Age Limits; Islamic Family Law.*

Introduction

The formation of a family in Islam is through a bond called marriage, as stipulated in Article 1 of Law Number 1 of 1974 concerning marriage. Marriage is the spiritual and physical bond between a man and a woman as husband and wife, aimed at forming a happy and eternal family (household) based on the belief in the Almighty God.¹ In Islam, marriage is considered a strong covenant or *misqaan galizan* to obey Allah's commandments, and fulfilling it is an act of worship. Contemporary scholars, such as Ahmad Gandur in his book "*al-Ahwal al-Syabsiyyah fi al Tasyri' al-Islamiy*", broadly define marriage as a contract that allows interaction between a man and a woman, fulfilling human instincts in life and establishing mutual rights and obligations for both parties.² This definition implies that one of the consequences of entering into a marriage contract is the emergence of reciprocal rights and responsibilities between spouses.

Understanding the meaning of marriage as described above, preparation is essential for each prospective couple. According to Islamic jurisprudence *fiqh*, one of the most important factors in marriage preparation is the age factor. This is because it determines whether someone is mature enough to embark on the journey of married life. Therefore, in Islamic law, the term adulthood is known as *baligh*. Explicitly, there is no verse in the Qur'an concerning a specific age limit for marriage. However, upon closer examination, there are verses in the Qur'an that correlate with the age of adulthood. One such verse is found in Surah an-Nisa, verse 6:

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

“And test the orphans (in their abilities) until they reach marriageable age. Then, if you perceive in them sound judgment, release their property to them. And do not consume it excessively and quickly, (anticipating) that they will grow up. And whoever, [when acting as guardian], is self-sufficient should refrain (from taking a fee), and whoever is poor, let him take according to what is acceptable. Then when you release their property to them, bring witnesses upon them. And sufficient is Allah as Accountant.”

In the Tafsir of Ibn Katsir, the mujtahids are of the opinion that the marriage referred to in the above verse (Surah an-Nisa, verse 6) signifies reaching the age of adulthood, or *baligh*. The majority of scholars assert that signs of adulthood in adolescent

¹ Khoirul Anam, “Studi Makna Perkawinan Dalam Persepektif Hukum Di Indonesia (Komparasi Kitab Undang Undang Hukum Perdata (KUH Per) Dengan Kompilasi Hukum Islam),” *Yustitiabelen: Jurnal Fakultas Hukum Universitas Tulungagung* 5, no. 1 (2019): 60, <https://doi.org/10.36563/yustitiabelen.v5i1.214>.

² Muhammad Hori and Eliva Sukma Cipta, “The Purpose of Marriage in Islamic Philosophical Perspective,” *Journal of Islamic Studies* 2, no. 1 (2019): 18, <https://doi.org/10.32506/jois.v2i1.505>.

children can sometimes include experiencing wet dreams, where they dream or undergo something that causes emission of sperm.³

Discussing the minimum age for marriage, the Indonesian government enacted legal reforms through Law Number 16 of 2019 amending Law Number 1 of 1974 concerning marriage age limits, which sparked controversy within society. Under the previous regulation, Law Number 1 of 1974 Article 7 stipulated that marriage was only permitted if the groom had reached 19 years old and the bride had reached 16 years old. This rule appeared to require adjustment in light of current realities, as it was deemed to violate principles of equality under the law. This issue is elaborated upon in Law Number 23 of 2002 concerning Child Protection, specifically in Article 26(c), which mandates that parents are responsible for preventing marriages at a young age. Children under this law are defined in Article 1 as individuals who have not yet reached the age of 18, including those still in the womb. From the above explanation, it is understood that marriages at a young age can lead to physical and psychological issues.

Meanwhile, Law Number 16 of 2019 sets the marriage age limit at 19 years for both males and females. This has resulted in an increase in marriage dispensations granted by the courts. For example, in the Banyumas Religious Court, since the change in the age of marriage, dispensation requests have increased in number every year. In 2024, the number of marriage dispensation cases received was 138 cases. The details are that 126 cases were granted, 2 cases were revoked, 1 case was dropped, and the remaining 9 cases are still in the trial process. The reason for the application for dispensation of marriage was dominated by pregnancy outside of marriage in 76 cases, followed by the reason for avoiding adultery in 40 cases, the rest due to promiscuity in 22 cases.⁴

Given these issues, the response from Islamic civil society organizations in Banyumas is crucial and accommodated. Islamic organizations are seen as capable of addressing and providing problem-solving solutions to issues affecting society. Therefore, the researcher is interested in studying these civil society organizations such as al-Irsyad al-Islamiyah, Indonesian Islamic Da'wah Institute (Lembaga Dakwah Islam Indonesia/LDII), Muhammadiyah, and Nahdlatul Ulama. These organizations were selected because they have a significant following among the Muslim community in Banyumas and are officially recognized as civil society organizations in Indonesia.

Studies on the arguments of Islamic organization leaders in Indonesia regarding the age limit of marriage have been carried out by previous researchers. Asyharul Mu'ala tries to compare the arguments about the marriage age limit from Nahdlatul Ulama and Muhammadiyah by looking at the decisions of the Mukhtar and Tarjih Council.⁵ Meanwhile, some other researchers see it from the perspective of figures or clerics in the Nahdlatul Ulama and Muhammadiyah organizations in various regions. As was done by

³ Ifham Choli, Etika Nailur Rahma, and Neneng Munajah, "Marriage and Its Lesson from an Islamic Perspective," *Al-Risalah: Jurnal Studi Agama Dan Pemikiran Islam* 15, no. 2 (2024), <https://doi.org/10.34005/alrisalah.v15i2.3830>.

⁴ Muhammad Isna Wahyudi, "Tingkat Dispensasi Kawin Di PA Banyumas," *Pengadilan Agama Banyumas* (blog), January 8, 2025, <https://www.pa-banyumas.go.id/index.php/berita-seputar-peradilan/2323-tingkat-dispensasi-kawin-di-pa-banyumas-menurun-8-1>.

⁵ Asyharul Mu'ala, "Batas Minimal Usia Nikah Perspektif Muhammadiyah Dan Nahdlatul Ulama" (Skripsi, Yogyakarta, Universitas Islam Negeri Sunan Kalijaga, 2012).

Khidhir in South Pekalongan⁶, Rohim in Pamekasan⁷, and Ahmad in Sumenep.⁸ The results show that each organization has its own opinion about the age limit for marriage. However, they agree that early marriage should be avoided in order to avoid mudharat. Previous research still only compares two familiar Islamic organizations in Indonesia, namely Nahdlatul Ulama and Muhammadiyah. The views of other Islamic organizations that are quantitatively not as large as these two organizations have not been studied. Therefore, to complement existing research, this article tries to continue the study by describing the responses of Islamic religious organizations in Banyumas to changes in the marriage age limit, including Nahdlatul Ulama, Muhammadiyah, the Indonesian Islamic Da'wah Institute (Lembaga Dakwah Islam Indonesia/LDII), and al-Irsyad al-Islamiyah.

This research aims to find out the response of Islamic religious organizations in Banyumas regarding the changes in the marriage age limit in the Marriage Law in Indonesia. There are two questions that will be answered in this research, namely: 1) How do Islamic organizations in Banyumas respond to changes in the marriage age limit in the Marriage Law? 2) How is the response given to changes in the marriage age limit examined from the maqashid sharia perspective? This research is expected to contribute theoretically and practically in the field of Islamic family law in the contemporary era, especially for the development of legal construction regarding marriage age limits in Indonesia.

Methods

The author employs a field research method with a socio-legal approach aimed at obtaining empirical legal knowledge by directly engaging with the subject. There are two types of data used, namely primary data and secondary data. Primary data consists of clerics, religious leaders, and heads of Islamic civil organizations in Banyumas. The organizations used as research objects consist of four, including Nahdlatul Ulama (NU), Muhammadiyah, the Indonesian Islamic Da'wah Institute (Lembaga Dakwah Islam Indonesia/LDII), and al-Irsyad al-Islamiyah. Meanwhile, secondary data is in the form of Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law. In addition, to complement the secondary data, this research also uses written data related to the research theme contained in books, journal articles, proceedings, theses, theses, and dissertations. Data collection in this research was conducted through three methods, namely interviews, observation, and documentation. The existing data was then analyzed using an inductive qualitative analysis method based on the Maqashid Sharia Theory framework. Operationally, the analysis method is carried out through stages such as: 1) describing the dynamics of the regulation of the marriage age limit in Indonesian marriage law; 2) tracing the responses of Islamic civil organization leaders to changes in the marriage age limit contained in the marriage law; 3) analyzing the responses of Islamic civil

⁶ Muhammad Khidhir, "Penerapan Batas Usia Perkawinan Dalam Pandangan Kiai NU Dan Muhammadiyah Di Kecamatan Pekalongan Selatan" (Skripsi, Pekalongan, Universitas Islam Negeri K.H. Abdurrahman Wahid, 2022).

⁷ Moh Sohibul Hannan Rohim, "Pandangan Tokoh Nahdlatul Ulama Dan Muhammadiyah Kecamatan Pamekasan Tentang Perubahan Usia Minimal Kawin Perspektif Masalah Mursalah" (Skripsi, Madura, Institut Agama Islam Negeri Madura, 2024).

⁸ Ahmad Hafidz, "Nasyiatul Aisyiyah Dan Lembaga Kemaslahatan Keluarga Nahdlatul Ulama Dalam Mencegah Pernikahan Dini (Studi Komparatif Upaya Pencegahan Pernikahan Dini Di Kabupaten Sumenep)" (Skripsi, Madura, Institut Agama Islam Negeri Madura, 2024).

organization leaders to changes in the marriage age limit from the Maqashid Syariah perspective.

Discussion

A. History and Dynamics of Marriage Age Limit Changes in Indonesia

Law Number 1 of 1974 concerning Marriage in Indonesia was formed to provide legal certainty for marriage issues, furthermore as a protection of women's rights and at the same time fulfill the wishes and expectations of women, as well as legal reform by the community sociologically.⁹ Limiting the age of marriage is one of the important points to improve the quality of marriage in society. This is inseparable from the social conditions at that time, where early marriages were common and in practice caused many disadvantages to women such as forced marriage, loss of access to education, and domestic violence.¹⁰

Long before the birth of the Marriage Law, efforts to regulate the age limit of marriage into legislation had been made by several parties. The women's movement incorporated in the Confederation of Indonesian Women's Congresses (Kongres Wanita Indonesia/Kowani) proposed that the minimum age for prospective brides should be 18 years for men and 15 years for women. On December 1, 1952, the committee submitted the Marriage Bill. The proposed bill aimed to improve the state of society with several important points, one of which was the age limit for marriage.¹¹

In April 1954, after much debate on the minimum age and polygamy, the committee submitted a draft to the minister of religion. However, the Marriage Bill was again stalled. In September 1957, Mrs. Soemarie, as a member of the House of Representatives (DPR), took the initiative to bring the draft to parliament. The minimum age for marriage was 15 years for women and 18 years for men. Since 1957, the discussion of the Marriage Law has been stalled again. In addition, the political atmosphere in the country did not subside from the upheaval. After the regime changed from Soekarno to Soeharto, the women's movement discussed it again. On February 19 and 24, 1973, Kowani leaders including Maria Ulfah met with the DPR.¹²

Based on the hearing, it was agreed that the minimum age of marriage should be 21 years for men and 18 years for women. This agreement was then outlined in Article 7 paragraph (1) of the 1973 Marriage Bill. The bill stated that the minimum age of marriage was 21 years for men and 18 years for women. However, because this bill

⁹ Yusup Hidayat et al., "Position and Existence of Marriage Law in the Pluralism of the Legal System in Indonesia," *International Journal of Multicultural Education* 25, no. 2 (2023): 395, <https://www.ijmejournal.org/ijme/index.php/ijme/article/view/v25-2-29.html>.

¹⁰ Joseph Natanael Marshan, M. Fajar Rakhmadi, and Mayang Rizky, "Prevalence of Child Marriage and Its Determinants among Young Women in Indonesia" (Child Poverty and Social Protection, Jakarta: The Semeru Research Institute, 2013), 19.

¹¹ Kholifatun Nur Mustofa, "Provisions of Minimum Age of Marriage in Indonesia: Amendments Efforts and Responses," *Ayy-Syir'ab: Jurnal Ilmu Syari'ah Dan Hukum* 52, no. 2 (2018): 298, <https://doi.org/10.14421/ajish.v52i2.573>.

¹² Ikhwanuddin Harahap, "Determining the Age of Marriage in Indonesia; Family Law Reform on Al-Maslaha Approach," *Jurnal Al-Maqasid: Jurnal Kesyarahan Dan Keperdataan* 5, no. 2 (2019): 162, <http://jurnal.iain-padangsidempuan.ac.id/index.php/almaqasid/index>.

reaped debates that were prone to conflict, finally the discussion on this matter in the DPR was postponed.¹³

The marriage age restriction as proposed in the Marriage Bill has drawn negative criticism from Muslims. This bill is allegedly characterized as secular and there are even extreme accusations that the bill as a Christianization agenda in Indonesia. This regulation is considered not rooted in the needs and situation of Indonesia.¹⁴ According to Asmoh Syahroni, the prohibition of underage marriage actually provides an opportunity for the growth of promiscuity. According to him, there are quite complex reasons why early marriage occurs, including economic reasons, protecting against extramarital relations, family interests and others.¹⁵

The turmoil and potential for conflict ended after the promulgation of Law No. 1/1974 on Marriage.¹⁶ The minimum age for marriage as stated in Article 7 paragraph (1), was eventually lowered from 21 years to 19 years for men. The state stipulates that marriage is only permitted if the man has reached the age of 19 and the woman has reached the age of 16. If there is a deviation below the provision, then the community has the right to apply for dispensation to the court or other officials concerned.¹⁷ In this case, the minimum age of marriage provision in the 1973 Marriage Bill was amended by the 1974 Marriage Law. This provision is also supported by Article 15 paragraph 1 of the Compilation of Islamic Law (KHI). The provisions in KHI itself are the result of the *ijtihad* of Indonesian scholars based on considerations of family and household benefits. The age limit is considered sufficient as the age of maturity to enter into marriage.¹⁸

According to Ratno Lukito, socio-philosophically there are several factors that led to this change in the standard age of marriage. First, the theoretical study of the age of adulthood between Muslims and the state that regulates the minimum age of marriage and the practice of marriage at that time has not been resolved. Second, the tendency of the community in the practice of marriage still revolves around the understanding of *fiqh* or local culture. Third, the condition of traditional gender relations is still strongly embedded in society, making it difficult for the state to apply

¹³ Ibnu Radwan Siddik Turnip, Zainul Fuad, and Nurhayati, "The Current Development of Marriage Age Provisions in Indonesia and Malaysia: A Socio-Historical Approach," *Jurnal Ilmiah Al-Syir'ah* 20, no. 1 (2022): 112, <https://doi.org/10.30984/jis.v20i1.1813>.

¹⁴ MG. Endang Sumiarni, "Historical Study of Marriage Law Between the Norms and the Problematics," *RGSA – Revista de Gestão Social e Ambiental* 18, no. 5 (2024): 9, <https://doi.org/10.24857/rgsa.v18n5-012>.

¹⁵ Mufrod Teguh Mulyo, *Reformasi Undang-Undang Perkawinan Di Indonesia Dari Bias Gender Menuju Hukum Yang Humanis* (Yogyakarta: Pustaka Ilmu Group, 2015), 69.

¹⁶ June S. Katz and Ronald S. Katz, "The New Indonesian Marriage Law: A Mirror of Indonesia's Political, Cultural and Legal Systems," *The American Journal of Comparative Law* 23, no. 4 (1975): 653, <https://doi.org/10.2307/839240>.

¹⁷ Hervin Yoki Pradikta, Aan Budianto, and Habib Shulton Asnawi, "History of Development and Reform of Family Law in Indonesia and Malaysia" (ICOLIS The First Annual International Conference on Social, Literacy, Art, History, Library, and Information Science, Bandar Lampung: KnE Social Sciences, 2024), 326, <https://doi.org/10.18502/kss.v9i12.15863>.

¹⁸ Gandi Liyorba Indra, M. Yasin Al Arif, and Abdul Qodir Zaelani, "The Ideal Age For Marriage in The Compilation of Islamic Law (KHI) and Psychology," *Al-'Adalah* 20, no. 1 (2023): 1, <https://dx.doi.org/10.24042/adalah.v20i1.11598>.

the minimum age of marriage according to the initial ideals of the Marriage Bill.¹⁹ In other words, the issue of determining the minimum age of marriage is more a matter of legal paradigm debate between Islamic tradition and the state.

Changes in views on the age limit set in Law No. 1 of 1974, which has been running for 45 years, are increasingly being corrected and criticized by child protection parties. In the constitutional realm, the age limit for marriage stipulated in the Marriage Law has been subjected to several judicial reviews in the Constitutional Court, including in cases Number 74/PUU-XII/2014 and Number 22/PUU-XV/2017. In the decision of case No. 74/PUU-XII/2014, the Constitutional Court stated that the policy of the legislator which sets the age limit for marriage at 19 years for men and 16 years for women is not unconstitutional because it is an open legal policy. The state is free to determine or revise the marriage age limit based on considerations of social progress, economy, health, culture, advances in information technology, and other considerations.²⁰

Furthermore, in the decision of case No. 22/PUU-XV/2017, the Constitutional Court emphasized that they do not have the authority to set a certain age as the age limit for marriage, because such a policy falls under the open legal policy of the legislature. However, the Court emphasized the importance of preventing child marriage and eliminating gender discriminatory practices in marriage, such as differentiating the age of marriage between men and women.²¹ The Constitutional Court partially granted the petition in case No. 22/PUU-XV/2017 by ruling that the age of marriage for men and women should be the same. The Court gave a three-year deadline to the legislature to revise the age of marriage in Law No. 1/1974.²²

Over time, many parties consider that the law is no longer relevant and must be replaced because it does not comply with the Child Protection Law on women which states that the age of adulthood of a child is 18 years. One of the solutions tried to be offered is to equalize the marriage age limit between men and women, which is 19 years old. This is an improvement in the norms and minimum marriage age for women.²³ Based on these thoughts, on October 14, 2019, Law No.16/2019 was promulgated which changed one of the articles, namely the age of marriage in Article 7 which requires men and women to be 19 years old, and if they are not in accordance

¹⁹ Ratno Lukito, *Hukum Sakral Dan Hukum Sekuler: Studi Tentang Konflik Dan Resolusi Dalam Sistem Hukum Indonesia* (Bandung: Pustaka Alvabet, 2015), 57.

²⁰ Hamidin and Alfitri, "Safeguarding Women's Constitutional Rights in the Judicial Reviews of Marriage Law on the Minimum Married Age Limit," *Mazabib: Jurnal Pemikiran Hukum Islam* 20, no. 1 (2021): 106, <https://doi.org/10.21093/mj.v20i1.3307>.

²¹ Andi Hidayat Anugrah Ilahi, "The Evaluation of Early Marriage Law Renewal in Indonesia," *Unnes Law Journal* 7, no. 1 (2021): 130, <https://doi.org/10.15294/ulj.v7i1.43000>.

²² Umi Supraptiningsih, "Pro and Cons Contestation on The Increase of Marriage Age," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021): 234, <https://doi.org/10.22373/sjhk.v5i1.9136>.

²³ Ibnu Akbar Maliki, Nurhidayati, and Mardan Erwinsyah, "Pengasuhan Dan Perlindungan Anak Dalam Undang-Undang Negara Muslim (Meninjau Resiprokalitas Keluarga Dan Negara)," *Syakhshiyah: Jurnal Hukum Keluarga Islam* 3, no. 1 (2023): 18, <https://doi.org/10.32332/syakhshiyah.v3i1.7028>.

with the stipulated regulations, they must apply for marriage dispensation at the Religious Court.²⁴

B. Islamic Civil Society Organizations' Response to Changes in Marriage Age Limits

In Islamic law, there is no clear limit on the age of marriage, in this case the permissibility of marriage is only seen in the arrival of a person at the age of puberty with certain physical characteristics.²⁵ In addition, in general, the scholars set conditions such as the ability to distinguish between good and bad, so that they can give consent to marriage, the arrival of a person's time for marriage (*buluq an-nikah*), with the word "*ru'yd*".²⁶ However, in terms of determining the age, the scholars differ in opinion. The Shafi'iyah and Hanbali Madhabs are of the view that baligh is around the age of fifteen for both men and women.²⁷ The Hanafis are of the view that puberty is at the age of eighteen for males and seventeen for females.²⁸ Furthermore, the Malikiyyah Madzhab views that baligh is in the age range of seventeen years for men and women. Meanwhile, Ibn Hazm is of the opinion that it is nineteen years old.²⁹

The differences in views on the size of maturity in terms of age above are based on the influence of the culture of the community where the scholars above live. Like Imam Abu Hanifah who was in Kufa (Iraq), Imam Malik in Medina, Imam Shafi'i in the course of his life moved from one city to another, namely Medina, Bagdad, Hijaz and Egypt. Then the next one is Imam Ahmab bin Hambal who was in Bagdad.³⁰

Various opinions also color the discourse on the age limit of marriage among kyai and religious leaders who are members of Islamic civil organizations in Banyumas. Some of the perspectives used in formulating the marriage age limit include the best interests of children, maintaining the quality of offspring, and implementing the marriage recommendation of the Prophet Muhammad saw. This diversity of opinion is certainly influenced by several factors such as the background of organizational thinking, the legal arguments used, and the ijthad methodology. The following will

²⁴ Zaein Wafa, Ahmad Izzuddin, and Achmad Rosidi, "Age Limit of Marriage in Islamic Family Law: A Comparative Study between Morocco, Pakistan, Malaysia, and Indonesia," *Al-Bayyinah* 8, no. 1 (2024): 133, <https://doi.org/10.30863/al-bayyinah.v8i1.6351>.

²⁵ Ahmad Ropei et al., "Managing Baligh in Four Muslim Countries: Egypt, Tunisia, Pakistan, and Indonesia on the Minimum Age for Marriage," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 1 (2023): 118, <https://doi.org/10.14421/ahwal.2023.16106>.

²⁶ Nur Ihdatul Musyarafa, "Batas Usia Pernikahan Dalam Islam; Analisis Ulama Mazhab Terhadap Batas Usia Nikah," *Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab* 1, no. 3 (2020): 713, <https://doi.org/10.24252/shautuna.v1i3.15465>.

²⁷ Karimuddin et al., "Deconstruction of Early Marriage: A Critical Study of Imam Shafi'i's Views and Implications on Community Welfare," *International Journal of As Suadi: Law and Sharia Review* 1, no. 1 (2024): 21, <http://dx.doi.org/10.70691/assuadi.v1i1.2>.

²⁸ Abdul Hamid and Ahmad Maulidin, "Marriage Age Limit In Hanafi Mazhab And Its Relevance With Law No. 16 Years 2019," *Al-Masba'ir Journal* 3, no. 1 (2022): 57, <https://doi.org/10.52029/jis.v3i1.88>.

²⁹ Andrea Büchler and Christina Schlatter, "Marriage Age in Islamic and Contemporary Muslim Family Laws A Comparative Survey," *Electronic Journal of Islamic and Middle Eastern Law* 1 (2013): 38, <https://doi.org/10.5167/uzh-78204>.

³⁰ Maisarah et al., "Minimum Marriage Age: Study of Fiqh of Four Madhabs," *Britain International of Humanities and Social Sciences (BIOHS) Journal* 1, no. 2 (2019): 149, <https://doi.org/10.33258/biohs.v1i2.46>.

describe the diversity of opinions regarding the age limit for marriage from the perspective of Islamic civil organizations in Banyumas.

1. Nahdlatul Ulama

Nahdlatul Ulama was established on 31 January 1926, as a representative of traditionalist Muslim scholars, guided by the ideology of Ahlus Sunnah wal Jamaah. Key figures in its formation included K.H. Hasyim Asy'ari, K.H. Wahab Hasbullah, and other prominent ulama of the time. During the period of widespread reform movements, the ulama were not yet well-organized, but they maintained strong relationships. They would gather periodically for celebrations such as the haul (commemoration of a Kiai's death anniversary), birthdays, and other occasions, bringing together kiai (religious leaders), local communities, and former students of their pesantrens spread across the archipelago.³¹

The establishment of Nahdlatul Ulama aimed to uphold the teachings of *Ahlus Sunnah wal Jamaah*, drawing from sources such as the Quran, Sunnah (the prophet's teachings), Ijma' (consensus of previous scholars), and Qiyas (analogy based on Quranic and Hadith cases).³² According to Marijan, as quoted by K.H. Mustofa Bisri, these teachings encompass three main principles or substances. Namely:

- 1) In the field of Islamic jurisprudence or fiqh, Nahdlatul Ulama adheres predominantly to the Syafi'i school of thought among the four major schools (Hanafi, Maliki, Syafi'i, and Hambali).
- 2) Regarding monotheism or tauhid, Nahdlatul Ulama follows the teachings of Imam Abu Hasan Al-Ash'ari and Imam Abu Mansur Al-Maturidi.
- 3) In the realm of Sufism or tasawwuf, Nahdlatul Ulama bases its teachings on the foundations established by Imam Abu Qasim Al-Junaidi. The consolidation of Sunni beliefs evolves gradually. Sunni theological thought is eclectic, meaning it selects the correct opinion among various viewpoints. Hasan Al-Bashri, a prominent Sunni figure, adopted the Qadariyah viewpoint on matters of divine decree qada and qadar concerning human actions, and chose the Murji'ah stance on major sins, stating that the perpetrator remains a believer but with flawed faith. Hasan Al-Bashri's ideas were later synthesized into the core beliefs of *Ahlus Sunnah wal Jama'ah*.³³

Nahdlatul Ulama has a major contribution in building the construction of Islamic family law in Indonesia. Bahtsul Masail is one of Nahdlatul Ulama's intellectual forums that often discusses family law issues. Various thoughts produced by this forum are often used to respond to government policies in the field of family

³¹ Faried F. Saenong, "Nahdlatul Ulama (NU): A Grassroots Movement Advocating Moderate Islam," in *Handbook of Islamic Sects and Movements*, ed. Muhammad Afzal Upal and Carole M. Cusack (Leiden: Brill, 2021), 129.

³² Khoirun Niam, "Nahdlatul Ulama and the Production of Muslim Intellectuals in the Beginning of 21st Century Indonesia," *Journal of Indonesian Islam* 11, no. 2 (2017): 351, <http://dx.doi.org/10.15642/JIIS.2017.11.2.351-388>.

³³ Mhd Safuan et al., "Religiosity Expression of Nahdlatul Ulama Community in Maintaining Local Cultural Tradition," in *Proceeding International Conference on Islam, Law, and Society (INCOILS)* (International Conference on Islam, Law, and Society (INCOILS), Bandung: Universitas Islam Negeri Sunan Gunung Djati, 2022), 1.

law.³⁴ The capacity and quality of the scholars and intellectuals of Nahdlatul Ulama who participate in Lajnah Bahtsul Masa'il, certainly produce decisions that have an impact on the development of law and the implementation of law in Indonesia.³⁵

In Islamic fiqh discourse, the Bahtsul Masail Forum states that there is no definitive limit on the minimum age required for prospective brides. Islam only regulates that ideally the bride and groom should have reached puberty so that they can have sexual relations in a natural, normal and healthy manner.³⁶ In Munir's research, the Batsul Masail Institute of Nahdlatul Ulama Vice Branch Council (Majelis Wakil Cabang Nahdlatul Ulama/MWCNU) Batanghari in discussing the marriage age limit uses the *ilbaqi* method because there is no exact legal case in fiqh that is used as a reference. They look for similarities in the *'ilat* law between the problem at hand and those in fiqh as a basis for problem solving. They recognize the differences in scholarly opinion about the age limit for marriage due to the absence of *qot'i nash*. By using *taqyidu al-mubah*, they connect the case at hand with fiqh, by looking for similarities in the *'ilat* of the law and finding *maslahat 'ammah* as the basis for resolution.³⁷

Regarding the state's authority to limit the age of marriage, there are pros and cons. The pro argument is based on the state's authority to create public benefits, because although marriage is a private matter (*ahwal alsyakhsyah*), marriage has a very broad social impact so the state needs to ensure that marriage practices bring benefits, not the other way around. Therefore, the state can prohibit permissible things (*man' al-mubah*), let alone only regulate permissible things (*taqyid al-mubah*). The counter-argument is based on the authority of the guardian as the holder of special power over the marriage of girls. This authority is recognized by the *nash* in an explicit, unequivocal way, so the state (*amir*) and the judge (*qadhi*) do not have the authority to interfere with the case. Nonetheless, because Law 16/2019 still opens the marriage dispensation door to achieve individual *maslahat*, the opposing group is willing to accept the law.³⁸

Nahdlatul Ulama Kabupaten Banyumas responds to the change in marriage age limits from 19 years for both males and females to 19 years for both genders, citing references from the Quran and Hadith. They emphasize that marriage eligibility in Islam pertains to those who are mature and capable, without specifying a

³⁴ Agus Setiawan and Ibnu Akbar Maliki, "The Development of Family Law Materials in Bahtsul Masail Nadhlatul Ulama," *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam* 5, no. 2 (2020), <https://doi.org/10.25217/jm.v5i2.1162>.

³⁵ Venny Agna Mentari et al., "Hukum Keluarga Di Indonesia Dalam Fatwa Bahsul Masail Nahdlatul Ulama (NU)," *Qiyas: Jurnal Hukum Islam Dan Peradilan* 8, no. 2 (2023): 230, <http://dx.doi.org/10.29300/qys.v8i2.2683>.

³⁶ Muhammad Saiful Umam, "Menakar Dalil Pro Kontra Pernikahan Anak Dari Hasil Bahtsul Masail NU," *IJouGS: Indonesian Journal of Gender Studies* 1, no. 1 (2020): 19, <https://doi.org/10.21154/ijougs.v1i1.2063>.

³⁷ Misbakhul Munir, "Kewenangan Pemerintah Dalam Membatasi Usia Perkawinan (Studi Putusan Batsul Masail MWCNU Batanghari) Perspektif Maqashid Al-Syari'ah" (Tesis, Lampung, Institut Agama Islam Negeri Metro, 2024), 115.

³⁸ Muhamad Nasrudin et al., "Kewenangan Negara Membatasi Usia Minimal Calon Pengantin Melalui UU Nomor 16 Tahun 2019 (Analisis Istimbath Hukum Lembaga Bahtsul Masail MWC NU Batanghari Lampung Timur)," in *Prosiding Muktamar Pemikiran Dosen PMII* (Muktamar Pemikiran Dosen PMII, Tulungagung: Asosiasi Dosen Pergerakan, 2021), 628.

minimum or maximum age, as it falls under the realm of *ijtihad* (independent reasoning). The government's decision to raise the marriage age from 16 years, despite puberty, reflects considerations of maturity and readiness beyond physical readiness. The following is a description of the Chairman of the Tanfidziyah of the Nahdlatul Ulama Branch Management (Pengurus Cabang Nahdlatul Ulama/PCNU) of Banyumas Regency.

“So if we refer directly textually to the Qur'an and Hadith, there is no explicit provision that mentions at what age someone is the ideal age to get married. For example, in Surah An-Nisa verse 6 and Surah An-Nur verse 32. In meaning, these two suras do recommend that every human being who wants to get married should have maturity in terms of knowledge, health, faith, and also economic capacity. But the redaction does not mention exactly at what age. Now, in relation to the government's efforts to limit the age of marriage, I think that is something that must be done to maintain the quality of marriage in society. The age of 19 in the context of our society seems to be mature enough to get married. Moreover, the policy must also have considered various aspects and involved many opinions from other state institutions such as the ministry of health, the ministry of women and children, and other organizations that deal with the field of marriage”.³⁹

Nahdlatul Ulama underscores that marriage involves not only reaching puberty but also being *mukallaf* (legally responsible), requiring substantial physical and mental preparation. They advocate against arbitrary changes in marriage age limits absent from Quranic or Hadith sources, asserting that such matters are subject to *ijtihad*. They highlight that many countries align marriage policies with the true objectives of marriage: worship, channeling desires, and procreation.

Regarding dispensations for underage marriages, often due to premarital relations, Nahdlatul Ulama stresses the importance of proper parental guidance to prevent forced marriages, which are prone to divorce and hinder achieving marriage's true objectives. They support raising age limits as an *ijtihadic* measure to ensure marriages serve their intended purposes, alongside community education on healthy marriages. The Chairman of Tanfidziyah PCNU of Banyumas Regency said as follows.

“Yes, of course, the principle that marriage is a form of worship is still prioritized. Therefore, the readiness of the couple is the main key, especially in terms of legal capacity. The existence of marriage dispensation in religious courts should be used by the community as a medium to ensure that the bride and groom are ready to get married even though they have not reached the age of 19. The court itself should not be arbitrary in granting marriage dispensation applications. This means that *ijtihad* in handling the application

³⁹ Interview with Mr. Sabar Munanto Chairman of Tanfidziyah PCNU on January 14, 2024 in Purwokerto.

must be maximized to ensure that the marriage that will be carried out becomes perfect worship”.⁴⁰

The Ulama are committed to promoting Islam as moderate and balanced, emphasizing mature readiness for marriage to ensure future generations' well-being, avoiding potential physical or intellectual impairments caused by premature pregnancies in contemporary times.

2. Muhammadiyah

Muhammadiyah, founded by Muhammad Darwis, better known as K.H. Ahmad Dahlan, in Kauman Yogyakarta on November 18, 1912, was established in response to various suggestions from his companions and students to create a permanent institution.⁴¹ The organization was driven by several social, religious, and moral concerns. Social distress arose due to ignorance, poverty, and the backwardness of the community.⁴² Religious distress stemmed from the mechanistic practices of religion without apparent connection to positive social behavior, often intertwined with superstition. Moral distress arose from blurred distinctions between good and bad, appropriate and inappropriate.⁴³

Muhammadiyah has exerted considerable influence in Indonesia. As a social organization, it addresses not only educational issues but also provides various community services including healthcare, legal advice or *fatwa*, orphanages, counseling, and more. Muhammadiyah initiatives have led to the establishment of numerous schools, hospitals, mosques, orphanages, homes for the elderly, and other institutions.⁴⁴ Moreover, within Muhammadiyah's organizational structure, numerous councils, agencies, and autonomous organizations address religious and social issues within the community.⁴⁵

In the field of marriage, Muhammadiyah has contributed greatly in contributing its thoughts on fiqh. The discourse of gender equality in the decision of Muhammadiyah's Tarjih and Tajdid Council has influenced the balance of the roles

⁴⁰ Interview with Mr. Sabar Munanto Chairman of Tanfidziyah PCNU on January 14, 2024 in Purwokerto.

⁴¹ Rani Darmayanti et al., “Historicity Muhammadiyah: What Was the Idea of the Founder of Muhammadiyah as a ‘Progressive Islamic Movement?’,” *Atthulab: Islamic Religion Teaching and Learning Journal* 9, no. 1 (2024): 35, <https://doi.org/10.15575/ath.v9i1.33965>.

⁴² Haedar Nashir, *Understanding the Ideology of Muhammadiyah* (Surakarta: Muhammadiyah University Press, 2015), 7.

⁴³ Wismanto et al., “The Role of Muhammadiyah in the Early Period of Islam in the Archipelago,” *International Journal of Educational Guidance* 1, no. 2 (2024): 9, <https://ijeg.gamapedia.com/index.php/ijeg/article/view/8>.

⁴⁴ Sri Iswati et al., “The Role of Muhammadiyah in the Development of Social Capital Community,” in *Proceedings of the 1st International Conference Postgraduate School Universitas Airlangga* (1st International Conference Postgraduate School Universitas Airlangga: “Implementation of Climate Change Agreement to Meet Sustainable Development Goals” (ICPSUAS 2017), Surabaya, 2017), 53, <https://doi.org/10.2991/icpsuas-17.2018.13>.

⁴⁵ Refinal et al., “Religious Basis of the Muhammadiyah Movement In Indonesia,” *Solo International Collaboration and Publication of Social Sciences and Humanities* 3, no. 1 (2024): 83, <https://doi.org/10.61455/sicopus.v3i01.238>.

of husband and wife in the construction of a *sakinah* family.⁴⁶ The Tarjih Council plays a role in developing the mission of the Muhammadiyah organization in purification efforts by returning all religious issues to the main source, namely the Al-Quran and *hadith*.⁴⁷ Some of the marriage fatwas produced by Majelis Tarjih are the prohibition of interfaith marriages⁴⁸, the law of telephone marriage contracts⁴⁹, and the validity of divorce outside religious courts in *fiqh*.⁵⁰

In general, Muhammadiyah is more likely to agree with Law. Number 1 of 1974 concerning Marriage which provides clear restrictions for men and women who want to get married. Muhammadiyah, in its legal ruling, criticized the *hadith* about Aisha's age by saying that in the *hadith*, there were narrators whose memory was questionable because they had entered old age. Muhammadiyah also considers that marriage is a ritual that must be carefully prepared both physically and mentally from both brides and grooms, because with marriage a person automatically gets rights and at the same time has obligations that must be carried out.⁵¹ Maturity in marriage readiness is not just paying attention to *baligh* (biological maturity), but must be considered *rusyd* (psychological-social maturity) which when translated into age is the age of 19 years as stipulated in the Marriage Law.⁵²

Kholis in his research revealed that the leaders of the Muhammadiyah Regional Leadership of the Special Region of Yogyakarta agreed with the change in the minimum age of marriage. According to them, the age of maturity is very important as a condition for entering into marriage because it is the age of maturity that will determine whether the purpose of marriage can be achieved. The change in the minimum age of marriage in terms of Islamic law is to protect the soul (*hifz al-nafs*), protect the mind (*hifz al-'aql*), and protect offspring (*hifz al-nasl*).⁵³

Muhammadiyah in Banyumas responds to the change in the minimum age of marriage, from 19 years for men and 16 years for women to 19 years for both genders, by stating that it does not outright prohibit marriages below these ages, as

⁴⁶ Mohammad Bachrul Falah, Riyanta, and Ibnu Akbar Maliki, "Muhammadiyah and Urban Muslim Gender Equality Issues: Neo-Traditionalism in The Decision of the Majelis Tarjih and Tajdid Muhammadiyah on Husband and Wife Relationship," *Akademika : Jurnal Pemikiran Islam* 29, no. 2 (2024): 237, <https://doi.org/10.32332/akademika.v29i2.9201>.

⁴⁷ Insanul Muttaqin, "Peran Majelis Tarjih Dalam Pengembangan Muhammadiyah Di Yogyakarta Tahun 1927-1985," *Jurnal Prodi Ilmu Sejarah* 3, no. 6 (2018): 1.

⁴⁸ Ali Mutakin, "Fiqh Perkawinan Beda Agama Di Indonesia: Kajian Atas Fatwa-Fatwa NU, MUI Dan Muhammadiyah," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 14, no. 1 (2021): 11, <https://doi.org/10.14421/ahwal.2021.14102>.

⁴⁹ Muhammad Arif Putra, "Penggunaan Media Telekonferensi Dalam Akad Nikah Studi Komparatif Lembaga Bahtsul Masa'il NU Dan Majelis Tarjih Muhammadiyah" (Skripsi, Jakarta, Universitas Islam Negeri Syarif Hidayatullah, 2017).

⁵⁰ Halimah Siti Rahmawati, "Pandangan Majelis Tarjih Dan Tajdid Pimpinan Pusat Muhammadiyah Terhadap Perceraian Di Luar Pengadilan (Studi Terhadap Fatwa Tarjih Dalam Rubik Tanya Jawab Agama Majalah Suara Muhammadiyah)" (Skripsi, Yogyakarta, Universitas Islam Negeri Sunan Kalijaga, 2023).

⁵¹ Mu'ala, "Batas Minimal Usia Nikah Perspektif Muhammadiyah Dan Nahdlatul Ulama'."

⁵² Muhammad Habibi Miftakhul Marwa, "Pengaturan Batas Usia Perkawinan Perspektif Keluarga Sakinah Muhammadiyah," *Justisi* 7, no. 1 (2021): 13, <https://doi.org/10.33506/js.v7i1.1170>.

⁵³ Ahmad Muzakki Kholis, "Tinjauan Hukum Islam Terhadap Perubahan Pembatasan Usia Minimal Pernikahan Dalam Undang-Undang Nomor 16 Tahun 2019 Tentang Perkawinan (Studi Terhadap Pandangan Pimpinan Wilayah Muhammadiyah D.I. Yogyakarta)" (Skripsi, Yogyakarta, Universitas Islam Negeri Sunan Kalijaga, 2023).

they are permitted under the condition of obtaining dispensation from the court as stipulated by law. The organization emphasizes the importance of maturity in marriages and supports measures to ensure that individuals are sufficiently mature before marrying.

In Islam, there is no specific, clear-cut directive regarding marriage age, and even the marriage of the Prophet Muhammad to Siti Aisyah at a young age is debated in terms of its authenticity.⁵⁴ The primary purpose of marriage, as guided by the Quran, is to establish a family founded on tranquility, affection, and mercy, not merely to fulfill carnal desires but also to preserve lineage. Therefore, marriage in Islam is encouraged at an age where individuals are mature in all aspects. Mr. Ibnu Hasan as Chairman of Muhammadiyah Banyumas stated as follows.

“Yes, I agree with the change in the age of marriage as stipulated in the new Marriage Law. The age of 19 is fairly reasonable when categorized as the age of readiness for marriage, both for men and women. Because, if you use the old law, the age limit of 16 years for women is still very risky, especially in terms of access to education. Because at that age, in general, they are still of school age in senior high school. In addition, we also need to underline the substance and purpose of marriage as emphasized in the Qur'an, which is to form a *sakinah* family. Well, this *sakinah* family can only be formed if both bride and groom have good personal qualities. For example, strong faith, sufficient knowledge, physical maturity for reproduction, mental strength to face household problems, and financial capability to earn a living. In the context of the law, the age of 19 years in my opinion is sufficient to represent the criteria as mentioned by the Qur'an”.⁵⁵

The establishment of a minimum marriage age also considers psychological readiness, which can vary between individuals and over time. What was considered mature in the past may differ from today's standards, and maturity levels can fluctuate based on circumstances. Muhammadiyah does not fundamentally oppose the change in the minimum marriage age, as long as it aims to minimize detrimental marriages due to lack of maturity and readiness. However, the organization underscores that any regulations should not be absolute and must consider individual maturity levels, which can vary widely. There is a concern that raising the marriage age may lead to an increase in dispensations granted based on age alone. Regarding the dispensation of marriage in the religious courts, Mr. Ibnu Hasan stated as follows.

“By the way, marriage dispensation in religious courts also plays an important role. In Islam, the age of marriage is not rigidly limited because each person has different maturity conditions. Now it turns out that this is also adopted by the courts, where the age limit of 19 years is not an absolute provision. This means that there are various conditions in which individuals are

⁵⁴ Sukron Ma'mun and Ibnu Akbar Maliki, “A Socio-Historical Study of Women's Rights Advocacy in Islamic Legal Construction,” *Journal of Southeast Asian Human Rights* 7, no. 1 (2023): 6, <https://doi.org/10.19184/jseahr.v7i1.39156>.

⁵⁵ Interview with Mr. Ibnu Hasan, Chairman of the Regional Leadership of Muhammadiyah Banyumas on January 21, 2024 in Purwokerto

considered ready for marriage even if they are not yet 19 years old. However, it should be underlined that the religious court should not be arbitrary in making a decision. All aspects must be explored, including physical and mental health, the condition of faith and knowledge, and the ability to meet household needs. Thus, the judge through his *ijtihad* efforts is able to provide the right decision in accordance with Islamic law in the field of marriage”.⁵⁶

The organization believes that the focus should be on educating the community about morals, ethics, and marriage to prevent undesirable practices. Without adequate education, regulations on minimum marriage age may not effectively address the root causes of underage marriages, particularly those influenced by societal pressures or misconceptions. In conclusion, Muhammadiyah suggests that efforts should be directed towards addressing the societal factors that contribute to underage marriages, rather than solely relying on age-based regulations.

3. Lembaga Dakwah Islam Indonesia (LDII)

The history of Indonesian Islamic Da'wah Institute (Lembaga Dakwah Islam Indonesia/LDII) is closely tied to an individual named Nur Hasan al-Ubaidah. He was a prominent figure and the founder of Wali Barokah Islamic Boarding School in Kediri in 1952. Initially focusing his preaching efforts within his own family circle, Nur Hasan al-Ubaidah began to gain followers who pledged allegiance to him, making him a leader by 1941. He imparted teachings in Gading Mangu, Jombang, a village that now houses Gading Mangu Islamic Boarding School (GAMA). His teachings reinforced the community's identity as a distinct religious group within Islam.⁵⁷ Empirically, his leadership introduced new cultural norms among the faithful, shaking up mainstream Islamic practices. The religious practices offered by Nur Hasan Ubaidah activities no longer emphasized local ties.⁵⁸

The activities of the Jamaah Islam encompassed discussions or Q&A sessions, Quranic and Hadith studies, and religious explanations or elucidations. Despite frequent name changes, their activities and teachings remained unchanged. The name changes were primarily political moves to evade government prohibition of their teachings. The movement used several names, such as Jamaah Qur'an and Hadith, Pondok Darul Hadith, Yayasan Pendidikan Islam Jama'ah, and Islamic Workers Institute, until MUBES IV/LEMKARI/1990 decided to rename it the Indonesian Islamic Da'wah Institute (Lembaga Dakwah Islam Indonesia/LDII).⁵⁹

LDII is often associated with *Salafi* ideology due to its adherence to four fundamental dimensions and perspectives within Salafi thought. Firstly, the aspect of

⁵⁶ Interview with Mr. Ibnu Hasan, Chairman of the Regional Leadership of Muhammadiyah Banyumas on January 21, 2024 in Purwokerto

⁵⁷ Ottoman, “Asal Usul Dan Perkembangan Lembaga Dakwah Islam Indonesia (LDII),” *Tamaddun: Jurnal Kebudayaan Dan Sastra Islam* 14, no. 2 (2014): 147, <https://jurnal.radenfatah.ac.id/index.php/tamaddun/article/view/129>.

⁵⁸ Faizin, “Pemikiran Lembaga Dakwah Islam Indonesia (LDII): Analisis Praktik Keagamaan Dan Pengaruhnya Di Kabupaten Kerinci,” *Jurnal Islamika: Jurnal Ilmu-Ilmu Keislaman* 16, no. 2 (2016): 59, <https://doi.org/10.32939/islamika.v16i2.124>.

⁵⁹ Henny Yusnita, “Sejarah Lembaga Dakwah Islam Indonesia,” *Jurnal Sambas Studi Agama, Masyarakat, Budaya, Adat, Sejarah* 5, no. 1 (2022): 18, <https://doi.org/10.37567/sambas.v5i1.1520>.

religious purification rejects blind adherence to jurisprudential and theological traditions in traditional Islamic understanding. Secondly, the socio-political thought emphasizes the sovereignty of Allah and views Islam as a perfect religion governing society and state. Thirdly, the educational method emphasizes moral values such as piety, contentment with Allah's provisions, simplicity in worldly affairs, patience, and trust in Allah. Fourthly, the method of thought prioritizes faith and morality, categorizing humans as either "enemies" or "brothers."⁶⁰ Nevertheless, LDII is not a militant or radical religious movement; it merely rejects certain traditional Islamic practices. LDII has gradually modernized or reformed its stance in response to non-*Salafi* Islamic currents in Indonesia. Despite being considered Salafi, LDII differs from other *Salafi* communities.⁶¹

In terms of marriage, LDII has specific norms that characterize their thoughts on marriage. LDII has different views regarding kafa'ah both in theory and implementation. LDII members prefer people who come from the same group or organization, because there is a sense of comfort in their own hearts.⁶² This same-member marriage is expected to realize equality (*kufu'*) in terms of organization, so that it can create harmony in the household because of the similarity of understanding. The similarity of understanding about religion is also expected to avoid household conflicts. LDII's *ijtihad* in marriage is based on the *manqūl* theory. This is evidenced by the existence of a marriage team in LDII to take care of marriages, as a form of realizing the ideals of LDII marriage, namely to navigate the ark of an eternal and happy household.⁶³

The response of LDII regarding the change in the minimum age of marriage from 19 years for both men and women to 19 years for both, is that if we recall the era of prophethood, there is a Hadith stating that the Prophet Muhammad married Siti Aisyah at the age of 6 and consummated the marriage when she was 9. However, Islam follows the times. Indeed, differences in conditions and eras have significant influence, and the change in the minimum age of marriage considers these situations and conditions.

Clinging strictly to the mindset of the prophetic era is not relevant to today's circumstances. Therefore, the Islamic Propagation Institution of Indonesia, Banyumas Regency, does not oppose and even agrees with the change in the minimum age of marriage. Medical research has been conducted to prevent undesirable outcomes such as birth defects in babies. Mr. Sutanto as the Chairman of the Regional Executive Board of LDII Banyumas responded as follows.

⁶⁰ Muamar, "Bai'at Dalam Al-Qur'an (Kajian Atas Pemaknaan LDII Terhadap Ayat 18 Surat Al-Fatih)" (Skripsi, Jakarta, Universitas Islam Negeri Syarif Hidayatullah, 2011), 88.

⁶¹ Limas Dodi, "Metamorfosis Gerakan Sosial Keagamaan: Antara Polemik, Desiminasi, Ortodoksi, Dan Penerimaan Terhadap Ideologi Lembaga Dakwah Islam Indonesia (LDII)," *Al-Tahrir Jurnal Pemikiran Islam* 17, no. 1 (2017): 229, <http://dx.doi.org/10.21154/altahrir.v17i1.880>.

⁶² Indah Listyorini, Burhanatut Dyana, and Ree Naldy Candra Pramudya, "Perkawinan Anggota Lembaga Dakwah Islam Indonesia Menurut Hukum Perkawinan Islam," *Qanun: Jurnal Hukum Keluarga Islam* 1, no. 2 (2023): 97, <https://dx.doi.org/10.62870/qanun.v1i2.24725>.

⁶³ Lukman Ari Ramadana and Muh. Zumar Aminuddin, "Tjtiihad Lembaga Dakwah Islam Indonesia (LDII) Tentang Perkawinan Lintas Organisasi Masyarakat Islam," *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi* 3, no. 2 (2021): 209, <https://doi.org/10.22515/alhakim.v3i2.4454>.

“Historically, the age limit of marriage in Islam can be seen from the marriage of Siti Aisyah to the Prophet Muhammad saw, where at that time Siti Aisyah was married at the age of 9 years. Some say that, but there are also opinions that say that Siti Aisyah was married above the age of 9. But apart from that, we also need to look at the current social reality in society. Is 9 years old enough for someone to get married? Not necessarily. In my opinion, it makes sense for the Marriage Law to change the age of marriage. The age of 19 is mature enough for men and women to get married. At least, they have graduated from senior high school. This is an important step taken by the state, because men and women must be equal or “sekufu”. *Kafa'ah* can be seen from his physical condition, mentality, faith, and economy. In my personal opinion, 19 years old, God willing, is ripe for marriage”.⁶⁴

The increasing dispensation is also related to the end-times lifestyle mentioned by the Prophet Muhammad, where there will be widespread immorality, including adultery. In the context of marriage dispensation in religious courts, Mr. Sutanto responded as follows.

“Of course, the conditions of each individual must be seen. If it is possible from various aspects even though it has not reached the age of 19, it is valid to get married. Moreover, if it is seen from the association that is not good and worried about falling into sinful acts, then it is obligatory for parents to marry them off. Therefore, the religious court must see these conditions as a consideration in granting the application for dispensation of marriage”.⁶⁵

The Chairman of Regional Leadership Council (Dewan Pimpinan Daerah/DPD) LDII Banyumas also argues that the government should also provide intensive education regarding marriage-related matters to ensure that the purpose of this change in the minimum age of marriage is achieved successfully. In addition to optimizing the role of the government as a policy maker, LDII also emphasizes optimizing the role of parents in providing character education and instilling good manners in children.

4. Al-Irsyad Al-Islamiyah

The establishment of the al-Irsyad organization is closely linked to a knowledgeable figure from Sudan named Ahmad Soorkaty. His arrival in Indonesia marked the beginning of the background history of the al-Irsyad movement. Ahmad Soorkaty came to Indonesia in 1911 at the invitation of Jamiat Khair to teach. Jamiat Khair, also known as al-Jamiat al-Khairiyyah, was established in Jakarta on July 7, 1905. Its members were predominantly Arabs from affluent backgrounds, enabling

⁶⁴ Interview with Mr. Ibnu Hasan, Chairman of the Regional Leadership of Muhammadiyah Banyumas on January 21, 2024 in Purwokerto

⁶⁵ Interview with Mr. Ibnu Hasan, Chairman of the Regional Leadership of Muhammadiyah Banyumas on January 21, 2024 in Purwokerto

them to dedicate considerable time to the organization's activities without disrupting their livelihoods.⁶⁶

The Al Irsyad movement aims to eradicate the practice of heresy in terms of belief based on the understanding of the Qur'an and Sunnah as covered in the Al Irsyad mabadi. The initial main principle of the Al Irsyad movement also aimed to realize equality in the lives of fellow Muslims based on understanding sourced from the Qur'an and sunnah.⁶⁷ Sheikh Ahmad Syurkati was able to create an influence on citizens by forming an ideology as a basic guideline in his movement called Mabadi. Majlis at the central level are in charge of planning guiding harmonizing and supervising the activities of each field, compiling structures and functions on strategies in their fields.⁶⁸ This assembly also carries out the mission of the association to realize a complete human being who is tauhid and devoted to Allah swt, clean from shirk, superstition, and khurafat, noble character, responsible for the realization of a just and prosperous society.⁶⁹

The development of the Al Irsyad organization was less rapid when compared to organizations that were born much later such as Muhammadiyah and NU. Its movement in society is more dominant in the field of education. Al-Irsyad's role in education in Indonesia is very influential and gives its own style in the education system in Indonesia, when many schools are more concerned with the interests of intellectual aspects and put aside the moral aspects, Al Irsyad appears as an education that weighs the moral aspects, which aims to improve the morals of the Indonesian people and make the nation's successors who obey their religion.⁷⁰

Nevertheless, many organizational figures in Al Irsyad have scientific capacity in the field of marriage law. Al-Irsyad Al-Islamiyyah Purwokerto responds to the change in the marriage age limit, which was previously 19 years for males and 16 years for females, now unified to 19 years for both genders. Regarding changes in the marriage age limit, one aspect that cannot be overlooked is the influence of changing times. As times change, they affect behaviors, lifestyles, and the development of individuals, including knowledge and technology. The government's decision to change the marriage age limit is likely based on identified risks concerning physical health and other factors, as well as the maturity required for marriage, which in turn impacts future generations. Mr. Said Muchsin as Chairman of Al Irsyad Al Islamiyah Purwokerto explained as follows.

⁶⁶ Adam Malik, "Jam'iyah Al-Irsyad Al-Islamiyyah (Napak Tilas Sejarah Pergulatan Identitas Kebangsaan Kaum Hadrami Di Indonesia)" (Tesis, Makassar, Universitas Islam Negeri Alauddin, 2019), 68.

⁶⁷ J. Subando, B. Kartawagiran, and S. Munadi, "Construction of Al-Irsyad's Ideology" (The 4th ICSSD, International Conference of Social Science and Education, Yogyakarta: Sciendo, 2020), 314, <https://doi.org/10.2478/9788366675186>.

⁶⁸ Abdul Aziz Bin Fauzi, "Dinamika Gerakan Al Irsyad Dalam Mempengaruhi Perubahan Sosial Warga Keturunan Arab Kampong Ampel Surabaya Utara," *Antro Unair DotNet* 2, no. 2 (2013): 230.

⁶⁹ J. Subando et al., "The Development of Measurement Instrument Toward the Ideological Attitude of Al Irsyad Students in Indonesia," vol. 767 (The 6th International Conference on Learning Innovation and Quality Education (ICLIQE), Surakarta: Atlantis Press, 2022), 263, https://doi.org/10.2291/978-2-38476-114-2_25.

⁷⁰ Muhammad Nur Effendi, "Pendidikan Al Irsyad Dan Kontribusinya Terhadap Pendidikan Islam," *Jurnal Darussalam* 20, no. 2 (2019): 104.

“In my opinion, the presence of the state in limiting the age of marriage for the community is a very important step. It is important that these standards are applied in society so that marriages do not lead to divorce. Because it cannot be denied that the unpreparedness of the prospective bride and groom for marriage is very likely to cause harm, such as the emergence of domestic violence due to lack of mental strength, poverty because they are not skilled in earning a living, and the emergence of health problems due to the physical condition of the body that is not yet ripe for reproduction. Regarding the age of 19, I agree and have no objection. But each individual has a different level of readiness. The solution is that the 19-year age limit should not apply rigidly. In other words, it can still be tolerated according to the conditions of the bride and groom. Therefore, the religious court as the party examining the application for dispensation of marriage must be careful in exploring the readiness of the prospective bride and groom”.⁷¹

Al-Irsyad Al-Islamiyyah Purwokerto does not object to this change in the marriage age limit. Essentially, the government follows necessary procedures to implement such changes. The issue of marriage age limit does not violate principles of Sharia and is not problematic, as scholars have varying opinions on fiqh matters. Concerning dispensations that have arisen post-change, the government has provided regulations to limit the risks of early marriages. Additionally, legal provisions exist for marriages under the stipulated age through dispensations, showing flexibility in enforcement. The increase in such dispensations may stem from a lack of widespread understanding among the public. Thus, it becomes our collective responsibility to nurture a generation capable of making informed decisions.

C. Maqashid Sharia as a Viewpoint of Contemporary Islamic Family Law on the Argumentation of the Marriage Age Limit

The dynamics of the regulation of marriage age restrictions in Muslim countries have also colored the development of Islamic family law in the contemporary era. Uniformity of marriage age limits is important to maintain the quality of marriage in society.⁷² Islam has determined the basic principles of marriage age limits implicitly through verses of the Qur'an and hadith containing events in the time of the Prophet Muhammad saw. Meanwhile, the state translates religious norms into the Marriage Law which then concretely determines the age limit for marriage to 19 years.⁷³ This rule is of course determined on various considerations, including the

⁷¹ Interview with Mr. Said Muchsin Chairman of Al Irsyad Al Islamiyah Purwokerto on January 13, 2024 in Purwokerto.

⁷² Büchler and Schlatter, “Marriage Age in Islamic and Contemporary Muslim Family Laws A Comparative Survey,” 37.

⁷³ Ahmad Asrori, “Batas Usia Perkawinan Menurut Fukaha Dan Penerapannya Dalam Undang-Undang Perkawinan Di Dunia Muslim,” *Al-'Adalah* 12, no. 2 (2015): 823, <https://dx.doi.org/10.24042/adalah.v12i2.215>.

interests of children involving medical, social, cultural, religious and educational aspects.⁷⁴

Various thoughts were developed by ulama and scholars in responding to the problems of Islamic family law, including the issue of marriage age limits. Maqasid Syariah developed by Imam Syatibi can be an adequate alternative as a conceptual-methodological basis for Islamic family law reform. Apart from being considered capable of dealing with the concepts and values of modernity, such as equality, gender justice⁷⁵ and others, the Maqashid Syariah approach also has methodological tools to dialogue with Islamic methodologies and scientific traditions such as ushul fiqh. Therefore, it is likely that the legal products produced with this approach will be contextualized Islamic family law products that are acceptable to all groups.⁷⁶ Even Jamaluddin Atiyah has developed maqasid sharia specifically for marriage issues, namely maqashid al usrah.⁷⁷ This shows that in principle, maqasid sharia is very relevant to the issue of marriage age limits.

Beneficence is the basic paradigm of maqashid sharia. Talking about the arguments of Islamic civil organizations in Banyumas, they generally agree while giving small notes on the changes in the marriage age limit in the Marriage Law. Then the question arises, does the marriage age limit provision in the Marriage Law represent the benefit? Then, is the response given by Islamic leaders in Banyumas also a reflective note that contains a mission of benefit? This section will answer these two questions using the maqashid sharia framework which is elaborated on five principles, namely maintaining religion (*hifẓ al-din*), soul (*hifẓ al-nafs*), intellect (*hifẓ al-'aql*), offspring (*hifẓ al-nasl*), and property (*hifẓ al-mal*).

Of the five aspects above, specifically age restrictions are classified as an effort to protect the soul (*hifẓ al-nafs*) and offspring (*hifẓ al-nasl*). The following will elaborate on these two aspects.

First, protecting the soul (*hifẓ al-nafs*). Setting the age of 19 years for prospective brides is seen as in accordance with Islamic law. This was also expressed by the leaders of civil Islamic organizations in Banyumas, where their views referred directly to the Qur'an and Hadith. The reason for this is because at this age humans can develop their true abilities, and can be responsible for their family problems, and are also seen as more prepared to deal with them, including pregnancy health

⁷⁴ Sri Murni, "The Marriage Age Limit According to Indonesian Law No. 16, 2019 as Effort to Child Protection," in *Proceedings of the International Conference on Law, Economics and Health (ICLEH 2020)* (International Conference on Law, Economics and Health (ICLEH 2020), Semarang: Atlantis Press, 2020), 222, <https://doi.org/10.2991/aebmr.k.200513.047>.

⁷⁵ Amrina Rosyada, Lisna Mualifah, and Ibnu Akbar Maliki, "Gender Justice in Husband and Wife Relations According to Shaykh Nawawi Al-Bantani: A Study of the Kitab Syarah 'Uqūd al-Lujain," *Qanun: Jurnal Hukum Keluarga Islam* 2, no. 2 (2024), <https://dx.doi.org/10.62870/qanun.v2i2.27087>.

⁷⁶ Ilham Tohari and Moh. Anas Kholish, "Maqasid Syariah Sebagai Pijakan Konseptual Dalam Pembaruan Hukum Keluarga Islam Indonesia," *Arena Hukum* 13, no. 2 (2020): 314, <https://doi.org/10.21776/ubarenahukum2020013027>.

⁷⁷ Muhammad Fadlil Rohman, Sri Lumatus Sa'adah, and Abdul Wahab, "Women's Rights in Marriage Perspective Maqasid Al-Usrah Jamaludin Athiyah," *Indonesian Interdisciplinary Journal of Sharia Economics* 7, no. 2 (2024): 2768, <https://doi.org/10.31538/ijse.v7i2.4878>.

opportunities.⁷⁸ The argument presented in response to the marriage age limit is in line with the principle of preserving the soul (*hifẓ al-nafs*). Maintaining the soul is related to limiting the age of marriage in the Marriage Law, namely reducing the mortality rate of pregnant women and saving them. If someone marries at a mature age as stipulated in the Marriage Law is 19 years old, the mortality rate of mothers and babies during childbirth will decrease.⁷⁹

Second, protecting offspring (*hifẓ al-nasl*). The purpose of marriage is also an effort to maintain the continuity of healthy human life/offspring (*hifẓ al-nasl*), establishing a household life filled with affection between husband and wife and helping each other for the common good.⁸⁰ Limiting the age of marriage is done to protect the offspring that result from a marriage.⁸¹ Child marriage can pose risks that they are not prepared for in parenting. Offspring from marriages at an immature age have a high risk of developmental delays.⁸² This is also as stated by the leaders of Islamic civil organizations, that the health aspect is also an important point in determining the age limit for marriage. This is because the health of the mother and prospective children is part of one of the indicators of the quality of marriage.

Although in the Qur'an and as-Sunnah there is no detailed explanation of the age limit for marriage, limiting the age of marriage is an effort to maintain the benefit. In the perspective of maqashid al-usrah, it is expected to be able to realize the goals of marriage such as preserving offspring, creating a family that is *sakinah mawaddah wa rahmah*, maintaining lineage, maintaining family relationship patterns, maintaining religion in the family, and preparing economic aspects. It is also considered to be ready and mature from the medical, psychological, social, and of course religious aspects. so that it can create a family in accordance with the maqasid shari'ah of the marriage ordinance.⁸³

Conclusion

Based on research conducted by the author on the responses of Islamic organizations in Banyumas such as Al-Irsyad Al-Islamiyah, Lembaga Dakwah Islam Indonesia, Muhammadiyah, and Nahdlatul Ulama, they stated that the change in the minimum age of marriage does not cause problems, and they agree with this. They argue that Islam does not provide an absolute limit on the age of marriage, and this is still a matter of debate among

⁷⁸ Teguh Anshori, "Analisis Usia Ideal Perkawinan Dalam Perspektif Maqasid Syari'ah," *Al-Syakhsyiyah Journal of Law & Family Studies* 1, no. 1 (2019): 16, <http://dx.doi.org/10.21154/syakhsyiyah.v1i1.1827>.

⁷⁹ Mir'atul Firdausi, Tiyan Iswahyuni, and Auji Imaduddin, "Batas Usia Perkawinan Menurut Undang-Undang Nomor 16 Tahun 2019 Tentang Perkawinan Dalam Melindungi Kesehatan Reproduksi Remaja Ditinjau Dari Maqashid Syariah," *The Indonesian Journal of Islamic Law and Civil Law* 5, no. 2 (2024): 13, <https://doi.org/10.51675/ijil%20and%20cil.v5i2.919>.

⁸⁰ Siti Jahroh and Ali Sodikin, "Batas Usia Nikah Dalam Pemikiran KH. Husein Muhammad: Perspektif Maqashid Asy-Syari'ah," in *Maqasid Asy-Syari'ah Dan Isu-Isu Kontemporer Dalam Hukum Keluarga, Hukum Bisnis Dan Politik Hukum Islam* (Yogyakarta: Q-Media, 2021), 63.

⁸¹ Ibnu Akbar Maliki and Anta Mustika Sari, "Relasi Suami Istri Dalam Pengasuhan Anak Perspektif Mubadalah (Studi Kasus Di Desa Rajabasa Lama II)," *SETARA: Jurnal Studi Gender Dan Anak* 5, no. 2 (2023): 2, <https://doi.org/10.32332/jsga.v5i02.6880>.

⁸² Liky Faizal et al., "Age Limit for Marriage in Indonesia from The Perspective of Maqashid Shariah," *ANALISIS: Jurnal Studi Keislaman* 22, no. 2 (2022): 297, <https://dx.doi.org/10.24042/ajsk.v22i2.14068>.

⁸³ Holilur Rohman, "Batas Usia Ideal Pernikahan Perspektif Maqasid Syariah," *Journal of Islamic Studies and Humanities* 1, no. 1 (2016): 90, <https://doi.org/10.21580/jish.11.1374>.

scholars, and falls within the realm of *ijtihad*. They also asserted that setting these limits does not violate Sharia law, hence there is no problem. Considering the maturity required for marriage is also taken into account, as marriage aims to build a family characterized by peace, love, and affection (*Sakinah, Mawaddah, and Warrahmah*) and to obtain offspring who are expected to be a good generation. This argument also represents the benefit within the framework of *maqashid sharia* theory as a paradigm of contemporary Islamic family law.

This research needs to be continued to further explore the contemporary problems of Islamic family law, especially regarding the age limit for marriage. The author hopes this research will be further discussed in academic forums so that the public can become more informed. It is recommended that the government and Islamic organizations in Banyumas intensify efforts to educate and promote awareness about marriage. This is crucial to prevent a surge in marriage dispensations due to marriages conducted below the legal age limit, thereby ensuring the effectiveness of the law in regulating marriage age limits.

Declarations

Author contribution statement

The researcher is fully and thoroughly responsible for the work of all parts contained in this article, from the process of collecting data, analyzing information, to compiling and writing the contents of the article, so that every element listed in it is the result of dedication, thought, and effort made independently.

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