



**Ijtihad**  
Volume 39, Nomor 2, Tahun 2023

**Changes in the Minimum Age for Marriage in Law Number 1 of 1974 Jo Law Number 16 of 2019:  
Perspectives from the Health Dimension and Sadd Adz-Dzari'ah**

Writer : Muhammad Irfan AD  
Source : Ijtihad  
Published By : Rumah Jurnal Fakultas Syari'ah  
Universitas Islam Negeri Imam Bonjol Padang

**To cite this article:**

AD, Muhammad Irfan. 2023. "Changes in the Minimum Age for Marriage in Law Number 1 of 1974 Jo Law Number 16 of 2019: Perspectives from the Health Dimension and Sadd Adz-Dzari'ah". Ijtihad. 39 (2); 6-17.

Copyright © 2023

**Ijtihad**

pISSN: 1410-4687

eISSN: 2685-5216



## Changes in the Minimum Age for Marriage in Law Number 1 of 1974 Jo Law Number 16 of 2019: Perspectives from the Health Dimension and Sadd Adz-Dzari'ah

Muhammad Irfan AD

<sup>1</sup>Universitas Islam Negeri Imam Bonjol Padang, Indonesia

[muhammadirfanad10@gmail.com](mailto:muhammadirfanad10@gmail.com)

**ABSTRACT** This research departs from data showing that in Indonesia there are around 12-20% of marriages that have not been accompanied by readiness from various aspects such as physical, economic, and knowledge about household life. Therefore it is necessary to review the amendments to Law Number 1 of 1974 in conjunction with Law Number 16 of 2019 concerning Marriage regarding the age limit for marriage in health and Sadd Adz-Dzari'ah. The questions to be answered are, first, how is the health review of marriage at the age of 19 years regulated in Law number 1 of 1974 in conjunction with Law number 16 of 2019 concerning marriage? Second, what is Sadd Adz-Dzari'ah's review of the 19-year age limit for marriage in Law number 1 of 1974 in conjunction with Law number 16 of 2019 concerning marriage? To answer these research questions, it was investigated with a type of library research (library research). The results of the study show that first, a review of health according to reproductive health, mental health, and socio-economic impacts explains that changing the age limit for women to 19 years is a very appropriate step. Second, in theory, Sadd Adz-Dzari'ah explains that setting a ban on something permissible is intended to avoid negative impacts. So with the establishment of this age limit it is an effort to prevent harm from occurring in the future.

**KEYWORDS** *Marriage Age Limit, Health Dimension, Sadd Adz-Dzari'ah, Marriage Law*

### INTRODUCTION

Marriage is a natural disposition for every creature created by Allah because Islam is a religion of nature, and Islam rejects anything contrary to human nature. Therefore, Islam strongly advocates for nurturing affection through the bond of marriage, and marriage is also a manifestation of religious command. As Allah SWT stated in His verse, Surah An-Nisa verse 3, which reads:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِسُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَنًى وَثَلَاثَ وَرُبْعَ ۚ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَلِكَ أَدْنَىٰ أَلَّا تَعُولُوا ۗ

Meaning: If you fear that you will not be able to deal justly with orphan girls (whom you intend to marry), then marry those (other) women that seem good to you: two, three, or four. But if you fear that you will not be able to be fair, then (marry) only one, or (take) those (bondwomen) in your possession. That is more suitable to avoid injustice (QS. An-Nisa: 3).

In principle, Islam does not expressly prohibit early marriage, but Islam also never encourages or supports such underage marriages. Moreover, it is particularly concerning when these marriages are conducted without regard to mental, child rights, psychological, and physical dimensions, especially on the part of the female, as well as societal norms, under the pretext that Islam itself does not prohibit it (Thamrin, 2008).

In a narration during the time of Prophet Muhammad SAW, when he intended to marry Aisha, she was six years old. As reported by Hisham ibn Urwah from his father, Aisha said: "The Prophet married me before the Hijrah after the death of Khadijah RA. At that time, I was still six years old, and I began to live with him in wedlock when I was nine years old. Some women came to me while I was playing on a swing, my hair was still in two braids. They prepared me and adorned me, then took me to meet the Prophet." Urwah, who narrated this hadith, continued: "Aisha lived with the Prophet for nine years." (This narration is authentic) (Adz-Dzahabi, 2005).

Hisyam ibn Urwah narrated from his father, from Aisha, that the Prophet SAW said to Aisha: "You were shown to me twice in a dream. I saw a man carrying you in a garment made of silk, saying: 'This is your wife.' I then uncovered you and saw you, and I said, 'If this is from Allah's provision, then it will surely come to pass.'" (Muttafaqun 'Alaih). Based on the discussion from this hadith, it is understood that during the time of Prophet Muhammad SAW, the age of nine was considered sufficient as a measure or limit for attaining maturity and entering into marriage, as narrated during the time of Prophet Muhammad SAW.

In Islamic jurisprudence, adulthood means reaching the age of mukallaf and then achieving intellectual maturity, emotional maturity, and maturity of character (personality). According to the opinions of scholars, children become baligh (pubescent) when they reach the age of fifteen or when they experience nocturnal emission in their dreams (Al-Damasyqi, 2007).

An individual's maturity can be measured by the signs that appear in them, as outlined in the definition of maturity above, which begins with baligh (puberty), namely the emission of semen or experiencing sexual dreams for males and menstruation for females, being legally aged sixteen or older, or being married and capable of consciously controlling oneself to take responsibility for all actions and behaviors (Karim, 1994). As Allah SWT stated in His verse, Surah An-Nisa verse 6, which reads:

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

Meaning: Test the orphans (regarding their ability to manage wealth) until they reach marriageable age. Then, if you perceive them to be capable (of managing their wealth), hand over their wealth to them. Do not consume it excessively and hastily (before they reach adulthood). Whoever is wealthy should abstain (from consuming the orphan's wealth), and whoever is poor may consume it reasonably. And when you hand over their wealth to them, ensure there are witnesses. Sufficient is Allah as a watcher (QS. An-Nisa: 6).

The age of marriage has become an ongoing discourse, with regulations on the minimum age for marriage being continually revised in every Muslim and non-Muslim country. The majority of Muslim countries typically set the age of marriage between 13 to 21 years old. Regulations regarding the minimum age for marriage vary in Muslim countries, including Turkey, where the law stipulates the minimum age for marriage. The minimum age for individuals intending to marry is 18 years for males and 17 years for females (Budiawan, 2020).

Meanwhile, Budiawan (2020), citing Anderson (1959), states that in Egyptian Law Article 1 No. 56 of 1923, the minimum age for

marriage for males is set at 18 years and for females at 16 years at the time of marriage. In the *Mudawwanah al-Ahwal al-Syakhsiiyyah*, applicable in Morocco in 1958, it was stipulated that the marriage age limit for males is 18 years and for females is 15 years, with the adulthood age limit set at 21 years, thus still requiring the consent of a guardian for brides and grooms under the age of 21.

The Iranian local law stipulates the minimum marriage age for males as 18 years and for females as 15 years. Anyone who marries below the specified age limit will face imprisonment ranging from 6 months to 2 years. If a female is married below the age of 13, the person conducting the marriage will be subject to imprisonment for 2 to 3 years and must also pay a fine of 2-20 Riyals (Budiawan, 2020).

Meanwhile, in the law of Indonesia, which regulates the age limit for marriage, Article 7 paragraph (1) of Law number 1 of 1974 states that marriage is only allowed if the man has reached the age of 19 and the woman has reached the age of 16. However, with time, the provisions regarding the age limit for marriage in Indonesia, as stated in Law Number 1 of 1974, have undergone several changes, one of which concerns the age limit for marriage stated in Law Number 16 of 2019 concerning marriage. According to Law number 16 of 2019, the age limit for marriage in Indonesia is stipulated in Article 7 paragraph (1) as follows:

“Marriage is only allowed when both the man and the woman have reached the age of 19 (nineteen) years.”

Therefore, the Marriage Law was created to regulate and ensure the interests of the community, which is the *ijtihad* (deductive reasoning) of the lawmakers themselves for the benefit of the Indonesian people's socio-cultural context. Thus, the law must be able to understand the social situation of the community, which in this case is the object of the law, and the principles of the law, including considering welfare, justice, and not burdening its users.

Based on data from the Central Statistics Agency (BPS) of the national socio-

economic survey, it is shown that 18.47% of women aged 20-24 years are married before the age of 19. Child marriage at the age of 19 remains a serious problem in society because it has an impact on the quality of life for women and children. Essentially, marriage should be undertaken by individuals who have maturity in terms of physical, psychological, and economic aspects. However, in Indonesia, approximately 12-20% of marriages can still be found without readiness in various aspects such as physical, economic, and knowledge about household life (Ashila et al., 2020).

In the understanding of health sciences, the ideal age for biological and emotional maturity is 20-25 years for women and 25-30 years for men. This age range is considered the optimal time for marriage because individuals are mature and capable of thinking responsibly on average. This recommendation is aimed at the welfare of society so that newlyweds are emotionally ready to navigate married life. Maintaining harmony in marriage is not an easy task and requires mature thinking and action, especially in dealing with various challenges such as economic fluctuations, internal issues, and external pressures (Winda Destiana Putri, 2017).

Meanwhile, in the development of Islamic law (*Ijtihad*), aimed at eliminating harm that may occur or has already occurred and even threatens the lives of Muslims, one of the principles that safeguard the welfare of the Muslim community is the principle of *Sadd Adz-Dzari'ah*. This principle serves as a preventive measure to avoid causing anything with negative consequences (Zahrah, 1958).

A similar understanding is also presented by Ibn Al-Qayyim, as quoted by Amir Syarifuddin, who states that in terminology, *Sadd Adz-Dzari'ah* refers to anything that serves as a means or pathway to something (Syarifuddin, 1999). So essentially, *Sadd Adz-Dzari'ah* not only eliminates something from action but also the process of preventing the occurrence of the action. In conventional terms, *Sadd Adz-Dzari'ah* can be likened to preventive

measures. Through this principle, the law will be established as an effort to prevent any action that may lead to or cause harm (mafsadat).

## METHODS

The type of research is Library Research, which depicts phenomena as they are intended for precise measurement of specific social phenomena. Library Research is a study whose main object is books, scriptures, magazines, pamphlets, and other documentary materials. These library sources are necessary to obtain data that sharpen the orientation and theoretical basis of this research problem. In this Research Approach, the researcher uses a qualitative research approach. A qualitative approach is a research procedure that produces descriptive data in the form of speech or writing and observable behavior from the subjects themselves (Furchan, 1992).

The type of primary data source used is Law Number 1 of 1974 Jo Law Number 16 of 2019. Secondary Data used consists of legal materials that complement, strengthen, and provide explanations, such as books, as well as all forms of references including journals, and articles related to this research. Then the data is analyzed using the Health Science theory and Sadd Adz-Dzari'ah Technique. Data is collected based on literature data, which is done by studying written materials gathered by reading and clarifying references related to the issues. After the data is fully collected from the library, it is followed by the Analysis stage. After obtaining the data, it is analyzed using the content analysis technique, which is a technique that involves analyzing various sources of information including printed materials (books, articles, newspapers, magazines, journals, etc.) (Irawan, 2006).

Furthermore, it utilizes both inductive and deductive thinking methods. Inductive is a way of thinking to provide reasons that start with specific statements to develop a general argument. Deductive is a way of reasoning by thinking and starting from

general statements and drawing specific conclusions (Nazir & Sikumbang, 2009).

## RESULT

### A. The concept of Saad adz Dzari'ah

Throughout the history of Islam, scholars have developed various theories, methods, and legal principles that were not previously formulated systematically in either the Quran or the Sunnah. The efforts of these scholars are closely related to the demands of increasingly complex social realities. Various new issues emerge that were not specifically addressed in the Quran and the Prophet's Hadiths.

Among the legal methods developed by scholars is Sadd Adz-Dzari'ah. Sadd Adz-Dzari'ah is a preventive measure aimed at avoiding anything that may lead to negative consequences. This legal method is one of the forms of intellectual wealth in Islamic scholarship that, to the best of the author's knowledge, is not possessed by other religions. Besides Islam, no other religion has a legal system documented extensively in numerous works.

Islamic law not only regulates the behavior of humans that have been performed but also those that have not yet been performed. This does not mean that Islamic law tends to restrict human freedom. Rather, it is because one of the objectives of Islamic law is to realize welfare and prevent harm (mafsadat). This method is known as Sadd Adz-Dzari'ah. Etymologically, the term Sadd Adz-Dzari'ah is a phrase (idhafah) consisting of two words, Sadd and Adz-Dzari'ah. Etymologically, the word Sadd is an abstract noun (mashdar) derived from sadda, yasuddu, and saddan. The word sadd means to cover something defective or damaged and to fill a hole. Meanwhile, Adz-Dzari'ah is a singular noun meaning a path, which means (washilah) (Al-Mishr, 1990).

Meanwhile, Adz-Dzari'ah is a singular noun meaning a path, means (wasilah), and the cause of something happening. The plural form of Adz-Dzari'ah is Adz-Dzara'i. Therefore, in some *usul al-fiqh* books like

"Tanqih al-Fushul fi Uloom al-Ushul" by al-Qarafi, the term used is *Sadd Adz-Dzari'ah* (Al-Mishr, 1990).

Originally, the term *Adz-Dzari'ah* was used for a camel employed by the Arabs in hunting. The camel would be released by the hunter to approach the wild animal being hunted. The hunter would take cover beside the camel to remain unseen by the prey. When the camel had neared the hunted animal, the hunter would then release his arrow. Therefore, according to Ibn al-A'rabi, the term *Adz-Dzari'ah* later came to be used as a metaphor for anything that brings one closer to something else (Al-Qarafi, 684H).

In terminology according to al-Qarafi, *Sadd Adz-Dzari'ah* is cutting off the path of harm (*mafsadah*) as a way to avoid such harm, even if an act is free from harmful elements (*mafsadah*), but if the act serves as a means to cause harm (*mafsadah*), then we must prevent that act (Al-Syaukani, 1973). Similarly, according to al-Syaukani, *Adz-Dzari'ah* is an issue or matter that is initially permissible but will lead to prohibited actions (*al-mahzor*) (Syathibi, n.d.).

According to the opinion of asy-Syatibi in his work *al-Muwafaqat*, *Sadd Adz-Dzari'ah* is rejecting something permissible (*jaiz*) to prevent it from leading to something prohibited. According to Mukhtar Yahya and Fatchurrahman, *Sadd Adz-Dzari'ah* is the nullification or closure of the path to prohibited actions (Danim et al., 1993).

As an illustration, to understand *Sadd Adz-Dzari'ah*, it can be likened to the proverb that says: "Prevention is better than cure." This proverb can be understood to mean that prevention is relatively easier and does not require a lot of cost or effort. Treating, on the other hand, entails greater risks and requires time and considerable expense. Islamic law is built on the principles of promoting benefits and preventing harm. To achieve these two objectives, anticipation and effort are required (Shidiq, 2011).

The stability of Islamic law is the goal of Islamic law to maintain the balance between worldly and spiritual life. The essence of this balance is the creation of benefits for human

life, thus facilitating optimal activities both in the context of social beings and religious beings. This indirectly signifies that the presence of law in human life is to prevent any harm or detriment from occurring. Human welfare in Islam is divided into three groups, namely essential needs (*dharuriyat*), secondary needs (*hajiyyat*), and complementary basic needs (*tahsiniyat*).

The basic needs (*dharuriyat*) of humans include religion, life, intellect, honor, and property, among which the most important of these five basic needs is religion. This is because fundamentally, the creation of humans has the purpose of worshiping Allah, while the other basic needs serve as support for humans to fulfill and maintain their primary needs. Human secondary needs (*hajiyyat*) essentially encompass anything that can alleviate human difficulties, lighten burdens that weigh on them, and facilitate their transactions and interactions (Khallaf, 1985). Complementary basic needs (*tahsiniyat*) refer to benefits that complement the preceding benefits (Al-Ghazali, 1412).

As explained above, the presence of law serves, among other things, to alleviate hardships in human life, but this cannot be done without a cause. In Islam, this is also referred to as the aspect of *Sabab* (cause). *Sabab* is divided into two types: causes beyond human capability, which are absolute powers of Allah, such as the changing of day to night, and causes within human capability. Causes within human capability are further divided into two perspectives: within the legal perspective (*hukum taklifi*) and the practical perspective (*hukum wad'i*) (Syarifuddin, 1997).

Looking at and returning from the aspect of cause, early marriage is a type of cause within human capability. This means that humans can prevent it, especially since there are legal provisions regulating it both in terms of tackling and *wad'i* aspects. From this aspect, early marriage should be referred back to the *taklifi* law first before the *wad'i* law, with the condition that if there is no clarity in the *taklifi* law.

The Rasulullah SAW has mentioned that the recommendation to marry applies to anyone capable. By getting married, it is hoped that Muslims can attain perfection in half of their religion and also protect themselves from committing sins. By entering into marriage, one is expected to be protected from sin and also to preserve their honor, as mentioned in the hadith:

عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ لَنَا رَسُولُ اللَّهِ : يَا مَعْشَرَ الشَّبَابِ ،  
 مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ ، فَإِنَّهُ أَغْضُ لِلْبَصَرِ ، وَأَحْصَنُ لِلْفَرْجِ ،  
 وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ ؛ فَإِنَّهُ لَهُ وَجَاءٌ (مُتَّفَقٌ عَلَيْهِ)

Meaning: From Abdullah ibn Mas'ud, may Allah be pleased with him, who said: The Messenger of Allah, peace and blessings be upon him, said to us, "O young people, whoever among you can marry, then let him marry, for indeed it restrains the eyes and protects the private parts. And whoever is not able, then let him fast, for indeed fasting diminishes sexual desires." (Muttafaqun 'alaih) (Nasa'i, 1999).

From the hadith narrated by Abdullah ibn Mas'ud above, it is clear that the Prophet did not specify the exact age limit for marriage. However, he provided guidance based on the concept of ba'ah. The Prophet instructed capable young people (ba'ah) to get married. It means that for young people who are capable of ba'ah, that is the appropriate time for them to propose marriage (khitbah). As for the meaning of the word ba'ah in the hadith, scholars have divided it into two opinions. These two opinions essentially refer to the same understanding and are related to each other. The two opinions of the scholars are as follows:

1. The first opinion, linguistically, refers to sexual intercourse. The meaning of the hadith is that whoever is capable of engaging in sexual intercourse because they can bear its responsibility, namely marriage, should get married. Conversely, whoever is unable to engage in sexual intercourse due to their weakness in bearing their responsibility should fast (An-nawawi, 1981).

2. The second opinion holds that the meaning of "ba'ah" is the responsibility or burden of marriage. Imam Nawawi, in his commentary on Sahih Muslim, Volume IX/173, when explaining the meaning of "ba'ah," quoted the opinion of Qadhi Iyadh. According to fluent language, the meaning of "ba'ah" is derived from the word "al-maba'ah," which means house or place, such as the "maba'ah unta," which is the dwelling place (pen) of a camel. Then, why is the marriage contract called "ba'ah"? Because whoever marries a woman will place her in a house (An-nawawi, 1981).

As-Suyuthi, in his commentary "Syarah as-Suyuthi Li as-Sunan an-Nasa'i" Volume IV, also quoted the opinion of Qadhi Iyat, stating that there is a difference of opinion regarding the meaning of "mampu" (capable) in the above hadith. The first meaning of "mampu" is whoever among you is capable of engaging in sexual intercourse (jimak), then let him marry. The second meaning of "mampu," "whoever is not capable," refers to those who are unable to marry (but capable of engaging in sexual intercourse), so fasting is prescribed for them (Al-Suyuthi, 1997).

The meaning of "ba'ah" is not only limited to what has been explained above; rather, "ba'ah" encompasses a broader scope, namely biological capability, which includes readiness in terms of age, minimal financial capability, psychological readiness, which includes emotional and mental maturity, capability in terms of knowledge, and readiness for role modeling. This is because marriage is not only interpreted as a physical relationship between husband and wife alone, but marriage also entails an agreement that carries several consequences.

Islamic law does not provide a specific age limit for marriage, but the basis for marriage in Islam is reaching the age of maturity (baligh). In the fiqh perspective, for males, reaching maturity is marked by experiencing ihtilam (nocturnal emission), and for females, it is marked by experiencing menstruation (haid). According to Imam Abu Hanifah, the age of maturity is 18 for males and 17 for females. Imam Shafi'i states that

the age of maturity is 15 for males and 9 for females. According to Imam Ahmad Bin Hanbal, maturity for males is marked by nocturnal emission or reaching the age of 15, while for females, it is marked by menstruation (Asrori, 2015).

The issue of legality regarding marriage at a young age has sparked debate among jurists. Those who allow it argue for several reasons: First, there is a theological argument, referring to the Qur'an and Hadith. In Surah al-Talaq, verse 4, discusses the waiting period (iddah) for menopausal women and those who have not menstruated. Indirectly, this verse suggests that marriage can be conducted at a young age, as the waiting period applies only to women who have been married and subsequently divorced. Second, there is a moral argument. Marriage at a young age can minimize immoral behavior and deviant conduct among teenagers. With marriage at a young age, promiscuity and out-of-wedlock pregnancies can be reduced.

While the group that opposes marriage at a young age relies on Surah An-Nisa, verse 6, which emphasizes the necessity of "رُشْدًا" (maturity) for those who intend to marry. Individuals who have not reached maturity do not comprehend the purpose and essence of marriage. The group that rejects early marriage prioritizes efforts to protect children from sexual exploitation and other dangers that may pose threats to them in the future. This group adheres to the fatwa of Yusuf al-Qaradawi, which permits taqyid al-mubah (restriction of permissible matters) for the sake of public interest. In this context, restricting the age of marriage can be done for public welfare (Ramadhita, 2014).

From the various perspectives above, it can be understood that Sadd Adz-Dzari'ah is the establishment of legal prohibitions on certain actions that are essentially permissible or prohibited to prevent the occurrence of other prohibited actions.

Considering the significant negative consequences of underage marriage on family life and society, the government has the right to regulate the minimum age of

marriage. This restriction aims to safeguard the welfare of families, particularly, and the welfare of society in general. This is in line with the principle of Sadd Adz-Dzari'ah in usul al-fiqh, intended to avoid negative impacts. Therefore, if a marriage leads to harm or corruption, it should be prevented or prohibited. The argument is based on Islamic teachings that anything potentially leading to harm must be prevented or, in other words, dangers must be eliminated. This aligns with the jurisprudential principle that:

لَضَرَرٌ يُزَالُ

Meaning: Danger must be eliminated

To eliminate such danger, the priority should be preventing harm over pursuing benefit, meaning that preventive measures against harmful acts take precedence over pursuing good. This aligns with the jurisprudential principle stating:

درء المفساد مقدم على جلب المصالح

Meaning: Rejecting harm (mafsadah) is prioritized over attaining benefit (maslahah)

Based on the above principle, the prohibition of marriage at a young age stipulated in Law Number 16 of 2019 amending Law Number 1 of 1974 is based on Sadd Adz-Dzari'ah, which is grounded in the social facts occurring within the community. The restriction on the age of marriage, namely 19 years for both males and females, is intended as a preventive measure taken by the government to prevent the occurrence of complex negative impacts resulting from unwanted early-age marriages. At the same time, it also aims to promote happiness and positive values within marriage.

The realization of an ideal family will contribute to achieving values and goals such as avoiding adultery. Marriage is also associated with ensuring protection for the soul, safeguarding wealth and ownership, preserving the function of the intellect, and upholding religious values. This means that early-age marriage cannot be pursued solely based on the achievement of one goal while neglecting the protection of other values and objectives. Everything depends on the



consideration of benefits and potential harms involved. Therefore, early-age marriage cannot be categorically prohibited just because it appears to have the potential to produce negative consequences

Therefore, in certain contexts, early-age marriage may indeed be the best option when it is firmly believed to save someone from adultery or sexual relations outside of marriage, even though its implementation may potentially give rise to other harms, but not to the level of emergency, while preserving chastity from adultery is considered an emergency. However, if there is no urgent condition or emergency reason, early-age marriage should be avoided.

If underage marriage cannot be avoided and there are no other options or reasons, the law provides a way out, as stated in Article 7(2) of Law Number 16 of 2019, which asserts: "In the event of deviation from the age provisions as referred to in paragraph (1), the parents of the man and/or the parents of the woman may request a dispensation from the Court on grounds of extreme urgency accompanied by sufficient supporting evidence.

## B. Health Dimension

The Government regulates all forms of activities in society's life because Indonesia is a state based on the rule of law, as stated in Article 1 paragraph (3) of the 1945 Constitution which reads "The State of Indonesia is a State based on the Rule of Law." One of the things regulated by the government is marriage. To conduct a marriage in Indonesia, the government has regulated various aspects of marriage itself, which are stipulated in Law Number 1 of 1974, where one of the requirements to be fulfilled is meeting the age limit specified in Article 7 paragraph (1) of Law Number 1 of 1974 which sets the age limit for marriage at 19 years for males and 16 years for females.

However, over time, the government changed the marriage age limit, which previously was 19 years for males and 16 years for females as stipulated in Article 7 paragraph (1) of Law Number 1 of 1974, to

19 years for both males and females as regulated in Article 7 paragraph (1) of Law Number 16 of 2019.

The factors underlying this change in the marriage age limit are attributed to the notion that at this age, individuals are deemed to have reached emotional and physical maturity to enter into marriage, thus enabling them to fulfill the objectives of marriage effectively without ending in divorce and to produce healthy and quality offspring. It is hoped that raising the marriage age for females will result in a lower birth rate and reduce the risk of maternal and child mortality. Additionally, it will help fulfill children's rights, optimize their growth and development, including parental guidance, and provide children with access to the highest possible education.

Marriage below the legal age not only violates the prevailing law but also generates profoundly adverse effects. Several health-related impacts of underage marriage are considered:

### a. Reproductive Health

From the perspective of reproductive health, the change in the minimum marriage age, which previously was 19 years for males and 16 years for females according to Law Number 1 of 1974, to 19 years for both males and females according to Law Number 16 of 2019, is a suitable step. This is because, according to reproductive health standards, the age considered mature for women's reproduction is 20-30 years. However, marrying at the age of 19 is still not the appropriate time from the standpoint of reproductive health because it will have impacts that are not only harmful to the mother but also to the unborn child and the child who will be born.

For young girls, giving birth at a very young age can damage their health and reproductive systems, and the baby may be premature, disabled, or even suffer miscarriage or death. Not only that, but other impacts can also lead to domestic violence, which includes both physical

and psychological abuse, as well as economic neglect, ultimately leading to separation or divorce (Eleanora et al., 2021).

In the concept of reproductive health, marriages conducted below the age of 19 are considered unprepared for pregnancy and childbirth, compounded by the fact that their pelvic bones are still too small, resulting in adverse effects during the delivery process. Women who marry at a young age are at a high risk of miscarriage during pregnancy, especially those aged between 15-19 years, who have a 2-fold increased risk of miscarriage and maternal mortality. Moreover, adolescent pregnancies are at risk of complications such as obstetric fistula, infections, anemia, bleeding, and eclampsia. Adolescent pregnancies also increase the risk of fetal malposition, pelvic abnormalities, and so on. This is because hormones in young mothers are still unstable and often experience stress (Fadilah, 2021).

#### b. Mental Health

Reviewed from the perspective of mental health, the change in the minimum marriage age, which previously was 19 for males and 16 for females under Law Number 1 of 1974, to 19 for both males and females under Law Number 16 of 2019, is a prudent step. This is because, according to mental health standards, stability and maturity in personality are typically reached between the ages of 20 to 29. If marriage occurs before the age of 20, one's mental state may still be unstable due to immature traits, less mature thinking patterns, and emotional volatility, which could adversely affect mental health. One psychological impact experienced by a young wife or woman marrying below the age of 19:

##### 1. Anxiety

Anxiety is a psychological symptom characterized by feelings of fear and worry about something, leading to significant stress.

Meanwhile Mangande & Lahade, (2021) cite the opinion expressed by Ardianto (2013) that anxiety is an unpleasant emotion, such as discomfort and uneasiness marked by worries and fears experienced in various situations. This aligns with research findings indicating a sense of regret within women who marry at a young age, feeling pressured by their marital conditions and worried whenever their husbands go out.

This indicates that the anxiety experienced by women as wives in early marriages can be interpreted as feelings that depict fear, worry, and their unpreparedness in dealing with the issues that may arise within their marriage (Mangande & Lahade, 2021).

##### 2. Stress

Marriage at a young age is a marriage where there is a lack of readiness in terms of thinking, emotions, and stability, often resulting in problems being resolved incorrectly. This unreadiness ultimately affects the marital relationship because of the immaturity in thinking, and one of the consequences is stress.

Based on research, women feel pressured by their husband's emotional nature, which never changes; sometimes they feel a lack of freedom because of the husband's jealousy, even leading to domestic violence due to the husband's infidelity, causing a mental burden for the wife (Mangande & Lahade, 2021).

The above indicates that mental maturity is a crucial aspect in maintaining marital stability because marrying at a young age is considered mentally unprepared, emotionally unstable, and unable to control emotions, leading marital issues to end in domestic violence (DV).

In addition to the stress experienced by women due to infidelity, domestic violence, and pressure experienced in early marriage, marrying at a young age has another impact, namely, a feeling of discomfort due to comments from the external environment, resulting in an unpleasant feeling about leaving the house because they are often stared at and talked about by people outside.

Marriage at a young age (underage) in establishing relationships with the environment, whether it be neighbors or the surrounding community, cannot yet adapt well. This is in line with Ermawan's research (2014) as cited by Mangande & Lahade, (2021) which states that women who marry at a young age experience mental health disorders, and cannot control their emotions and manage stress, so if they cannot adapt to the environment and their new status, it can result in the emergence of stress.

### c. Social and Economic Impact

Early marriage, in addition to impacting reproductive and mental health, also has implications for socio-economic factors. The social impact involves changes occurring within a community due to influential factors, including child marriages within society. Hence, there is a need for an enhanced understanding within families and communities that child marriages not only harm the children themselves but also deprive them of their rights.

The socio-economic impact is considered to exacerbate the situation because a man is responsible for providing livelihood and loses his social sphere, while a woman has to take care of the family and loses the opportunity to play with her peers. Additionally, other impacts can occur

on children born from early marriages; mothers who give birth at a young age may result in babies being born prematurely and malnourished Fadilah, (2021) citing Mason (in Noor et al., 2018), attributes this to the fact that women who give birth at a young age are still in the growth process and nutritional needs fulfillment, which will be divided with the fetus's nutritional needs. The lack of adequate nutrient intake can lead to one of the effects, causing stunting.

Stunting is defined as a condition of malnutrition in toddlers characterized by short stature or height compared to their age. Toddler stunting can be caused by various factors such as socio-economic conditions, maternal nutrition during pregnancy, infant illnesses, and insufficient nutrient intake in infants. Generally, these various causes persist over a long period (chronic) (Nirmalasari, 2020).

Stunting deserves more attention as it can have long-term impacts on a child's life, particularly the risk of physical and cognitive development disorders if not properly addressed. The short-term effects of stunting can include a decline in learning ability due to cognitive development deficiencies. Meanwhile, in the long term, it can reduce the quality of life for children as adults due to decreased opportunities for education, employment prospects, and higher income. Additionally, there is also a tendency to become obese in later life, thus increasing the risk of various non-communicable diseases such as diabetes, hypertension, cancer, and others (Nirmalasari, 2020).

Based on the explanation above, it has been clarified that there are various impacts caused by stunting. Therefore, it is important to make efforts to prevent stunting as a form of attention to the dangers caused by its occurrence. One form of prevention is

for the government to make stunting a top priority agenda with a focus on accelerating the reduction of stunting to shape a superior and high-quality generation. This is evidenced by the issuance of Presidential Regulation (Perpres) number 72 of 2021 concerning the acceleration of stunting reduction signed by President Joko Widodo on August 5, 2021. This presidential regulation serves as a legal umbrella for all parties, both at the central and regional levels, to strive for the target of a 14% stunting prevalence by 2024.

Presidential Regulation 72 of 2021 also establishes the national strategy (Stranas) for accelerating stunting reduction, consisting of 5 main pillars:

1. Commitment and leadership vision at the central and regional levels.
2. Enhancement of communication for behavioral change and community empowerment.
3. Increased program convergence.
4. Improvement of food security and nutrition.
5. Strengthening of systems, data, and innovation.

## CONCLUSION

In theory, Sadd Adz-Dzari'ah explains that establishing prohibitions on something that is fundamentally permissible is intended to avoid negative consequences. Thus, the establishment of marriage age limits serves as a preventive measure to avoid harm that may arise in the future. The amendment to the marriage age limit in Article 7 of Law Number 16 of 2019 stipulates that the marriage age for men is 19 years and for women is 19 years. When viewed from the dimension of Health, it explains that the change in the marriage age limit for women to 19 years is a very appropriate step.

## REFERENCE

- Adz-Dzahabi, I. (2005). *Sirah Nabi :Sejarah Kehidupan Muhammad SAW*. Pustaka Nun.
- Al-Damasyqi, I. A. F. I. I. U. I. K. (2007). *Tafsir Ibnu Katsir jilid 1 : Tafsir al-qur'an al-adzim*. Al-Kitab Al Ilmi.
- Al-Ghazali, I. A. H. M. (1412). *al-Mustashfa min 'Ilmi al-Ushul Jilid 1*. Muatsatsah al-Risalah.
- Al-Mishr, J. ad-D. M. B. M. I. M. al-A. (1990). *Lisan al- Arab 3, 1st.ed*. Dar Shadir.
- Al-Qarafi, I. S. A.-D. (684). *Tanqih Al-Fusul Fi 'Ilm Al-Usul*. Dar Ar Riyahin.
- Al-Suyuthi, J. A. (1997). *Al-Asybah wa An-Nazhair*. Maktabah Nazzar Musthofa Al-Bazz.
- An-nawawi, muhyi ad-din bin syarif. (1981). *Shahih Muslim bi Syarh An-Nawawi Juz 1-18*. Syarakah Al-Qudz.
- Ashila, B. I., Aulia, K. S., & Budiarti, A. I. (2020). *Buku Saku Pedoman Mengadili Permohonan Dispensasi Kawin*. Mahkamah Agung Republik Indonesia bersama Indonesia Judicial Research Society (IJRS) dengan dukungan Australia Indonesia Partnership for Justice 2 (AIPJ2).
- Asrori, A. (2015). Batas Usia Perkawinan Menurut Fukaha dan Penerapannya Dalam Undang-Undang Perkawinan Di Dunia Islam. *Al-Adalah, XII*(4), 807–826.
- Budiawan, A. (2020). Metodologi Penetapan Hukum Perkawinan di Dunia Muslim. *Jurnal An-Nahl, 7*(1), 85–97. <https://doi.org/10.54576/annahl.v7i1.11>
- Danim, S., Yahya, M. F., & Mardjono, H. (1993). *Dasar-Dasar Pembinaan Hukum Fiqh Islam*. Al-Ma'arif.
- Eleanora, F. N., Hukum, F., Bhayangkara, U., Putri, A. H., Hukum, F., Bhayangkara, U., Saputra, R., Hukum, F., Bhayangkara, U., & Raya, J. (2021). Dampak Sosial Akibat Perkawinan Anak Terhadap

- Kesejahteraan Masyarakat. *Kertha Semaya*, 9(9), 1501–1508.
- Fadilah, D. (2021). Tinjauan Dampak Pernikahan Dini dari Berbagai Aspek. *Pamator Journal*, 14(2), 88–94. <https://doi.org/10.21107/pamator.v14i2.10590>
- Furchan, A. (1992). *Pengantar Metode Penelitian Kualitatif*. Surabaya Usaha Nasional.
- Irawan, P. (2006). *Penelitian Kualitatif & Kuantitatif untuk Ilmu-Ilmu Sosial*. Departemen Ilmu Administrasi FISIP-UI.
- Karim, H. (1994). *Konsep Ijtihad Majelis Ulama Indonesia Dalam Pengembangan Hukum Islam*. Susana.
- Mangande, J., & Lahade, J. (2021). Kualitas Pernikahan dan Status Kesehatan Mental Pada Perempuan Yang Menikah Usia Dini. *Jurnal Keperawatan Jiwa (JKJ): Persatuan Perawat Nasional Indonesia*, 9(2), 293–310.
- Nasa'i. (1999). *Sunan al Nasa'i juz 3-4*. Dar al Kutub al Ilmiah.
- Nazir, M., & Sikumbang, R. (2009). *Metode Penelitian*. Ghalia Indonesia.
- Nirmalasari, N. O. (2020). Stunting Pada Anak: Penyebab dan Faktor Risiko Stunting di Indonesia. *Qawwam: Journal For Gender Mainstreaming*, 14(1), 19–28. <https://doi.org/10.20414/Qawwam.v14i1.2372>
- Ramadhita, R. (2014). Diskresi Hakim: Pola Penyelesaian Kasus Dispensasi Perkawinan. *De Jure: Jurnal Hukum Dan Syar'iah*, 6(1), 64–73. <https://doi.org/10.18860/j-fsh.v6i1.3192>
- Shidiq, S. (2011). *Ushul Fiqh*. Balebat Dedikasi Prima.
- Syarifuddin, A. (1997). *Ushul Fiqh Jilid 1*. Logos Wacana Ilmu.
- Syarifuddin, A. (1999). *Ushul Fiqh jilid 2*. Logos Wacana Ilmu.
- Syathibi, A. I. I. bin M. al. (n.d.). *Al-Muwafaqat fi Ushul al-Ahkam*. Darul Al-Fikr.
- Thamrin, A. (2008). *Nikah Muda dalam Kacamata Fikih Islam*. Nu.or.Id.
- Winda Destiana Putri. (2017). *BKKBN: Usia Pernikahan Ideal Berkisar 21-25 Tahun*. Republika. Co.Id.
- Zahrah, M. A. (1958). *Ushulu al-Fiqh*. Dar al-Fikr al-Arobi.