

Adolescent Marriage in Paser Kalimantan, Indonesia: A Maqashid Syari'ah Perspective

Abnan Pancasilawati

Department of Ahwal Al-Syakhshiyah, Faculty Syari'ah, University of Universitas Islam Negeri
Sultan Aji Muhammad Idris Samarinda
Alamat e-mail: abnanpanca1999@gmail.com

Article Accepted: May 28, 2024, Revised: July 05, 2024, Approved: July 25, 2024

Abstrak

Penelitian ini mengkaji pernikahan di bawah umur di Kabupaten Paser, Kalimantan Timur, Indonesia, yang didorong oleh faktor sosio-ekonomi, pendidikan, dan budaya. Meskipun telah ada Undang-Undang Perkawinan No. 16 Tahun 2019, pernikahan di bawah umur masih terus terjadi karena rendahnya pendidikan, kesulitan ekonomi, dan norma-norma budaya. Dengan menggunakan pendekatan kualitatif, termasuk observasi, wawancara, dan analisis dokumen, penelitian ini mengidentifikasi dampak negatif terhadap kesehatan, pendidikan, dan kesejahteraan psikologis, serta melanggengkan kemiskinan dan ketidakstabilan sosial. Kerangka kerja atau cara kerja Maqasid Syari'ah Jasser Auda, yang menekankan fleksibilitas dan kesejahteraan holistik, memberikan solusi yang komprehensif. Studi ini merekomendasikan penegakan hukum yang lebih ketat terhadap undang-undang usia pernikahan, inisiatif pendidikan untuk meningkatkan kesadaran, dukungan ekonomi untuk meringankan tekanan keuangan, dan keterlibatan masyarakat untuk mengubah norma-norma budaya. Meningkatkan layanan kesehatan dan sosial sangatlah penting. Mengintegrasikan Maqasid Syari'ah dengan kerangka hukum dan sosial kontemporer menawarkan pendekatan yang kuat untuk menangani pernikahan di bawah umur dan mempromosikan masyarakat yang adil dan suportif.

Keywords: Pernikahan Di Bawah Umur, Faktor Sosial Ekonomi, Maqasid Syari'ah

Abstract

This study examines underage marriage in Kabupaten Paser, East Kalimantan, Indonesia, driven by socio-economic, educational, and cultural factors. Despite Marriage Law No. 16 of 2019, underage marriages persist due to low education, economic hardship, and cultural norms. Using a qualitative approach, including observations, interviews, and document analysis, this research identifies the negative impacts on health, education, and psychological well-being, perpetuating poverty and social instability. Jasser Auda's Maqasid Syari'ah framework, emphasizing flexibility and holistic welfare, provides a comprehensive solution. The study recommends stricter enforcement of marriage age laws, educational initiatives to promote awareness, economic support to alleviate financial pressures, and community engagement to change cultural norms. Enhancing health and social services is crucial. Integrating Maqasid Syari'ah with contemporary legal and social frameworks offers a

robust approach to addressing underage marriage and promoting a just and supportive society.

Kata Kunci: Underage Marriage, Socioeconomic Factors, Maqasid Syari'a

Introduction

Underage marriage remains a persistent and critical issue in various regions, including Kabupaten Paser, East Kalimantan (Lianto Lau et al., 2023; Prasetyo et al., 2022; Susilo et al., 2022). Defined as marriages involving individuals below a legally mandated age, underage marriage leads to numerous social, economic, and health challenges (Suhan et al., 2022). Despite the enactment of laws aimed at regulating marriage age, such as Indonesian Marriage Law No. 1 of 1974 and its amendment through Law No. 16 of 2019, underage marriages continue to occur (Ahmad Dakhoir & Sa'adah, 2023; Ihsan et al., 2023; Wiranda & Khisni, 2021). In Kabupaten Paser, economic hardship is a significant driver of underage marriage. Many families view early marriage as a strategy to alleviate financial burdens, driven by the prospect of dowries or reducing the number of dependents (Kok et al., 2023). This economic pressure is compounded by low levels of education, particularly in rural areas, where limited educational opportunities leave marriage as one of the few viable options for young girls (Eriska et al., 2023; Heriandini & Deddy Effendy, 2023). The lack of education correlates with higher rates of underage marriage, as it diminishes awareness of individual rights and the consequences of early marriage (Salma Chalisha, 2023).

Cultural norms and traditions also play a critical role in sustaining underage marriage. In many communities, early marriage is seen as a way to preserve family honor, especially in cases of premarital pregnancy (Daka et al., 2023; Karadeniz Yağmur, 2023). Social expectations and pressures from family and community members compel young girls to marry early to avoid the stigma of being unmarried or pregnant out of wedlock. These cultural practices are deeply ingrained, making it challenging to change behavior even with legal regulations in place (Banlanjo, 2022).

The impacts of underage marriage are profound. Health-wise, young brides face increased risks of complications during pregnancy and childbirth, including maternal and infant mortality, as well as psychological stress and physical health issues due to the lack of maturity (Goel et al., 2022). Educational impacts involve school dropouts, limiting educational and professional opportunities and perpetuating the cycle of poverty and dependence (Liang & Yu, 2022). Psychologically, young brides often experience higher

rates of depression, anxiety, and domestic violence due to their lack of emotional and psychological readiness for marriage. Socially, underage marriage contributes to higher divorce rates, unstable family structures, and ongoing poverty (Mitchell, 2023; Weckesser & Denny, 2022).

Addressing underage marriage requires a comprehensive and context-sensitive approach. This study utilizes the Maqasid Syari'ah framework as articulated by Jasser Auda, which emphasizes the protection of religion, life, intellect, lineage, and property (Fajri, 2022; Muchasan et al., 2023; Sa'diyah & Hasanah, 2022; Tohari et al., 2022). Maqasid Syari'ah provides a holistic understanding of human welfare, focusing on flexibility and adaptability to contemporary challenges (Ni'ami & Tutik Hamidah, 2023). This approach is particularly relevant in addressing the complex socio-economic and cultural factors driving underage marriage in Kabupaten Paser.

By applying the Maqasid Syari'ah framework, this study employs the Maqasid Syari'ah framework as interpreted by Jasser Auda (Anshori, 2019; Ghozali & Musfiroh, 2023; Zakaria, 2021) due to its comprehensive and flexible approach to Islamic law. Auda's framework emphasizes a holistic understanding of human welfare, considering not only legal aspects but also the socio-economic and cultural contexts in which laws are applied. The system features developed by Auda, such as Cognitive Nature, Openness, Wholeness, Interrelated Hierarchy, Multidimensionality, and Purposefulness, support a legal system that is adaptive, contextual, and aimed at achieving comprehensive justice and societal benefit. This approach is particularly relevant for addressing the complex issue of underage marriage, which involves various factors such as health, education, and economic stability. Auda's interpretation focuses on the objectives of protecting religion, life, intellect, lineage, and property, aligning with the study's goal of mitigating the negative impacts of underage marriage on health, education, and social stability. With legal flexibility that encourages adaptation to contemporary realities, this approach ensures that the proposed solutions are relevant and effective in the current socio-cultural context. Therefore, integrating Jasser Auda's interpretation of Maqasid Syari'ah provides a robust theoretical framework that addresses not only the legal aspects but also promotes holistic welfare, ensuring culturally relevant and practically applicable solutions in Kabupaten Paser.

By applying the Maqasid Syari'ah framework, this study seeks to explore how underage marriages align with or contradict Islamic principles. The framework offers a robust theoretical basis for formulating strategies that are both legally sound and culturally relevant. Through qualitative research methods, including observations, interviews, and document analysis, the study gathers comprehensive data on the prevalence, causes, and impacts of underage marriage in Kabupaten Paser (Hands, 2022; Suravi, 2023). This approach ensures that the proposed solutions address the root causes and are tailored to the local socio-cultural context.

This study underscores the urgent need to address underage marriage in Kabupaten Paser by leveraging the Maqasid Syari'ah framework. This approach not only contextualizes the practice within Islamic law but also provides practical and culturally sensitive solutions aimed at promoting the well-being of affected communities. The insights gained from this research will contribute to policy recommendations and community-based interventions that align with both Islamic principles and modern legal standards, ultimately fostering a just and supportive society.

Furthermore, the study aims to evaluate the various impacts of underage marriage on the adolescents involved and their families. This includes assessing the social, economic, and psychological consequences of marrying at a young age. By understanding these impacts, the research seeks to highlight the significant challenges faced by underage married couples and the long-term effects on their well-being and development. Through these objectives, the research aspires to generate insights that will inform targeted policy recommendations and effective community-based interventions.

These recommendations will aim to address the root causes of underage marriage, mitigate its negative impacts, and promote practices that align with both Islamic principles and modern legal standards, ultimately contributing to the betterment of the community in Kabupaten Paser. Unlike previous studies that focus predominantly on statistical prevalence or legal and health impacts, this research provides a holistic, context-sensitive approach (Arini Zubaidah, 2023; Awaliya Safithri, 2020; Bahrul Ulum & Muslihun, 2023; Darussamin et al., 2023; Kamarusdiana & Farohah, 2022; Rizki et al., 2022). By incorporating the objectives of Islamic law, it ensures that the proposed solutions are both legally sound and culturally relevant (Nurliana, 2023; Saad Saleh Al-Gharafi, 2023). The study critiques the limited scope of prior research, which often overlooks the complex

interplay of underlying factors and fails to offer comprehensive, multidimensional solutions. Through qualitative methods and a robust theoretical framework, this research presents novel arguments and perspectives, advocating for tailored legal reforms, educational initiatives, economic support, and community engagement (Mitchell, 2023; Weckesser & Denny, 2022). The innovative integration of Maqasid Syari'ah with contemporary legal and social frameworks not only addresses the root causes of underage marriage but also aligns with modern human rights standards, making it a significant contribution to policy-making and community interventions aimed at promoting the welfare of young individuals in Kabupaten Paser.

The novelty lies in applying the Maqasid Syari'ah framework to propose flexible, context-sensitive, and holistic solutions that go beyond mere legal enforcement. This study advocates for a multidimensional approach, including legal reforms, educational initiatives, economic support, and community engagement, to address the root causes of underage marriage. Additionally, it highlights the importance of improving health and social services to support the overall well-being of young individuals. By aligning contemporary legal and social frameworks with the holistic goals of Maqasid Syari'ah, this research offers a robust and innovative strategy to combat underage marriage, ensuring that the solutions are culturally relevant and practically applicable in the local context of Kabupaten Paser. This integration of theoretical and practical approaches provides a unique contribution to the discourse on underage marriage and its mitigation.

Research methods

The methodology used in this study, conducted over a twelve-month period from January 2023 to December 2023, employed a qualitative research approach to gain a deep and contextual understanding of underage marriage in Kabupaten Paser (Adlini et al., 2022; Hayes, 2023; Wallwey & Kajfez, 2023). The research involved direct and indirect observations of social dynamics, cultural practices, and daily life activities within the community, providing first-hand insights into the environments where underage marriages occur. A total of 50 respondents were interviewed, including adolescents involved in underage marriages, their parents, religious leaders, community leaders, and local government officials. Structured interviews with 20 respondents ensured consistent

questioning, semi-structured interviews with another 20 respondents allowed for in-depth exploration of specific topics, and unstructured interviews with 10 respondents encouraged open discussion of essential issues. Document analysis of legal documents, marriage records, previous research studies, and relevant government and non-governmental reports supplemented the observational and interview data, contextualizing the observed practices within broader legal and policy frameworks. Participants were selected using purposive sampling to ensure a representative mix of individuals from different socio-economic backgrounds, educational levels, and geographic locations within Kabupaten Paser. Ethical considerations were rigorously maintained, with informed consent obtained from all participants, ensuring confidentiality and the right to withdraw from the study at any time. This comprehensive approach provided a robust analysis of the causes, impacts, and potential solutions for underage marriage, enhancing the reliability and validity of the findings and contributing to informed policy-making and community interventions.

Research Finding

Theoretical Review Summary

The phenomenon of underage marriage, particularly in regions such as Kabupaten Paser, is deeply rooted in a complex interplay of legal, religious, socio-economic, and cultural factors. This review synthesizes key theoretical perspectives relevant to understanding and addressing this issue.

Legal Framework

Indonesian legal system has established specific regulations regarding the age of marriage through laws such as the Marriage Law No. 1 of 1974 and its amendment, Law No. 16 of 2019 (*Perubahan atas Undang-undang Nomor 1 Tahun 1974 tentang Perkawinan*, n.d.). These laws set the minimum age for marriage at 19 for both men and women, aiming to ensure that individuals are physically, mentally, and emotionally mature enough to handle marital responsibilities. Despite these regulations, underage marriages continue to occur due to various socio-economic and cultural pressures. These pressures manifest in several forms and originate from different social groups. Economically, families facing poverty often view underage marriage as a solution to reduce the financial burden by marrying off their daughters early, sometimes for a dowry or perceived economic relief. This economic pressure is prevalent in lower-income households where financial instability is a significant

concern. Culturally, there are deep-rooted traditions and norms within certain communities that perpetuate the practice of underage marriage. For instance, in rural areas and traditional societies, there is often a stigma associated with premarital pregnancy, and early marriage is seen as a way to preserve family honor. These cultural pressures are reinforced by community leaders and elders who uphold these traditions and influence the decisions of families. Socially, there is pressure from peers and extended family members who may encourage or even coerce young girls into marriage. This social pressure is often coupled with a lack of awareness and education about the negative consequences of early marriage. Young girls may also face emotional coercion, feeling obligated to comply with family expectations to avoid bringing shame or dishonor to their family. These socio-economic and cultural pressures collectively contribute to the persistence of underage marriages despite the existing legal frameworks designed to prevent them.

Religious Perspective Maqashid Syari'ah

Maqashid Syari'ah, as interpreted by Jasser Auda, provides a framework for understanding the objectives of Islamic law, which are to protect religion, life, intellect, lineage, and property (Fajri, 2022; Muchasan et al., 2023; Sa'diyah & Hasanah, 2022; Tohari et al., 2022). This perspective emphasizes the importance of ensuring that marriages, including those of young individuals, meet these objectives. Auda's interpretation highlights the need for marriages to contribute positively to the well-being of individuals and society, ensuring that they do not lead to harm or injustice.

Socio-Economic Factors: Socio-economic conditions play a significant role in the prevalence of underage marriages (Kok et al., 2023; Sagalova et al., 2021). Economic hardship often drives families to marry off their children early, viewing it as a means to secure financial stability or to reduce the economic burden on the family. Additionally, lower levels of education correlate with higher rates of underage marriage, as education is a critical factor in delaying marriage and empowering individuals with knowledge about their rights and the potential consequences of early marriage (Eriska et al., 2023; Heriandini & Deddy Effendy, 2023; Salma Chalisha, 2023).

Cultural Practices and Social Norms.: Cultural norms and traditions significantly influence the practice of underage marriage (Banlanjo, 2022). In many communities, early marriage is seen as a way to preserve family honor, especially in cases of premarital

pregnancy(Daka et al., 2023). Social expectations and pressures can compel families to marry off their daughters at a young age to avoid the stigma associated with being unmarried or pregnant out of wedlock(Karadeniz Yağmur, 2023) . These cultural practices are deeply ingrained and can be challenging to change, even with legal regulations in place.

Psychological and Health Impacts

Underage marriage has profound psychological and health implications for those involved(Goel et al., 2022). Young brides often face increased risks of domestic violence, mental health issues, and health complications related to early pregnancy and childbirth. The lack of maturity and readiness to handle marital responsibilities can lead to marital instability and higher rates of divorce.

The Role of Education: Education is a pivotal factor in combating underage marriage(Liang & Yu, 2022). Increased access to education for girls is associated with delayed marriage and improved outcomes in terms of health, economic stability, and empowerment. Education provides young individuals with the knowledge and skills needed to make informed decisions about their lives, including the timing of marriage. The theoretical review highlights the multifaceted nature of underage marriage, encompassing legal, religious, socio-economic, cultural, psychological, and educational dimensions. Addressing this issue requires a holistic approach that considers all these factors, promoting legal enforcement, socio-economic support, cultural change, and educational opportunities. By understanding these interconnected aspects, effective strategies can be developed to mitigate the prevalence and negative impacts of underage marriage in regions like Kabupaten Paser.

Discussion on the Perspective of Maqasid Al-Syari'ah by Jasser Auda on the Impact of Underage Marriage

Maqasid Al-Syari'ah, as developed by Jasser Auda, is a framework that aims to achieve the objectives of Islamic law, focusing on the protection of religion, life, intellect, progeny, and property(Ni'ami & Tutik Hamidah, 2023). This holistic approach emphasizes that laws should promote human welfare and adapt to contemporary challenges. Auda's perspective on Maqasid Al-Syari'ah incorporates six system features: Cognitive Nature, Openness, Wholeness, Interrelated Hierarchy, Multidimensionality, and Purposefulness. These features collectively advocate for a legal system that is flexible, contextual, and aimed at achieving comprehensive justice and benefit for society(Elewa, 2020; Matnin et al., 2022).

Impact of Underage Marriage from the Perspective of Maqasid Al-Syari'ah Cognitive Nature: Understanding and Interpretation

Cognitive Nature emphasizes the importance of understanding and interpreting laws based on knowledge and the reality of human experiences. Underage marriage, often driven by socio-economic pressures, cultural norms, and lack of education, undermines the well-being and development of young individuals. From the perspective of Maqasid Al-Syari'ah, it is essential to re-evaluate these practices to ensure they align with the objectives of protecting life, intellect, and progeny.

Openness Adaptation to Context: The Openness feature of Maqasid Al-Syari'ah suggests that Islamic laws should be open to interpretation and adaptation based on the context of time and place. In modern society, where the understanding of health, education, and individual rights has evolved, maintaining rigid practices such as underage marriage can be detrimental. Adapting the laws to set a higher minimum age for marriage would align better with contemporary understandings of maturity and readiness for marital responsibilities.

Wholeness Comprehensive Approach: Wholeness advocates for a holistic approach that considers all aspects of human welfare. Underage marriage often results in negative health, educational, and psychological outcomes for young brides and grooms. It disrupts their physical development, educational attainment, and emotional stability. A comprehensive approach to addressing underage marriage involves not only setting legal age limits but also providing education and economic support to families to prevent early marriages.

Interrelated Hierarchy Balanced Prioritization: Interrelated Hierarchy implies a balanced prioritization of various elements that contribute to human welfare. Underage marriage impacts multiple facets of an individual's life, from health to education to economic stability. Ensuring that the hierarchy of needs, such as education and mental well-being, is addressed before marriage can lead to more stable and prosperous communities.

Multidimensionality Multifaceted Solutions

Multidimensionality in Maqasid Al-Syari'ah calls for solutions that consider various dimensions of human life. Addressing underage marriage requires a multifaceted approach, including legal reforms, educational initiatives, and community awareness programs. This

approach can help tackle the root causes of underage marriage, such as poverty and lack of awareness, and promote overall societal well-being

Purposefulness Achieving Ultimate Goals

Purposefulness focuses on achieving the ultimate goals of Shariah, which are to ensure justice, welfare, and the protection of human rights. Underage marriage often contradicts these goals by exposing young individuals to harm and depriving them of their rights to education and personal development. Reforming marriage laws to reflect the purposefulness of Maqasid Al-Syari'ah involves ensuring that marriage contributes positively to the lives of individuals and society as a whole. From the perspective of Maqasid Al-Syari'ah as articulated by Jasser Auda, underage marriage poses significant challenges to achieving the objectives of Islamic law. It often leads to adverse health, educational, and psychological outcomes, which contradict the principles of protecting life, intellect, and progeny. By incorporating the features of Cognitive Nature, Openness, Wholeness, Interrelated Hierarchy, Multidimensionality, and Purposefulness, a more just and beneficial approach to marriage laws can be developed. This approach would involve raising the legal age of marriage, providing comprehensive education, and supporting socio-economic development, ultimately aligning with the holistic goals of Maqasid Al-Syari'ah.

Discussion on of Maqasid Al-Syari'ah Jasser Auda on the Minimum Age for Marriage Introduction to Maqasid Al-Syari'ah

Maqasid Al-Syari'ah, or the objectives of Islamic law, aims to promote human welfare by protecting essential aspects of life: religion, life, intellect, progeny, and property. Jasser Auda, a contemporary Islamic scholar, has advanced this concept by integrating it with a systems approach, emphasizing that Islamic law should be dynamic, flexible, and context-sensitive. This perspective is particularly relevant when addressing contemporary issues such as underage marriage.

Legal Framework and Underage Marriage: Indonesian law, specifically the Marriage Law No. 16 of 2019, sets the minimum marriage age at 19 for both men and women. This law aims to ensure that individuals are physically, mentally, and emotionally mature enough to handle marital responsibilities. However, in practice, exceptions and dispensations often lead to marriages below this age limit, undermining the law's intent.

Maqasid Al-Syari'ah and the Minimum Age for Marriage Cognitive Nature Contextual Understanding

Cognitive Nature emphasizes the importance of understanding the socio-cultural context in which laws are applied. In the case of underage marriage, it is crucial to consider the socio-economic conditions, educational levels, and cultural norms that drive this practice. Jasser Auda's approach suggests that laws should be interpreted and applied in a way that addresses these underlying factors, ensuring that they effectively protect the welfare of individuals.

Openness Adapting to Modern Realities: Openness in Maqasid Al-Syari'ah calls for laws to be open to reinterpretation based on contemporary realities. The current socio-economic environment, advancements in education, and increased awareness of human rights necessitate a re-evaluation of the appropriate age for marriage. Setting a higher minimum age for marriage aligns with modern understandings of maturity and readiness, thereby protecting young individuals from the negative impacts of early marriage.

Wholeness Comprehensive Welfare: Wholeness advocates for a holistic approach to legal reforms. Underage marriage often results in adverse health, educational, and psychological outcomes, which contradict the objectives of Maqasid Al-Syari'ah. A holistic approach involves not only raising the minimum marriage age but also providing educational opportunities, economic support, and community awareness programs to address the root causes of underage marriage.

Interrelated Hierarchy Prioritizing Human Development: Interrelated Hierarchy suggests prioritizing various aspects of human welfare in a balanced manner. Ensuring that individuals reach an adequate level of education and mental maturity before marriage is essential. By doing so, the law prioritizes the development of young individuals, allowing them to fully realize their potential before taking on the responsibilities of marriage.

Multidimensionality Addressing Complex Issues

Multidimensionality requires addressing the multifaceted nature of underage marriage through comprehensive policies. This involves legal reforms, educational initiatives, and socio-economic support systems. Such a multidimensional approach ensures that all relevant factors are considered, providing a more effective solution to the problem of underage marriage.

Purposefulness Achieving the Goals of Shariah: Purposefulness in Maqasid Al-Syari'ah focuses on achieving the ultimate goals of justice, welfare, and protection of human rights.

Underage marriage often hinders these goals by exposing young individuals to harm and depriving them of opportunities for personal development. By reforming marriage laws to set a higher minimum age, the law can better achieve these objectives, ensuring that marriage contributes positively to the lives of individuals and society as a whole.

Jasser Auda's View on Minimum Age for Marriage

Jasser Auda argues that the minimum age for marriage should not be determined solely by age but should also consider factors such as physical health, psychological maturity, and social readiness. He criticizes the practice of underage marriage for violating the principles of Maqasid Al-Syari'ah, as it often results in harm to the individuals involved and does not fulfill the protective and developmental goals of Shariah. Auda suggests that the minimum age for marriage should be flexible and context-sensitive, allowing for adjustments based on the specific needs and conditions of different societies. He emphasizes the importance of consultation and consent from parents or guardians, as well as the involvement of judicial authorities to ensure that any exceptions to the minimum age are justified and in the best interest of the individuals involved. From the perspective of Maqasid Al-Syari'ah, as articulated by Jasser Auda, setting a higher minimum age for marriage is essential to protect the welfare and rights of young individuals. This approach aligns with the objectives of Islamic law by ensuring that marriage contributes to the overall well-being of individuals and society. By incorporating cognitive understanding, openness, wholeness, interrelated hierarchy, multidimensionality, and purposefulness, the legal framework can be adapted to effectively address the issue of underage marriage and promote a more just and beneficial societal practice.

Discussion on How Jasser Auda Integrates the Concept of Maqasid Syari'ah with the Minimum Age for Marriage

Jasser Auda's approach to integrating the concept of Maqasid Syari'ah with the minimum age for marriage is rooted in his broader framework of Islamic law, which emphasizes achieving the objectives of Shariah in a holistic, dynamic, and context-sensitive manner. Below is a detailed discussion based on his theoretical perspectives, including normative sources and the method of deriving legal rulings (wajhul istidlal):

Cognitive Nature and Contextual Understanding: Normative Source (Nash): "Allah intends for you ease and does not intend for you hardship" (Qur'an 2:185). Wajhul Istidlal: This verse indicates the principle of ease and removal of hardship in Islamic law. By

understanding the socio-cultural and economic contexts in which laws are applied, Auda suggests that the minimum age for marriage should be flexible, considering factors like physical health, psychological maturity, and social readiness. This ensures laws align with the realities of human experiences, promoting welfare and preventing harm.

Openness and Flexibility: Normative Source (Nash): "And consult them in the matter. And when you have decided, then rely upon Allah" (Qur'an 3:159). *Wajhul Istidlal*: This verse underscores the importance of consultation and flexibility in decision-making. Auda advocates for an open approach to Islamic laws, allowing for reinterpretation based on contemporary realities. Setting a higher minimum age for marriage aligns with modern understandings of maturity and readiness, thereby protecting young individuals from the negative impacts of early marriage.

Wholeness and Comprehensive Welfare: Normative Source (Nash): "Whoever saves one [life] - it is as if he had saved mankind entirely" (Qur'an 5:32). *Wajhul Istidlal*: This verse highlights the sanctity of life and comprehensive welfare. A holistic approach considers all aspects of human welfare, such as health, education, and psychological well-being. By ensuring that individuals are fully prepared for marriage responsibilities, Auda's framework protects their physical, mental, and social well-being, aligning with the objectives of *Maqasid Syari'ah*.

Interrelated Hierarchy and Balanced Prioritization: Normative Source (Nash): "And do not kill your children for fear of poverty. We provide for them and for you" (Qur'an 17:31). *Wajhul Istidlal*: This verse emphasizes the provision and protection of future generations. Interrelated hierarchy implies balancing various aspects of human welfare. Ensuring adequate education and maturity before marriage supports the *Maqasid* by fostering well-prepared individuals who can contribute positively to their families and society.

Multidimensionality and Multifaceted Solutions: Normative Source (Nash): "And those who pray, 'Our Lord, grant us from among our wives and offspring comfort to our eyes and make us an example for the righteous'" (Qur'an 25:74). *Wajhul Istidlal*: This verse reflects the multidimensional aspects of family life and the importance of well-being. Addressing underage marriage requires comprehensive policies, including legal reforms, educational initiatives, and economic support. Auda's multidimensional approach ensures that all

relevant factors are considered, providing effective solutions to prevent underage marriage and support societal well-being.

Purposefulness and Achieving Shariah Objectives: Normative Source (Nash): "Allah wants to lighten for you [your difficulties]; and mankind was created weak" (Qur'an 4:28). *Wajhul Istidlal*: This verse highlights Allah's intent to ease human difficulties, reflecting the ultimate goals of Shariah: justice, welfare, and protection of human rights. Underage marriage often hinders these goals by exposing young individuals to harm. Reforming marriage laws to set a higher minimum age ensures that marriages contribute positively to the lives of individuals and society, fulfilling the protective and developmental objectives of *Maqasid Syari'ah*.

Practical Application and Recommendations: Jasser Auda recommends that the minimum age for marriage should be guided by scientific studies and the principles of *Maqasid Syari'ah*. He suggests that the ideal marriage age is 25 for men and 20 for women based on psychological and sociological research. This age ensures individuals are mature enough to handle marriage responsibilities, safeguarding their welfare and that of their future children. By incorporating normative sources and Auda's principles, the legal framework can effectively address underage marriage, promoting a just and beneficial societal practice. Jasser Auda's approach to integrating the concept of *Maqasid Syari'ah* with the minimum age for marriage is rooted in his broader framework of Islamic law, which emphasizes achieving the objectives of Shariah in a holistic, dynamic, and context-sensitive manner. Here's a detailed discussion based on his theoretical perspectives:

Cognitive Nature and Contextual Understanding: Jasser Auda emphasizes the importance of understanding the socio-cultural and economic contexts in which laws are applied. He argues that the minimum age for marriage should not be rigidly determined solely by age but should consider various factors such as physical health, psychological maturity, and social readiness. This approach ensures that the law is not only aligned with the current realities but also upholds the welfare and best interests of individuals, which is a fundamental objective of *Maqasid Syari'ah*.

Openness and Flexibility: The principle of openness in *Maqasid Syari'ah* highlights the need for Islamic laws to be adaptable to changing circumstances. Jasser Auda advocates for a flexible approach to determining the minimum age for marriage, one that takes into account the evolving understandings of health, education, and human rights. By setting a higher

minimum age, the law can better protect young individuals from the adverse effects of early marriage, aligning with the objectives of promoting overall human welfare and preventing harm.

Wholeness and Comprehensive Welfare: A holistic approach, as advocated by Auda, considers all aspects of human welfare. Underage marriage often leads to negative health, educational, and psychological outcomes, which contradict the goals of Maqasid Syari'ah. Auda's framework suggests that the minimum age for marriage should be set at a level that ensures individuals are fully prepared for the responsibilities of marriage, thus protecting their physical, mental, and social well-being.

Interrelated Hierarchy and Balanced Prioritization: Interrelated hierarchy implies a balanced consideration of various factors contributing to human welfare. Jasser Auda argues that ensuring adequate education and mental maturity before marriage is crucial. This prioritization supports the objectives of Maqasid Syari'ah by fostering better-prepared individuals who can contribute positively to their families and society.

Multidimensionality and Multifaceted Solutions: Jasser Auda's principle of multidimensionality calls for addressing the issue of underage marriage through comprehensive and multifaceted policies. This includes legal reforms, educational initiatives, and economic support. By considering all these dimensions, the law can more effectively prevent underage marriage and support the well-being of young individuals, aligning with the holistic goals of Maqasid Syari'ah.

Purposefulness and Achieving Shariah Objectives: Purposefulness focuses on achieving the ultimate goals of Shariah, which include justice, welfare, and protection of human rights. Underage marriage often fails to meet these goals due to its detrimental effects on young individuals. By setting a higher minimum age for marriage, the law can better ensure that marriages contribute positively to the lives of individuals and society, fulfilling the protective and developmental objectives of Maqasid Syari'ah.

Practical Application and Recommendations: Jasser Auda recommends that the minimum age for marriage should be guided by scientific studies and the principles of Maqasid Syari'ah. He suggests that the ideal marriage age is 25 for men and 20 for women, based on psychological and sociological research. This age ensures that individuals are mature enough to handle the responsibilities of marriage and parenting, thus safeguarding

their welfare and that of their future children . Jasser Auda integrates the concept of Maqasid Syari'ah with the minimum age for marriage by emphasizing a flexible, context-sensitive, and comprehensive approach. His recommendations aim to protect young individuals' physical, mental, and social well-being, aligning with the broader objectives of Islamic law to promote human welfare and prevent harm. This approach not only addresses the immediate issues associated with underage marriage but also supports the long-term development and prosperity of individuals and society.

Research conducted in Kabupaten Paser, a region in East Kalimantan, Indonesia, reveals significant issues surrounding underage marriages, driven by various socio-economic and cultural factors. Despite legal frameworks designed to regulate the minimum age for marriage, underage marriages remain prevalent. From 2020 to 2022, there were numerous cases of underage marriages in Kabupaten Paser, often influenced by factors such as economic hardship, cultural norms, and lack of education. For example, in 2021, 1,089 underage marriages were reported across East Kalimantan, with a significant number occurring in Kabupaten Paser. These marriages are often conducted outside official channels, sometimes involving manipulated personal data to meet legal requirements. Several key factors contribute to underage marriages in Kabupaten Paser. Educational factors include low educational attainment among young women, which increases the likelihood of early marriage.

Limited education opportunities often leave marriage as the primary option. Economic factors involve poverty and economic instability driving families to marry off their children early, with high marriage dowries and perceived economic relief being significant motivators. Cultural norms and social pressures also play a crucial role, with deeply ingrained practices and the stigma of premarital pregnancy perpetuating early marriages. Additionally, rural areas with limited access to education and health services see higher rates of underage marriage. Individual factors such as peer pressure, familial expectations, and lack of awareness about the consequences of early marriage further influence decisions.

The impacts of underage marriages are profound. Health impacts include higher risks of complications during pregnancy and childbirth, including maternal and infant mortality, as well as psychological stress and physical health issues due to the lack of maturity. Educational impacts involve school dropouts, limiting educational and professional opportunities for young girls and perpetuating the cycle of poverty and dependence.

Psychologically, young brides often experience higher rates of depression, anxiety, and domestic violence due to the lack of emotional and psychological readiness for marriage. Social impacts include increased divorce rates, unstable family structures, and the perpetuation of poverty. Jasser Auda's interpretation of Maqasid Syari'ah provides a comprehensive framework for addressing underage marriage.

Auda emphasizes the need for laws to consider socio-economic and cultural contexts, ensuring that the minimum age for marriage is based on a thorough understanding of current realities. His principle of openness advocates for flexible laws that can adapt to changing societal needs and modern understandings of maturity and human rights. A holistic approach, as supported by Auda, considers the overall well-being of individuals, including physical, mental, and social health. Interrelated hierarchy suggests that ensuring adequate education and maturity before marriage should be a priority, supporting the broader objectives of human development and welfare. Multidimensionality calls for a comprehensive policy approach that includes legal reforms, educational initiatives, and socio-economic support systems. Purposefulness focuses on achieving justice, welfare, and the protection of human rights, aligning marriage laws with the broader goals of Shariah.

Based on the research findings from the study conducted in Kabupaten Paser, East Kalimantan, the roles of ulama (religious scholars) and umara (government officials) were not explicitly detailed regarding their involvement in addressing the issue of underage marriages. However, it is well-recognized that both ulama and umara hold significant potential to influence community practices and enforce policies effectively. Ulama can play a crucial role by providing religious guidance and interpretations that support the delay of marriage age, emphasizing the importance of welfare and rights of young individuals according to Islamic principles.

The Influence of Ulama and Umara in Changing Cultural Norms and Practices that Perpetuate Underage Marriage

Their influence within the community can be pivotal in changing cultural norms and practices that perpetuate underage marriage. By delivering sermons, organizing educational programs, and engaging in community dialogue, ulama can help shift perspectives towards viewing underage marriage as detrimental to the holistic development of young individuals. On the other hand, umara are responsible for enforcing legal frameworks and implementing

policies designed to protect minors. Their role includes ensuring strict adherence to existing marriage laws, such as the minimum age requirement, and providing the necessary educational and economic support to families to alleviate the pressures that lead to early marriages. Umara can also promote awareness campaigns to highlight the negative consequences of underage marriage, working in collaboration with local leaders and organizations to foster a supportive environment for policy enforcement.

Integrating the active participation of ulama and umara in future research and interventions can offer a more comprehensive approach to addressing the issue of underage marriage. By leveraging both religious influence and governmental authority, it is possible to create a more effective and culturally sensitive strategy to protect and promote the well-being of young individuals in the community. This collaborative effort can contribute significantly to the reduction of underage marriages, ensuring that the solutions are not only legally sound but also resonate with the cultural and religious values of the local population.

Several recommendations are proposed to address the issue of underage marriage in Kabupaten Paser. Firstly, legal reforms should be implemented and enforced to ensure stricter regulations on the minimum age for marriage, set at 19 years according to Marriage Law No. 16 of 2019, and to tightly control exceptions and dispensations to ensure they are granted only in truly exceptional cases. Educational initiatives should aim to increase access to education for girls in rural and remote areas, alongside awareness campaigns in schools and communities about the negative impacts of underage marriage on health, education, and psychological well-being. Economic support should be provided to alleviate the financial pressures that drive early marriages, including economic assistance to poor families and skills training and empowerment programs for young women to provide them with alternatives to early marriage.

Community engagement is crucial, involving community and religious leaders in campaigns to change cultural norms and practices that support underage marriage. Programs such as discussions and workshops with community members can build understanding and acceptance of the importance of delaying marriage until an appropriate age. Additionally, health and social services should be improved to support the overall well-being and development of young individuals, enhancing access to and the quality of reproductive and mental health services for adolescents, and providing social services that support the welfare and development of young individuals, including counseling and psychological assistance.

Integrating the Maqasid Syari'ah perspective as articulated by Jasser Auda with contemporary legal and social frameworks offers a robust and contextual solution. It is essential that all actions taken to address underage marriage align with the primary objectives of Syari'ah, which are the protection of religion, life, intellect, lineage, and property. By implementing these recommendations, it is hoped to create a more just and supportive environment for all individuals and to reduce the prevalence of underage marriage in Kabupaten Paser.

Conclusion

Research conducted in Kabupaten Paser, East Kalimantan, Indonesia, highlights the persistent issue of underage marriages driven by socioeconomic, educational, and cultural factors. Despite legal frameworks, such as the Marriage Law No. 16 of 2019, aimed at regulating the minimum age for marriage, the prevalence of underage marriages remains high. The factors contributing to this phenomenon include low educational attainment, economic hardship, and deeply ingrained cultural norms. The impacts of underage marriages are extensive, affecting the health, education, and psychological well-being of young brides and perpetuating cycles of poverty and social instability.

Jasser Auda's interpretation of Maqasid Syari'ah offers a comprehensive framework to address these challenges. His principles emphasize the need for laws to be flexible, context-sensitive, and holistic, ensuring that they promote the overall welfare of individuals. Auda advocates for a higher minimum age for marriage, aligning with modern understandings of maturity and human rights, and considers various dimensions such as education, economic support, and cultural change. Several recommendations have been proposed to effectively combat underage marriage. Legal reforms should enforce stricter regulations on the minimum age for marriage, educational initiatives should promote awareness and access to education, economic support should alleviate financial pressures on families, and community engagement should work towards changing cultural norms. Additionally, improving health and social services is crucial for supporting the well-being of young individuals. In conclusion, integrating Jasser Auda's Maqasid Syari'ah perspective with contemporary legal and social frameworks provides a robust solution for underage marriages. By addressing the root causes and promoting the welfare of young individuals,

these recommendations aim to create a more just and supportive environment, ensuring that marriage contributes positively to the lives of individuals and society.

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