

## A NORMATIVE REVIEW OF ISLAMIC LAW ON UNDERAGE MARRIAGE: AN EXAMINATION OF AGE CRITERIA AND ITS IMPLICATIONS FOR DOMESTIC LIFE

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### ABSTRACT

*Child marriage is still a problem in many cultures, even those that follow Islamic law. This practice is frequently shaped by social, economic, and cultural considerations, along with various theological interpretations. Islamic law does not explicitly stipulate a minimum age for marriage; rather, it underscores physical and psychological maturity as the principal criteria. This study seeks to evaluate the suitability of underage marriage through a normative analysis of Islamic law and to investigate its implications within domestic life. The methodology employed is normative legal research utilizing conceptual and statutory frameworks, executed through literature reviews of Islamic legal sources and relevant laws. The findings suggest that while textual provisions exist, the idea of public welfare (maslahah) in Islamic law underscores the need of mental, emotional, and economic preparedness. Early marriage can lead to a number of bad things, such as unhappy marriages, more divorces, and health problems for both the mother and the kid. Consequently, a more contextual normative reinterpretation is essential to ensure the optimal realization of marriage's objectives specifically, the development of a peaceful, loving, and compassionate family.*

*Keywords: Child Marriage, Islamic Law, Minimum Age, Maturity, Household Impact*

### INTRODUCTION

Marriage is a basic part of human life that includes social, legal, and spiritual aspects. Islam sees marriage as more than just a way to meet biological demands; it is also a way to honor God and bring peace (*sakinah*), love (*mawaddah*), and compassion (*rahmah*) to family life. Consequently, marriage should ideally be entered into by individuals who exhibit complete preparedness, encompassing physical, mental, and social maturity. In reality, though, child marriage is still common and even seems to be getting worse in some places, like Indonesia. There are many complicated and connected reasons why child marriage happens. (S. Nasution, 2019).

Economic difficulties are frequently a key factor, as families with constrained financial resources view marriage as a means to alleviate their economic burden. Cultural and traditional considerations also help keep this practice going, especially in societies where early marriage is still seen as normal or even good. This scenario is made worse by low levels of education and a lack of understanding of the harmful effects of early marriage. Some theological interpretations are used to support early marriage, but these interpretations typically don't take into account the bigger picture or the main goals of Islamic teachings. (E. Field, & A. Ambrus, 2008).

This research is becoming more and more important because people all over the world and in the US are becoming more aware of children's rights and how to protect them. Children are individuals who have not yet attained complete development and hence necessitate safeguarding against behaviors that may jeopardize their future, including premature marriage. Numerous studies demonstrate that child marriage

exerts considerable effects on individuals' life, including health, psychological, and social dimensions. Girls who marry young are more likely to have problems during pregnancy and childbirth. From a psychological standpoint, couples exhibiting immaturity are more susceptible to domestic problems, potentially culminating in divorce. Consequently, it is imperative to analyze this issue in its entirety, especially through the lens of Islamic law, which significantly influences societal values. (S. Neal, et al, 2012)

From the standpoint of Islamic law, marriage is regarded as a robust covenant (*mitsaqan ghalizhan*) that imposes considerable obligations on both spouses. The principal sources of Islamic law, specifically the Qur'an and Hadith, do not explicitly define a minimum age for marriage. Islam, on the other hand, places a lot of importance on maturity as a vital prerequisite for marriage. The term *baligh* is frequently employed as a measure of physical maturity, whereas *rushd* pertains to intellectual and psychological maturity, encompassing the capacity to conduct one's life properly. In Islam, maturity is not just about biological factors; it also encompasses psychological and social factors.

The notion of public good (*maslahah*) in Islamic law is also an important basis for deciding whether an action is allowed. Avoid any practice that can do more harm than good. In the context of child marriage, the numerous adverse effects indicate that this practice requires rigorous reevaluation. Islamic law is essentially dynamic and contextual, facilitating the reinterpretation of normative texts in response to changing social contexts. This method is necessary to make sure that the main goals of Islamic law (*maqasid al-shariah*), which are to safeguard religion, life, intellect, lineage, and property, are met in the best way possible. (K. Ali, 2006).

The principal issue examined in this study is the perception of the suitability of the age for child marriage from the normative standpoint of Islamic law, together with its implications for domestic life. This issue is especially important because there is a big difference between how things are done in society and how Islamic teachings say they should be done. Some people think that early marriage is okay because of certain texts. On the other hand, reality indicates that many early marriages lead to difficulties including fighting, domestic abuse, and divorce. This work seeks to do a comprehensive examination of the suitability of age in child marriage through a normative analysis of Islamic law. Furthermore, it aims to discover and examine the diverse effects of early marriage on domestic life. Consequently, this study aims to offer an in-depth comprehension of the correlation between normative principles in Islamic law and their practical application in society.

The anticipated advantages of this research are both theoretical and pragmatic. In theory, this research should add to what we know about Islamic law, especially when it comes to modern challenges like child marriage. It is anticipated to function as a reference for scholars and researchers in the advancement of subsequent investigations. The results of this study are anticipated to inform communities, religious leaders, and governments in developing more suitable and efficacious strategies to combat the issue of child marriage. The ultimate goal is to reduce the practice of underage marriage and achieve the Islamic objectives of marriage, which include creating a happy and successful family. (E. Nurlaelawati, 2010)

This study aims to enhance community understanding of the significance of preparedness for marriage, encompassing biological, mental, emotional, and social dimensions. This is really important to make sure that marriage really does lead to happiness and well-being, not issues for people and society.

## RESEARCH METHOD

This study utilizes a normative legal research methodology, concentrating on the analysis of Islamic legal norms and pertinent statutory rules related to child marriage. This research employs the conceptual approach and the statutory approach. The conceptual technique is employed to study the notions of *baligh*, *rushd*, and the principle of *maslahah* in Islamic law, whilst the statutory approach is utilized to scrutinize the positive legal restrictions pertaining to the minimum age of marriage. The legal materials utilized in this study comprise fundamental legal sources, specifically the Qur'an, Hadith, and pertinent legislative rules. Books, scholarly journals, essays, and past study on child marriage are all examples of secondary legal documents. Legal dictionaries and encyclopedias are examples of tertiary legal materials that help people grasp legal words. Library research is the method used to acquire legal resources. This involves obtaining, reading, and reviewing literature that is relevant to the study issue. Additionally, the employed data analysis method is qualitative normative analysis, entailing the interpretation and methodical examination of legal sources to achieve a comprehensive understanding of the suitability of marriage age and its effects on domestic life from the standpoint of Islamic law. (P.M. Marzuki, 2016).

## RESULTS AND DISCUSSION

### **1. Islamic law does not have a clear age limit.**

Islamic law sees marriage as a holy union with social, mental, and spiritual goals. A common question is what the youngest age is for marriage. Research on Islamic legal sources reveals the absence of a specific numerical stipulation establishing a minimum age for potential spouses. Islamic law, on the other hand, puts more emphasis on individual readiness as the key factor in deciding who is eligible to marry. This is shown by the terms *baligh* and *rusyd*.

Baligh is the stage at when a person has acquired biological maturity, which includes the ability to reproduce. However, simply attaining *baligh* is not enough to make sure someone is ready for marriage. The idea of *rusyd* stresses being mentally mature, being able to make decisions, and being able to handle the obligations of marriage. So, a person is judged not only on their physical appearance but also on how mentally and emotionally mature they are. This method demonstrates that marriage in Islam is regarded as a substantial obligation necessitating comprehensive preparedness, rather than solely biological competence. (F. Opwis, 2005).

Islamic law's flexibility in the age of marriage lets people look at individual differences and social and cultural contexts when making decisions. In certain societies, the commencement of *baligh* may transpire earlier or later, and the progression of *rusyd* can be affected by education, experience, and the social milieu. This flexibility makes sure that Islamic law stays relevant to actual life, since a person's suitability for marriage can be judged by their physical, intellectual, and social readiness.

Also, the lack of a set age limit makes it less likely that strict rules will be put in place that don't fit everyone's needs. By focusing on *baligh* and *rusyd*, we can see that marriage should be good for both partners and the others around them. A potential spouse who has achieved *baligh* but has not yet earned *rusyd* is deemed unprepared due to their inability to comprehend the implications of marital obligations. On the other hand, a person who is *rusyd* but not yet totally *baligh* is also not seen as ready because they are not fully biologically mature. (Hosen, N, 2010)

Islamic law urges people to think carefully before getting married by focusing on

the quality of their individual preparation. Marriage is not just a social formality or process; it is a duty that needs to be understood and mature. *Baligh* and *rusyd* as the key indicators show how important it is to be ready to take on the moral, emotional, and social duties that come with being married.

This method shows that Islamic law looks at marriage preparedness in a whole way. A person who is *baligh* and *rusyd* is able to handle problems at home, make good choices, and take care of the family. This demonstrates that assessing marriage preparedness is not exclusively contingent upon chronological age, but rather on the individual's actual capacity to navigate married life with maturity and responsibility. So, the fact that Islamic law stresses *baligh* and *rusyd* shows that age alone is not enough to determine if someone is ready for marriage; they also need to be physically ready, mentally mature, and socially responsible. This method makes it possible for marriage to happen after thorough thought and the ability to meet the responsibilities that come with family life. (W.B. Hallaq, 2009).

## ***2. Marriage Eligibility as an All-Encompassing Notion***

From an Islamic standpoint, marriage transcends a mere social custom or legal procedure; it constitutes a profound obligation encompassing several facets of existence. Thus, a person's chronological age cannot be the only thing that determines whether or not they are ready to be married. Islam stresses that readiness for marriage should be evaluated comprehensively, encompassing the physical, mental, emotional, and socio-economic dimensions of potential partners. This all-encompassing strategy makes sure that only people who are really ready to take on all of the obligations of running a home get married.

One of the most important things to look at when deciding if someone is ready for marriage is their physical readiness. A person who has attained biological maturity, or *baligh*, is seen as capable of reproduction and possesses adequate stamina to perform the responsibilities of a husband or wife. But being physically ready isn't enough to make sure a marriage will work. Someone who is physiologically able but not yet intellectually or emotionally mature may have trouble handling their family and marriage duties. (P.R. Amato, 2010).

Mental and emotional maturity, as exemplified by the notion of *rusyd*, represents another essential criterion in evaluating eligibility. To deal with the challenges of married life, you need to be able to think clearly, make smart choices, and control your feelings. People who are mentally and emotionally mature can settle disagreements, deal with situations in a good way, and make choices that are good for both them and their partners. Emotional maturity also helps people who want to get married grasp the moral and societal duties that come with being married.

Also, social and economic skills are quite important. Marriage not only brings two people together, but it also creates a family that needs social support and financial security. Being socially ready means being able to communicate well, get along with your extended family, and be an active member of your community. Being economically ready is being able to meet the family's fundamental needs, handle the household's money, and make responsible plans for the family's future. People who aren't socially mature or don't have enough money may have problems that hurt their family's health and happiness. (Q. Wodon, et al, 2017).

This all-encompassing method makes it clear that age is only one factor, not the most important one. The essential thing to look at is how ready the future spouses are to

take on their marriage duties and make sure the family life is solid and peaceful. So, in Islam, the only people who can have a perfect marriage are those who are ready physically, psychologically, emotionally, and financially. This method safeguards the rights and interests of both parties while promoting the overarching goals of marriage, such as the establishment of a *sakinah, mawaddah, and rahmah* family. Islam promotes thorough evaluation prior to marriage by stressing comprehensive eligibility. This framework can be changed to fit different people and cultures, making sure that marriage is not only legal but also able to work well and last over time. (M. Anshori, 2017).

### **3. The Principle of Maslahah as the Foundation for Evaluating Marriage**

From the viewpoint of Islamic law, every marriage must be founded on the principle of benefit (*maslahah*) and directed towards the avoidance of damage (*mafsadah*). This concept is the most important one for deciding if a marriage is valid and legal. Marriage is not just a formal process or a social link; it must also provide real benefits to the individual, the family, and society as a whole. According to the idea of *maslahah*, every legal activity, including marriage, should be done for the good of the persons involved, and any possible harm should be kept to a minimum or avoided. (A.W. Dusuki, & N.I. Abdullah, 2007)

*Maslahah* emphasizes that potential spouses must be well prepared, physically, mentally, and socially, in the context of marriage. A marriage that is not properly planned might lead to problems like fights in the home, financial problems, or mental stress for the couple and any children that may come from the marriage. So, while deciding if someone is ready to get married, you don't just look at their age or formal qualifications; you also look at how ready they are to take on all the responsibilities that come with marriage.

The notion of *maslahah* is closely related to the goals of *maqasid al-shariah*, which stress the safeguarding of religion, life, intellect, lineage, and money. A marriage that is not thought through carefully may go against these goals. For instance, marriages that happen too early or aren't well-planned can hurt the family's health, education, and finances, all of which can hurt the family's well-being. *Maslahah* necessitates a comprehensive assessment of the prospective couples' circumstances to ascertain that the advantages of marriage surpass any potential detriments. (M. Anshori, 2017).

The notion of *maslahah* also allows for flexibility in how marriage is practiced in different social, cultural, and environmental settings. distinct communities have distinct rules and standards for being ready for marriage, such as education, family support, and financial security. By focusing on *maslahah*, people are encouraged to think about all of these things while making decisions, which helps the marriage go smoothly and in line with Shariah's goals, rather than just obeying strict laws without thinking about how they would affect the couple in real life. In practice, using the notion of *maslahah* in marriage means thinking carefully before getting married. People who are ready to get married physically, psychologically, emotionally, and financially are more likely to deal with problems in their marriage in a smart and responsible way. On the other hand, marriages that are rushed or not well-planned can cause problems, tension, or even divorce, which is worse than good. (R. Jensen, & R. Thornton, 2003).

This is why the principle of *maslahah* says that Islamic law should always try to get the most benefits out of marriage and the least *harm*. It is not enough to look at someone's age or legal status to see if they are ready for marriage. You also need to look

at how ready they are as a whole. This method makes sure that the goals of Shariah in marriage building a family that is stable, peaceful, and good for society can be reached.

#### ***4. The adverse effects of child marriage on domestic life***

Child marriage is still a problem in many cultures, and it has a lot of bad effects on family life. Getting married young increases the chances of problems between husband and wife because neither partner is physically, mentally, or emotionally mature enough to handle the duties of marriage. This immaturity frequently leads to extended disputes, communication challenges, and an incapacity to properly address domestic issues. One of the main effects of child marriage is that it makes it harder for people to deal with the ups and downs of married life. Most of the time, kids who get married too young don't have enough life experience, the ability to make adult decisions, or a good knowledge of what it means to be a parent. This can cause problems between partners, make it hard to handle money, and make it hard to be a good husband or wife. Disagreements that happen because of this inability can become long-lasting and make family ties worse overall. (K.G. Santhya, S.J. Jejeebhoy, 2015)

Also, being married young makes it more likely that you will get divorced. Studies and data show that couples who get married while they are young likely to have more unstable households than couples who get married when they are older. Some of the things that make this happen are disparities in psychological maturity, the incapacity to resolve disagreements, and societal or economic constraints. Divorce stemming from child marriage impacts not only the spouses but also any offspring from the union, rendering them susceptible to emotional and social difficulties. (Y. Le Strat, C. Dubertret, & B. Le Foll, 2011).

The mental health of both couples is another harmful effect that is clear. Child marriage often causes long-term stress, worry, and despair, especially for people who aren't ready for the hardship of marriage and running a home. When someone feels overwhelmed and that they can't live up to the expectations of their spouse or extended family, it can cause emotional strain that affects how spouses interact, the quality of personal connections, and the entire family atmosphere. Child marriage has an impact on the family's social and economic well-being in addition to its psychological effects. People who marry too young generally don't have the money, knowledge, or access to the resources they need to run a household well. This can lead to financial instability, a high level of economic dependence, and little chances for personal growth, all of which can make life harder for everyone in the family. (T. Ganchimeg, et al, 2014).

These combined effects suggest that child marriage is bad for the person and the family as a whole, as well as for the stability of the home. The issues encompass discord in relationships, protracted disputes, diminished problem-solving abilities, heightened divorce risk, and mental health difficulties. So, we should stop child marriage and replace it with a method that focuses on being ready physically, mentally, emotionally, and financially. This will make sure that marriage can happen in a way that is good for both the family and society.

#### **CONCLUSION**

This study seeks to examine the viability of child marriage age under Islamic law and its effects on conjugal life. The primary findings demonstrate that child marriage contravenes the tenets of Islamic law, which underscore physical and mental development as essential conditions for a legitimate marriage. According to normative

analysis, child marriage can result in numerous adverse effects, including reproductive health complications, gender inequalities, and profound psychological ramifications for the persons involved. Islamic law clearly says that the minimal age for marriage is one that lets a person start married life with enough maturity. So, being married young might make people emotionally and physically immature, which can impair the quality of their marriage. The findings of this study underscore the necessity of enforcing stringent restrictions to avert underage marriage and enhancing societal awareness regarding marriage readiness. Legal measures that establish an acceptable age for marriage are essential to safeguard the welfare of children and the future of their families.

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