

**THE RELEVANCE OF MAQASHID SYARI'AH IN DETERMINING THE AGE
LIMIT FOR MARRIAGE: A STUDY OF THE IMPLEMENTATION OF LAW NO.
16 YEARS 2019**



Syahputri Hutabarat¹
Universitas Islam Negeri Sumatera Utara, Medan, Indonesia
syahputri0221223015@uinsu.ac.id

Imam Yazid²
Universitas Islam Negeri Sumatera Utara, Medan, Indonesia
imamyaziduinsu@uinsu.com

Fatimah Zahara³
Universitas Islam Negeri Sumatera Utara, Medan, Indonesia
fzahara.uinsu@gmail.com

Abstract

Determination of the marriage age limit through Law No. 16 of 2019 reflects progressive steps in protecting children's rights and preventing the negative impacts of early marriage. This study aims to analyze the relevance of maqashid sharia in supporting this policy, especially in maintaining the five main principles: protection of religion (*hifz al-din*), soul (*hifz al-nafs*), reason (*hifz al-'aql*), descendants (*hifz al-nasl*), and property (*hifz al-mal*). With a normative approach and qualitative analysis of Islamic legal literature and related legal documents, this research reveals that a higher marriage age limit is in line with the Sharia goal of ensuring the welfare of individuals and society. Apart from that, the implementation of Law No. 16 of 2019 is faced with challenges, such as cultural resistance and lack of legal awareness, which require educational strategies and strengthening regulations. This study provides practical recommendations for policy makers to align maqashid sharia with the implementation of the law, to support quality and sustainable family development.

Keywords: Maqashid al-Syariah, Age Limit for Marriage, Law No. 16 of 2019, Early Marriage

INTRODUCTION

Marriage is a very important social institution in society. In various cultures and religions, including Islam, marriage is considered a sacred contract that binds two individuals in a bond full of responsibility and commitment. In Indonesia, marriage is regulated by law to ensure that all parties involved in a marriage receive adequate legal protection (Suharto, E, 2015). The age limit for marriage is an important issue in family law in Indonesia. The changes stipulated in Law Number 16 of 2019 are a response to the high rate of child marriage which has an impact on the health, education, and welfare of the younger generation. Indonesia has one of the highest rates of child marriage in Southeast Asia, reaching 10.82% in 2018. Child marriage often results in dropping out of school, increases the risk of domestic violence, and reduces economic opportunities for women (BPS, 2018).

According to a UNICEF report, girls who marry before the age of 18 are more likely to experience domestic violence and medical complications during pregnancy. In addition, they also tend to have more limited access to health and education services. This creates a cycle of poverty that is difficult to break, especially in areas with high poverty levels (UNICEF, 2024).

In a global context, Sustainable Development Goals (SDGs) point 5 also calls for ending child marriage as part of efforts to achieve gender equality. This policy is also in line with the principles of child protection regulated in the Convention on the Rights of the Child, which has been ratified by Indonesia. This international commitment emphasizes the importance of protecting children's rights to enjoy their childhood without having to face the burden of marital responsibilities (Hadikusumo. H, 1990: 7).

Apart from social and economic impacts, child marriage also has serious health implications. Girls who marry at a young age have a higher risk of experiencing birth complications, such as obstetric fistula, which can have a permanent impact on their health. WHO also notes that pregnancy at a young age is one of the main causes of death for women aged 15-19 years in developing countries, including Indonesia (WHO, 2020).

Law Number 1 of 1974 concerning Marriage has long been the legal basis for marriage in Indonesia. However, during its development, this law was deemed to need to be revised to accommodate social changes and community needs. One of the important revisions

carried out was through Law Number 16 of 2019, which sets the minimum age for marriage for men and women at 19 years. This change was carried out to achieve gender equality and provide more protection for girls who are vulnerable to early marriage (Mulyadi, 1997: 7).

In Islamic law, there are five *maqashid shari'ah* or main objectives of Islamic syariah, namely protecting religion (*hifdzul al-din*), protecting the soul (*hifdzul al-nafs*), protecting reason (*hifdzul al-aql*), protecting property (*hifdzul al-mal*), and protecting offspring (*hifdzul al-nasl*). For example, life protection (*hifz al-nafs*) is relevant in preventing the death of young mothers due to birth complications. Intellectual protection (*hifz al-aql*) supports the importance of education as an intellectual and emotional foundation before entering married life (Asy-Sya'rawi. M, 2012: 89-97).

Maqashid Syari'ah is an important basis for providing a perspective that the marriage age limit is in accordance with Islamic principles. This analysis shows how this policy supports the creation of healthy, empowered, and harmonious families while maintaining the benefit of individuals and society at large. The marriage age limit policy is very much in accordance with the principles of *Maqashid Syari'ah*. This policy protects the soul, mind, and offspring from the negative impacts of early marriage, such as health risks, lack of education, and unpreparedness to care for children. Ensure family well-being by creating a mature, emotionally stable, and financially independent couple. Confirming that this policy is in line with Islamic teachings, which aim to maintain the benefit of the people and prevent damage to society.

From the *Maqashid Syari'ah* perspective, the marriage age limit is not only a legal policy, but also a real implementation of Islamic values to support the development of healthy, harmonious, and empowered families. This creates the basis for a more just, prosperous, and quality society.

Resistance to the marriage age limit policy often arises from people who still strongly adhere to culture or customs that allow early marriage. To overcome this, a comprehensive and sensitive approach is needed to local values, without ignoring the principles of legal protection and the objectives of *Maqashid Syari'ah*. Community resistance to the marriage age limit policy can be overcome with an approach that is inclusive, educational, and sensitive to customs and religion. Collaboration between the government, traditional leaders,

religious leaders, and the general public is the main key to ensuring that this policy is not only accepted but also effective in protecting the younger generation and creating a more prosperous society.

Thus, changes to the minimum age limit for marriage in Law Number 16 of 2019 are not only relevant nationally but also support various international initiatives and reflect the implementation of Islamic Sharia values that are benefit-oriented. This research aims to explore how these changes support the goals of maqashid shari'ah which focuses on protecting the soul, mind, and offspring.

REVIEW OF LITERATURE

Maqashid Syari'ah Concept

Maqashid shari'ah is a fundamental concept in Islamic law that covers the main objectives of shari'a in maintaining the continuity of human life. This concept aims to create benefits (benefits) and prevent harm (losses) (Zulfikar, 2024): 1) Hifz al-Din (Guarding Religion). Ensuring freedom of religion and the implementation of worship in accordance with Islamic teachings, as well as preventing all forms of blasphemy or harassment of religion; 2) Hifz al-Nafs (Guarding the Soul). Conflict management in marriage is intended to avoid violence and resolve the impacts of other conflicts. Therefore, the author classifies conflict management as part of hifz al-nafs; 3) Hifz al-'Aql (Guarding Reason). Maintaining the health and integrity of the human mind. In Islam, gaining knowledge is not just a right, but an obligation. If in the Declaration of Human Rights (UDHR) gaining knowledge is everyone's right, then this is different from Islam. A right is something that can be taken or left behind; Obligations must be carried out and must not be neglected. Therefore, in Islam, everyone is obliged to seek knowledge, whether they are single or married; 4) Hifz al-Nasl (Guarding the Offspring). Childcare is the cooperation of parents. Each child's father and mother have their own role. Therefore, raising children must be carried out with the couple's cohesion in building their household. This cohesion in running the household is also known as marital companionship, which includes the ability to communicate with one's partner; and feel the joy and pleasant association between husband and wife. Apart from that, it also includes openness, empathy, and a sense of togetherness. Couples who can open up and

understand their partner and can create togetherness will feel more satisfaction in their marriage; 5) *Hifz al-Mal* (Guarding Property). Building a household requires capital to fulfill the needs of family members. Human needs are divided into several classifications, namely primary needs, secondary needs, and tertiary needs. Fulfilling needs at these levels will facilitate household goals. At a minimum, primary needs are met. Because if the family's primary needs are not met, it can have an impact on family harmony.

Description of Law No. 16 Of 2019 and the History of its Changes.

Legal Basis and Substance of Law No. 16 of 2019 Law no. 16 of 2019 is the result of a revision of Law No. 1 of 1974 concerning Marriage. This revision changes Article 7 Paragraph (1) regarding the minimum age limit for marriage. An important change in this law is that the minimum age for marriage for men and women is equal to 19 years. Previously, in Law No. 1 of 1974, the minimum age limit for women was 16 years, while for men 19 years. This step aims to eliminate gender discrimination and protect the rights of children, especially women, who are vulnerable to becoming victims of early marriage (UUD No. 16, 2019).

The reasons and background for the changes to the Law are based on the Constitutional Court (MK) Decision in 2017. The Constitutional Court decided that the provisions on the minimum age limit for marriage for women in Law No. 1 of 1974 are discriminatory and not in accordance with the principles of gender equality. Through Decision Number 22/PUU-XV/2017, the Constitutional Court encouraged the revision of the law to equalize the minimum age for marriage between men and women (Constitutional Court, 2017).

The legislative process for changing this law involves quite a long process, including:

- 1) **Academic Study:** The government and DPR conducted an in-depth study regarding the impact of early marriage and the benefits of raising the minimum age limit for marriage;
- 2) **Public Aspirations:** Various civil society groups, such as the Indonesian Women's Coalition and child protection institutions, are pushing for this change;
- 3) **DPR Session:** In September 2019, the DPR officially approved changes to this law after going through cross-commission discussions.

Against the background of the negative impact that will occur on early marriage in Indonesia. That early marriage has a negative impact on reproductive health, education, the economy, and social welfare. Girls who marry early are vulnerable to dropping out of school, experiencing domestic violence (KDRT), and are at risk of health complications during childbirth.

Dispensation Provisions in Law No. 16 of 2019 on increasing the minimum age limit for marriage, law still provide room for dispensation with certain conditions. Dispensation can be granted by the Religious Court or District Court if there are urgent reasons supported by strong evidence. However, the government has also tightened dispensation regulations to avoid abuse, such as (UUD No. 16, 2019): 1) Dispensation must be requested by parents or guardians; 2) The court is obliged to examine the reasons for the dispensation carefully, including considering the physical, and mental health and readiness of the prospective bride and groom.

With this law, the government hopes to create a younger generation that is healthier, more qualified, and more productive, so that they can contribute to national development.

RESEARCH METHOD

This research uses a normative, juridical literature study, which provides an overview of the relevance of Maqashid Syari'ah in determining the age limit for marriage: Study of the implementation of Uu no. 16 of 2019. By using the approach used, namely the maqashid sharia approach and policy analysis. This research phenomenon describes the situation experienced, a relationship, activities, views, attitudes that appear, disorders that are emerging, and so on. Meanwhile, data sources were obtained from primary and secondary data using Al-Qur'am and Hadith study techniques. The book of Jurisprudence and existing laws were then collected into one, then data analysis was carried out to determine the concept of the meaning of equality of age at marriage.

RESULTS AND DISCUSSION

Background to Law No. 16 of 2019

Law Number 16 of 2019 is the result of a long process involving various parties, including the government, civil society organizations, international institutions, and religious

figures. This change is deemed necessary to adapt marriage laws to current developments and the increasingly complex needs of society.

Law Number 1 of 1974 concerning Marriage previously set the minimum age for marriage at 16 years for women and 19 years for men. This provision is considered no longer relevant to the various developments and challenges faced by modern society, especially those related to reproductive health, education, and child welfare (Rahardjo, S., 1983: 87-95).

Pressure to revise the minimum age for marriage is getting stronger after various studies show the negative impacts of early marriage. Data from the National Population and Family Planning Agency (BKKBN) and the Ministry of Health shows that girls who marry at a young age are more susceptible to experiencing reproductive health problems, including complications from pregnancy and childbirth. Apart from that, they are also more likely to experience dropping out of school and experiencing economic difficulties (Effendy. B, 2001: 198-205).

The process of revising Law Number 1 of 1974 began with various studies and public consultations involving academics, legal practitioners, non-governmental organizations, and community representatives. Intensive discussions were held in the DPR to ensure that the proposed changes could address various existing problems and provide better protection for girls (UUD No. 1 1994).

The changes regarding the determination of the minimum age limit for marriage in Law Number 1 of 1974 were made based on several considerations, namely: First, the theoretical study regarding the adult age for marriage at that time had not been completely agreed upon by Muslims, and the state; Second, society at that time still adhered to the understanding of classical jurisprudence or local culture regarding marriage practices (Prodjodikoro. W, 1974: 54). Through these reasons, it can be understood that the various problems that arise are more a matter of debating the perspective of the state and Islamic traditions in highlighting the age limit for marriage.

However, the steps taken by the government in lowering the age of marriage from its initial formulation were considered successful, not only in its success in reducing the conflict that occurred but also in its success in formulating legal material that could be accepted by

society at that time, thus providing a legal instrument that could be formally applied as a legal basis in the practice of marriage nationally (Achmad. S, 2012: 113).

Since the issuance of Law No. 1 of 1974, this regulation came into force as the legal basis for marriage practices in Indonesia, including the law regarding the age limit for marriage. Along the way, along with increasingly modern developments, the provisions on the age of marriage in Indonesia in Law No. 1 of 1974 are considered to need to be readjusted to suit needs. Apart from that, according to experts, based on normative juridical studies, the existence of different age limits for women and men is seen as still containing discriminatory characteristics. Because of this, it is felt necessary to make various efforts to reform the law regarding the age limit for marriage in Indonesia (Kharlie. A. T, 2022: 204). This effort was realized for the first time by submitting a Judicial Review to the Constitutional Court (MK) regarding the legal provisions regarding the age limit for marriage. However, through MK decision Number 30-74/PUU-XII/2014, the MK rejected all of the applicant's requests. This means that efforts to reform legal matters regarding the age limit for marriage must fail.

Then in the next step, three applicants submitted a legal review again in 2017, with the same petition content. This second effort provides a window of hope for changes in the legal material for the age limit for marriage with the issuance of a Constitutional Court decision granting the request to renew the age limit. The Constitutional Court decision Number 22/PUU-XV/2017 granted the applicant's request and ordered the DPR RI to within a maximum period of 3 (three) years make changes to Law Number 1 of 1974 concerning Marriage, especially the article relating to the age limit for marriage for women (Abdullah A. G, 1994, 82).

Following up on the Constitutional Court's decision letter above, the DPR RI and the government at that time agreed to make changes to Law Number 1 of 1974 Article 7 paragraph (1) regarding the provisions on the marriage age limit being 19 years for men and women. In October 2019 Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 was officially ratified and entered into force by the government with changes only to one article, namely Article 7 paragraph (4) containing the marriage age limit of 19 years for men and women. The equalization of the age limit for marriage is considered to have met the demands of current developments, although, for some Indonesian Muslims, the age limit

for marriage is still considered to cause polemics in society regarding the obstacles faced by society in practicing marriage under 19 years, especially for brides and grooms (UUD No. 16 2019).

On the other hand, Indonesian Muslims in general still adhere to fiqh relating to adulthood which is marked by puberty as the permissible age for marriage, and do not recognize the legal provisions regarding the age limit for marriage (Basyir. A. A, 1978: 11). This means that equalizing the age limit for marriage is not fully acceptable to some Indonesians who feel that it is difficult to carry out a marriage because of age constraints. In response to this, people can continue carrying out marriages outside the provisions of the law, including not registering their marriage with the Religious Affairs Office (KUA) because they do not meet the age requirements.

Meanwhile, others apply for dispensation to the religious courts, even though the legal considerations are very strict and require a process that some people consider too troublesome. These incidents must of course be taken into consideration by all parties in searching for an ideal formulation of legal material that can be accepted by all groups based on a very long study and taking into account various possibilities that may occur and accommodating the interests of all levels of society (Zuhdi Muhdlor, 1995: 11).

The Urgency of Marriage Age Equality

Gender equality in marriage is a fundamental principle in achieving a just and prosperous society. Setting the same minimum age for men and women to marry is an important step in achieving gender equality. This ensures that both men and women have equal opportunities to complete their education, develop their careers, and prepare themselves physically and mentally for married life (Helmi Karim, 1994: 70). Equal marriage ages are also important to reduce gender discrimination and ensure that women are not forced to marry at too young an age. This gives them the freedom to make decisions about their own lives and helps create a more just and equal society (Rahardjo, S. 1983: 87).

Early marriage is often associated with various social and health problems. Girls who marry too young are often not physically and mentally prepared to face pregnancy and childbirth, which can increase health risks for mothers and babies. In addition, girls who marry early are often forced to drop out of school, resulting in lower levels of education and

lower economic opportunities in the future. Setting a minimum age of 19 for men and women to marry is an important step in overcoming these problems. This policy aims to ensure that married couples are better prepared to build a healthy and prosperous family. Apart from that, this policy also aims to achieve gender equality by providing equal protection for men and women (Husein. M, 2007: 96).

Early marriage has various significant negative impacts on girls' physical, mental, and emotional health. In terms of physical health, girls who marry and become pregnant at a young age face a higher risk of complications during pregnancy and childbirth. This is caused by their bodies not yet fully developing and ready for pregnancy. These risks include preeclampsia, premature birth, and even maternal and infant death.

In terms of mental and emotional health, early marriage can cause significant stress for girls who are not ready to face the responsibilities of marriage and motherhood. This stress can negatively impact their mental health and increase the risk of mental disorders such as depression and anxiety. Additionally, girls who marry early are often cut off from their education. This reduces their opportunities to obtain higher education and the skills necessary to find decent work. As a result, they are more vulnerable to poverty and economic dependence on their husbands.

The Relevance of Maqashid Syari'ah to the Legal Regulation of Marriage Age Limits in Indonesia

The conception of maqashid sharia as an instrument and orientation for the development of Islamic law is an important paradigm in constructing Islamic legal buildings that are in line with the essential principles of Islamic law enforcement. Maqashid shari'ah can be used as a theoretical approach in formulating Islamic laws whose laws cannot be found definitively in the Qur'an and Sunnah (Hidayat, K, 2016: 215).

Maqashid Syari'ah can be positioned as a reflection of the principle of taking advantage and rejecting evil for human life which reflects the values of benefit. These beneficial values are universal and accommodate all human interests broadly. At a technical level, these values can then be detailed according to various aspects of human life, such as worship, muamalah, munakahat, siyasah, and so on (Asy-Sya'rawi, M., 2012: 89).

The ulama formulated five main elements (usalkhamsah) which include: religion (din); soul (nafs); descent (nasl); property (mall); and reason (aql). Furthermore, to maintain the five main elements, Al-Syatibi divided maqashid sharia into three levels, namely: (1) primary objective (Maqashid al-Daruriyat); (2) secondary goals (Maqashid al-Hajiyat), and (3) tertiary goals (Maqashid al-Tahsiniyat). Maqashid al-Daruriyat is intended to maintain the five main elements as stated. Then, Maqashid al-Hajiyat is intended to make the maintenance of the five main elements even better. The Maqashid al-Tahsiniyat is intended to perfect the maintenance of the five main elements.

Thus, it can be understood that if someone takes an action aimed at maintaining the five aspects of the Sharia' goals, or avoids the side of madharat that could harm the maintenance of the Sharia' goals, then it can be said to be maslahah. Therefore, it is very clear that Islamic law has the aim of ensuring the realization of beneficial values through the application of the principle of Jalbul Mashalih wa Daf'u al-Mafasid (Mahmud Yunus, 1985: 69).

One area of law relating to sharia issues is family law, which contains provisions regarding the age limit for marriage. In positive law, the legal regulation of the age limit for marriage is stated in Law No. 16 of 2019, where Article 7 paragraph (1) states that: "Marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years". This article has strict legal content regarding the age limit for marriage which explains that permission can only be granted for marriage, that is, it is permissible if the bride and groom have each reached the age of 19 years. The age limit for marriage as formulated in this article was born through a very long study process and invited debate from many circles until finally it was determined as an answer to demands for reform in the field of family law (Haditono. S. R, 1989: 219).

The article regarding the age limit for marriage as stated above is very controversial considering that in various fiqh books, there are no statements put forward by scholars that confirm the age limit for marriage with certainty. Fiqh scholars only provide a study of the aspect of maturity in the form of a person reaching puberty as a basis for granting legal capacity for marriage. Therefore, the permissibility of marriage in various classical jurisprudence studies is only concentrated on a person reaching the age of puberty.

In Islamic law, the verse that is often referred to as the basis for determining the age of marriage includes Al-Qur'an surah al-Nur verse 59:

وَإِذَا بَلَغَ الْأَطْفَالُ مِنْكُمُ الْحُلُمَ فَلْيَسْتَأْذِنُوا كَمَا اسْتَأْذَنَ الَّذِينَ مِنْ قَبْلِهِمْ ۚ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ ءَايَاتِهِ ۚ وَاللَّهُ عَلِيمٌ
حَكِيمٌ

"And when your children reach the age of puberty, then let them ask permission, like those who before them asked permission. Thus, Allah explains His verses. and Allah is All-Knowing, All-Wise (Al-Qur'an surah al-Nur: 59)."

In this verse, Allah Subaha Wataala only informs about the condition of puberty and the issue of permitting a child to carry out a legal act such as marriage. Concerning the legal source which is used as the basis for the ability to marry in terms of age adequacy, the verse which is also often used as a reference is Surah an-Nisa verse 6 which is also mentioned:

وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ ءَانَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ ءَمْوَالَهُمْ ۚ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَن يَكْبَرُوا ۚ وَمَنْ كَانَ عَنِيًّا فَلْيَسْتَعْفِفْ ۚ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ ۚ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ ءَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ ۚ وَكَفَىٰ بِاللَّهِ حَسِيبًا

"And test the orphans until they are old enough to marry. Then, if in your opinion they are intelligent (good at looking after wealth), hand over their wealth to them. Do not eat more of the wealth of orphans than is appropriate and (don't) rush (spend) it before they grow up. Whoever (among the guardians) is capable, let him refrain (from eating the orphan's wealth) and whoever is poor, then he may eat the wealth according to what is appropriate. Then, when you hand over property to them, you must provide witnesses (of the handover) for them. And Allah is sufficient as Supervisor (of that testimony)" (Al-Quran, an-Nisa: 6).

Referring to the two verses above, the limit for a person's ability to marry is when they reach the age of maturity (baligh). In various interpretations put forward by tafsir scholars, a child can be said to have reached puberty when he has a dream (ihtilam) and he is junub (semen) which applies to men. Meanwhile, a sign of puberty for women is when they experience menstruation or become pregnant. Regarding the age limit for marriage seen from the perspective of maturity (baligh), other information comes from the fuqoha who give the view that a person reaches the age of puberty when they reach the age of 15 for both women and men (Chuzaemah. T & Hafiz 2002: 67). So, this is what the fuqoha uses in determining the age limit for marriage, looking at this age from a physical and social perspective, a person can achieve perfection in these physical and social functions, such as

being able to establish social relationships in society and being able to understand the legal burdens placed on him.

The ulama seems to have carried out studies in providing considerations and legal decisions with great care regarding the arrival of a person at puberty who, in terms of age, has reached the age of 15 years. This view mainly comes from the Shafi'iyah ulama. Although the signs of the arrival of puberty must be understood not only in terms of reaching 15 years of age, there are other signs such as ihtilam or dreams and then semen coming out for men, and menstruation and pregnancy for women (Alam. A. S, 2005: 18)

The issue of maturity should indeed be comprehensively reviewed from various points of view, with in-depth study from various aspects, including one of them from the psychological side. The problem of maturity on the psychological side, at least according to experts, can be seen from two aspects of development, namely physical and psychological. From the physical aspect, adolescence is marked by the maturity of the genitals and the condition of the body in general, namely that it has acquired perfect form and function. (Muhammad Amin, 2004: 154).

The maturity of body shape and function can be seen from the child's growth and development which can be observed through the appearance expressed by a child. This is what marks a person as physically mature. Then from a psychological perspective, a person is said to be mature when he can understand things related to himself, such as understanding good and bad.

Bearing in mind that to view Sharia law it is necessary to understand the concept of benefit as a general orientation that is the will of Sharia, the legal formulation of the age limit for marriage must be seen as an effort to prepare family partners. Determining the age limit for marriage as determined by the government in Law Number 16 of 2019 which stipulates that the age limit for marriage is 19 years for men and women should be seen as an effort to achieve benefits and reject harm in Islamic family law with the following principles; at a younger age, a person is not yet fully mature emotionally and mentally to face the responsibilities of marriage (UUD No. 16 2019).

With the minimum age requirement of 19 years, both men and women are guaranteed to have better mental and emotional maturity, so they can live a more stable home life. This

is in line with the aim of maqashid sharia to maintain mental well-being (hifz al-Nafs). does not leave a weak lineage and is relevant to the principle of protection of offspring (hifdz al-Nasl), guarantees maturity of thinking and the readiness of couples to make rational and wise decisions in living their domestic life (hifz al-'Aql), creates couples who are better prepared to carry out their religious roles better, maintains family harmony, and educates children in stronger religious values (Hifz al-Din). (Supriyad. D & Mustofa, 2009: 32). In this way, the maintenance of the purposes of Islamic law concerning the five main elements of benefit in the maqashid shari'ah can be realized for the benefit of human life in the field of family law. Therefore, substantially the determination of the age limit for marriage in the Indonesian marriage law is deemed to be following the principles of maqashid sharia which are oriented towards efforts to realize benefit and avoid harm which is in line with the spirit of enforcing sharia law in relation to the aim of enforcing Islamic law itself.

CONCLUSION

The relevance of maqashid sharia in supporting the marriage age limit policy. From a maqashid sharia perspective, the marriage age limit policy supports the objectives of Islamic sharia to create a dignified, prosperous, and sustainable life. Law no. 16 of 2019 concerning changes to the minimum age for marriage has succeeded in accommodating the principles of maqashid sharia in the lives of Indonesian Muslim communities. Maqashid Syari'ah is very relevant in supporting the marriage age limit policy. This policy not only aims to protect individuals from the negative impacts of early marriage, but also to ensure the creation of families that are healthy, and harmonious and contribute to community development. In this context, this policy is a real implementation of Islamic values that are oriented towards the benefit of society.

REFERENCES

- Alam, A. S. (2005). *Ideal Age to Enter the World of Marriage. An Effort to Create a Sakinah Family*, Jakarta: Kencana Mas.
- Asy-Sya'rawi, M (2012). *Maqasid Syariah in Modern Life*, Jakarta: Gema Insani.
- Basyir, A. A. (1978). *Islamic Marriage Law*, (Yogyakarta: Faculty of Law, University of Indonesia).

- Effendy, B (2001) Indonesian Islamic Society: Struggle for Modernization and Identity, Yogyakarta: LKiS.
- Hadikusumo, H. (1990). Indonesian Marriage Law According to Religion. Bandung: CV Mandar Maju.
- Haditono, S. R. (1989). Developmental Psychology and Its Parts, Yogyakarta: Gajah Mada Press.
- Hidayat, K. (2016) Maqasid al-Shariah: A Comprehensive Approach, Yogyakarta: Pustaka Pelajar.
- Helmi, K. (1994). Maturity for Marriage (Contemporary Islamic Law Problems). First edition, Putaka Firdaus, Jakarta.
- Husein, M. (2007). Women's Fiqh: Kiai's Reflection on Religious and Gender Discourse. Yogyakarta: LKiS.
- Kharlie, A. T. (2022). Indonesian family law. Jakarta: Sinar Grafika.
- Mulyadi, (1997). Indonesian Marriage Law, Semarang: Diponegoro University.
- Muhdlor, A. Z. (1995). Understanding Marriage Law: Marriage, Divorce, Divorce, and Reconciliation, 2nd ed. Bandung: Al-Bayan.
- Prodjodikoro, W. (1974). Marriage Law in Indonesia, Bandung, Sumur.
- Rahardjo, S. (1983) Law and Society, Bandung: Alumni.
- Suma, M. A. (2004). Islamic family law in the Islamic world. RajaGrafindo Persada.
- Sodiki, A. (2012). Problems of Early Marriage in Indonesia. Kencana Publisher.
- Suharto, E. (2015). The role of social protection in overcoming poverty in Indonesia: Case study of the family hope program. Journal of Sociohumaniora, 17(1), 22-28.
- Supriyadi, D., & Mustofa. (2009). Comparison of marriage laws in the Islamic world. Al-Fikriis Library.
- Yanggo, C. T., & Anshary, H. (2002). Problems of Contemporary Islamic Law. Jakarta: Firdaus Library.
- Yunus, M. (1985). Marriage law in Islam. Jakarta: Hidakarya Agung,
- Zulfikar, M., Adly, M. A., & Yazid, I. (2024). Equality of Marriage Age of Men and Women Reviewed from Hifdzul al-Nasl (Implementation of Law No. 16 of 2019). Al Qalam: Journal of Religious and Social Sciences, 18(5), 3160-3167.