



Analysis of the Reformulation of the Minimum Marriage Age: An Islamic Law Perspective on Law No. 16 of 2019 in the Pamekasan Court

Moh Sholihin ^{a,*}, Jamiliya Susantin ^a

^a Madura Islamic University, Pamekasan, Indonesia

* Email: sol9doankz@gmail.com

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Abstract

This study aims to analyze the reformulation of the minimum marriage age under Law No. 16 of 2019 through a comparative perspective of Islamic law and positive law, as well as to examine its implications for judicial practice at the Pamekasan Religious Court. This research employs a socio-legal approach, incorporating statutory, conceptual, and case approaches. Data were collected through documentation of marriage dispensation cases from 2019 to 2025 and interviews with judges. The findings indicate that the reformulation of the minimum marriage age to 19 years for both men and women constitutes a progressive measure to strengthen child protection and promote gender equality. However, the amendment has been followed by a significant increase in applications for marriage dispensation, reflecting a gap between legal norms and prevailing social realities. The study also reveals differences between Islamic law, which is grounded in the concepts of *baligh*, *rusyd*, and *maslahah*, and positive law, which establishes a fixed statutory minimum age for marriage. In judicial practice, judges tend to integrate sociological, psychological, and *maslahah* considerations when deciding marriage dispensation cases. These findings suggest that the impact of the reform on child protection and the prevention of child marriage remains mixed, highlighting the need for a more comprehensive strategy that combines legal reform with broader social interventions.

Keywords: Minimum Marriage Age; Marriage Dispensation; Islamic Law; Positive Law; Child Protection.

1. INTRODUCTION

The reformulation of the minimum marriage age through Law No. 16 of 2019, which sets the minimum age at 19 years for both men and women, represents a progressive legal policy aimed at strengthening child protection and promoting gender equality (Gumilar, 2025). Normatively, this policy aligns with the principles of child protection and the development of quality human resources (Falch-Eriksen & Backe-Hansen, 2018). However, within classical Islamic law, the minimum age of marriage is not determined numerically but is instead associated with the concepts of *baligh* (puberty) and *rusyd* (maturity) (Adawiyah, 2025). This creates flexibility in its application, which often contrasts with the rigid administrative standards of state law (Breger, 1996). This tension between state legal norms and Islamic legal principles highlights a significant theoretical gap in the practice of family law in Indonesia (Wardi, 2024).

Empirically, this gap is reflected in the increasing number of marriage dispensation applications in Religious Courts, including the Religious Court of Pamekasan. Data indicate that in 2019 there were 43 cases, rising sharply to 267

cases in 2020, 324 cases in 2021, 248 cases in 2022, 184 cases in 2023, 156 cases in 2024, and 149 cases in 2025. This significant increase following the amendment of the law suggests that stricter legal norms have been met with adaptive responses from society through the use of legal dispensations (Cosens et al., 2017). This phenomenon indicates a discrepancy between formal legal regulations and social realities at the grassroots level (Qin, 2023).

Furthermore, judges in granting marriage dispensations often do not rely solely on positive legal norms but also consider sociological, psychological, and *maslahah* (public interest) principles rooted in Islamic law (Busriyanti et al., 2025). This demonstrates a dynamic interaction between state law and Islamic law within judicial practice. Consequently, there exists a gap between normative legal theory and adaptive legal practice that responds to societal conditions (Husain et al., 2024). This gap is crucial to examine in order to assess the effectiveness of the reformulated marriage age policy (Ikpebe, 2026).

Previous studies have examined the impact of changes in the minimum marriage age under Law No. 16 of 2019 (Melnikas et al., 2021). Found that increasing the minimum marriage age significantly contributed to the rise in marriage dispensation applications across various regions (Mursyid & Yusuf, 2022). Highlighted that marriage dispensation has become a frequently used legal instrument to accommodate persistent early marriage practices within society (Sekarrini et al., 2025). These studies emphasize the unintended consequences of legal reform (Weber & Suskind, 1985).

On the other hand, research on Islamic legal perspectives regarding marriage age indicates that the absence of a fixed numerical limit in classical fiqh provides flexibility but also presents challenges when confronted with modern legal systems (Suryantoro, 2025). Stress the importance of reinterpreting Islamic law in contemporary contexts to bridge the gap between child protection needs and the principle of *maslahah* (Yasin et al., 2024). However, these studies remain largely normative and lack empirical analysis of judicial practices (Taekema, 2018).

The novelty of this research lies in its comparative approach between Islamic law and positive law, directly linked to judicial practices at the Religious Court of Pamekasan (Paijar, 2025). Unlike previous studies that have largely documented the phenomenon of increasing dispensation applications without systematically theorizing the mechanisms by which legal reform produces adaptive legal behavior at the community level, this study proposes a conceptual model explaining the interrelationship between marriage law reform, legal pluralism, and marriage dispensation dynamics. Specifically, this research develops a typology of judicial considerations in dispensation cases categorizing them into normative-legal, sociological-contextual, and *maslahah*-oriented dimensions which has not been previously elaborated in the existing literature. This study not only analyzes legal norms but also examines empirical data on marriage dispensation cases over a longitudinal period (2019–2025), as well as judicial considerations in decision-making (Goldin & Katz, 2002), thereby bridging normative and empirical approaches in the study of Islamic family law in Indonesia (Nafisah et al., 2024).

This study aims to analyze the reformulation of the minimum marriage age in Law No. 16 of 2019 through a comparative approach with Islamic law, and to examine its implications in judicial practice at the Religious Court of Pamekasan, particularly regarding the increase in marriage dispensation applications and

judicial considerations in deciding such cases (Karim, 2024).

Based on the foregoing background, this study addresses the following research questions: (1) How does the reformulation of the minimum marriage age in Law No. 16 of 2019 differ from Islamic law principles in determining the appropriate age for marriage? (2) What is the trend and pattern of marriage dispensation applications at the Religious Court of Pamekasan following the enactment of Law No. 16 of 2019? (3) What considerations do judges employ in adjudicating marriage dispensation cases, and how do they reconcile Islamic law principles with positive law requirements? (4) To what extent has the reformulation of the minimum marriage age been effective in reducing early marriage practices and strengthening child protection?

This research argues that the reformulation of the minimum marriage age in Law No. 16 of 2019 has not been fully effective in reducing early marriage practices, as there remains a gap between legal norms and social realities. Marriage dispensation serves as an alternative mechanism that reflects a compromise between state law and the principle of *maslahah* in Islamic law (Rosyadi et al., 2025).

This research is important as it contributes academically to the development of Islamic family law that is responsive to social dynamics and provides an evaluative basis for policymakers in formulating more effective and contextual regulations (Momen et al., 2025). Additionally, it offers empirical insights into the practices of Religious Courts in responding to legal changes, thereby serving as a reference for strengthening a more just legal system (Fadel, 2013).

2. METHODS

This study employs a socio-legal (empirical juridical) research design integrated with a comparative approach to examine the reformulation of the minimum marriage age within both normative and practical dimensions (Saepullah et al., 2025). The socio-legal approach is utilized to analyze how legal provisions, particularly Law No. 16 of 2019, are implemented in judicial practice, especially in marriage dispensation cases at the Religious Court of Pamekasan. At the same time, the comparative approach enables a critical examination of the intersection and divergence between Islamic law and positive law regarding the determination of marriage age limits (Rismana et al., 2024). This combination is essential for understanding not only the textual formulation of the law but also its operational dynamics within society (Gerber, 1998).

The research applies a statutory, conceptual, and case-based approach to provide a comprehensive analytical framework (Nappi & Kelly, 2026). The statutory approach focuses on examining relevant legal instruments, including Law No. 16 of 2019, the Compilation of Islamic Law (KHI), and Supreme Court Regulation No. 5 of 2019 concerning guidelines for adjudicating marriage dispensation cases (Trigiyatno & Effendi, 2023). Meanwhile, the conceptual approach explores key doctrines in Islamic law, such as *baligh*, *rusyd*, and *maslahah*, which serve as the theoretical basis for understanding the flexibility of marriage age determination (Adawiyah, 2025). The case approach is directed at analyzing judicial decisions in marriage dispensation cases, particularly the reasoning and considerations employed by judges in the Religious Court of Pamekasan (Arrasyid & Pradikta, 2025).

This research is conducted at the Religious Court of Pamekasan, East Java, which

is selected purposively due to the significant increase in marriage dispensation cases following the enactment of Law No. 16 of 2019. The data used in this study consist of both primary and secondary sources. Primary data are obtained through in-depth interviews with judges and documentation of marriage dispensation cases from 2019 to 2025, which show a fluctuating yet significantly increasing trend, namely 43 cases in 2019, 267 cases in 2020, 324 cases in 2021, 248 cases in 2022, 184 cases in 2023, 156 cases in 2024, and 149 cases in 2025. Secondary data include statutory regulations, court decisions, and scholarly works published in reputable journals, particularly those indexed in SINTA and international databases, which provide theoretical and empirical support for the analysis (Putri et al., 2026).

Data collection in this study is carried out through documentation, in-depth interviews, and literature review (Allmark et al., 2009). Documentation techniques are used to gather quantitative and qualitative data on marriage dispensation cases, while interviews are conducted in a semi-structured manner to explore judges' perspectives and legal reasoning in handling such cases (Rothmann & Rossouw, 2020). In-depth interviews were conducted with five judges (*hakim*) at the Religious Court of Pamekasan, selected purposively based on their experience in handling marriage dispensation cases, with a minimum tenure of three years. The informants were identified through a purposive sampling technique, ensuring representation across different levels of judicial experience and familiarity with post-reform dispensation cases. Interview instruments consisted of open-ended question guides addressing three thematic areas: (1) judicial reasoning in evaluating dispensation applications; (2) the role of Islamic legal principles particularly *baligh*, *rusyd*, and *maslahah* in decision-making; and (3) perceived effectiveness of Law No. 16 of 2019 in reducing early marriage. In addition, a literature review is undertaken to contextualize the findings within broader academic debates on Islamic family law and legal reform in Indonesia (Kadumi et al., 2024). These combined techniques ensure a comprehensive and multidimensional understanding of the research problem (Marchisotti & Filho, 2022).

The data are analyzed using a qualitative descriptive-analytical method, involving processes of data reduction, data display, and conclusion drawing (Miles et al., 2014). This method allows the researcher to systematically interpret patterns and trends in marriage dispensation cases and to relate them to existing legal frameworks and theoretical constructs (Fincham et al., 2007). Furthermore, a comparative analysis is conducted to identify similarities and differences between Islamic law and positive law in regulating marriage age and its implementation in judicial practice (Buchler, 2013). To ensure the validity and reliability of the findings, this study employs triangulation techniques, including source triangulation and method triangulation, by comparing data obtained from interviews, documents, and scholarly literature (Chand, 2025).

The scope of this research is limited to the analysis of the reformulation of the minimum marriage age under Law No. 16 of 2019, Islamic legal perspectives on marriage age, and the practice of marriage dispensation at the Religious Court of Pamekasan within the period of 2019 to 2025 (Arifah et al., 2025). Particular attention is given to judicial considerations in granting dispensations, as well as the broader implications of these practices for the effectiveness of legal reform in addressing early marriage in Indonesia (Susilowati et al., 2023).

3. RESULTS AND DISCUSSION

The results of this study indicate that the reformulation of the minimum marriage age through Law No. 16 of 2019 has produced significant normative and empirical implications in the Religious Court of Pamekasan (Muhassim et al., 2025). The amendment, which sets a uniform minimum age of 19 years for both men and women, was intended to reduce early marriage and strengthen child protection (Batyra & Pesando, 2021). However, empirical data reveal that this legal reform has not entirely reduced the practice of early marriage, but rather transformed its pattern into formal legal processes through marriage dispensation mechanisms (Suhardi, 2025).

Based on the data of marriage dispensation applications at the Religious Court of Pamekasan from 2019 to 2025, a significant increase occurred after the enactment of the law (Elmhemit et al., 2025). In 2019, there were only 43 cases, but this number sharply increased to 267 cases in 2020 and reached its peak at 324 cases in 2021. In the following years, the number gradually declined but remained relatively high, with 248 cases in 2022, 184 cases in 2023, 156 cases in 2024, and 149 cases in 2025. This pattern shows that although there is a decreasing trend after 2021, the number of cases remains far above the pre-reform level, indicating a sustained reliance on legal dispensation as a solution to early marriage practices (Hartig et al., 2013).

Table 1. Marriage Dispensation Applications at the Religious Court of Pamekasan (2019–2025)

No	Year	Number of Cases	Percentage Trend	Description
1	2019	43	Baseline	Pre-amendment condition (before Law No. 16 of 2019 fully implemented)
2	2020	267	↑ Significant increase	Initial impact of legal reform
3	2021	324	↑ Peak increase	Highest number of cases recorded
4	2022	248	↓ Decrease	Gradual decline begins
5	2023	184	↓ Moderate decline	Stabilization phase
6	2024	156	↓ Slight decline	Continued decrease
7	2025	149	↓ Stable	Post-reform stabilization

Reformulation of the Minimum Marriage Age Norm

The enactment of Law No. 16 of 2019 represents a fundamental shift in Indonesia's marriage law by establishing a minimum age of 19 years for both men and women (Lisdiyono, 2023). This reformulation replaces the previous provision that allowed lower age limits, particularly for women, and reflects a commitment to gender equality and child protection (Busby, 2018). Normatively, this change aims to prevent early marriage and its associated risks, including health, education disruption, and social vulnerability (Psaki et al., 2021). However, the findings suggest that the implementation of this norm encounters challenges due to entrenched socio-cultural practices that continue to tolerate early marriage (Muhanguzi et al., 2017).

Increase in Marriage Dispensation Applications

The data show a substantial increase in marriage dispensation applications

following the legal reform (Komalasari et al., 2023). The rise from 43 cases in 2019 to 267 cases in 2020 and 324 cases in 2021 illustrates a strong societal response to the stricter legal requirements (Sudirman et al., 2023). Even though the number decreased to 149 cases by 2025, it remains significantly higher than before the reform (Hariyanto, 2025). This trend indicates that the law has not eliminated early marriage but has shifted it into formal judicial processes (Walker, 2012). Marriage dispensation has thus become an adaptive legal mechanism used by society to comply with administrative requirements while maintaining existing social practices. This condition clearly reflects a gap between legal norms and social realities (Hidayat, 2025).

Differences Between Islamic Law and Positive Law

The findings reveal a fundamental difference between Islamic law and positive law in determining the minimum age of marriage. Islamic law does not prescribe a fixed numerical age but focuses on the attainment of *baligh* (puberty), *rusyd* (maturity), and the principle of *maslahah* (public interest) (Pane, 2020). In contrast, positive law imposes a strict administrative age limit of 19 years (Spence, 1997). This divergence creates a normative tension, particularly in judicial practice, where judges must reconcile these two frameworks (Dyevre, 2010). As a result, legal decisions often reflect a hybrid approach that accommodates both religious values and statutory obligations.

Judicial Considerations in Granting Dispensation

The findings show that judges at the Religious Court of Pamekasan apply a contextual and flexible approach in adjudicating marriage dispensation cases (Arrasyid & Pradikta, 2025). Their considerations extend beyond formal legal provisions and include sociological and psychological factors, such as economic hardship, family pressure, unintended pregnancy, and the risk of social stigma. In many cases, judges prioritize the principle of *maslahah* to ensure the best possible outcome for the parties involved (Chusnida & Anggriawan, 2022). This indicates that judicial practice functions as a mediator between rigid legal norms and the complex realities of society, aiming to achieve substantive justice rather than merely procedural compliance (Ali, 2019).

One judge interviewed noted: “We do not simply look at the age on the identity card. We examine the psychological readiness, family conditions, and whether granting the dispensation serves the greater interest — the *maslahah* — of both parties.” This statement illustrates how judges move beyond formal legal requirements toward a substantive justice framework grounded in Islamic legal principles.

Impact on Child Protection and Prevention of Early Marriage

The impact of the reformulation of the marriage age on child protection and the prevention of early marriage shows mixed results (Bengesai et al., 2021). On one hand, the law has strengthened the legal framework for protecting minors and raised public awareness about the risks of early marriage (Efevbera & Bhabha, 2020). On the other hand, the continued high number of marriage dispensation cases indicates that early marriage remains prevalent in certain communities (Mehra et al., 2018). Socio-cultural norms, economic pressures, and limited legal awareness continue to influence these practices (Prager & Posthumus, 2010). Therefore, while the reform has introduced stricter legal controls, its effectiveness is limited without broader social, educational, and economic interventions (Davis & Trebilcock, 2001).

Table 2. Comprehensive Findings Based on Research Evidence

No	Evidence	Description of Findings	Empirical Data / Indication	Legal Analysis	Implication
1	Reformulation of Marriage Age Norm	There has been a normative change in the minimum marriage age through Law No. 16 of 2019, setting the minimum age at 19 years for both men and women	Change from previous regulation allowing lower age, especially for women	Reflects legal modernization, gender equality, and child protection principles	Strengthens legal framework but requires effective implementation
2	Increase in Marriage Dispensation Applications	A significant rise in dispensation cases after the enactment of the law	2019: 43 → 2020: 267 → 2021: 324 → 2025: 149 (still above baseline)	Indicates a gap between legal norms and social practices	Law shifts early marriage into formal legal mechanisms
3	Differences Between Islamic Law and Positive Law	Islamic law emphasizes <i>baligh</i> , <i>rusyd</i> , and <i>maslahah</i> , while positive law sets a fixed age limit (19 years)	No numerical limit in Islamic law vs administrative standard in state law	Creates normative tension in interpretation and application	Requires harmonization between religious and state law
4	Judicial Considerations in Dispensation Cases	Judges consider sociological, psychological, and religious aspects in decision-making	Factors: economic conditions, family pressure, pregnancy, social stigma	Application of <i>maslahah</i> to achieve substantive justice	Courts act as mediators between law and social reality
5	Impact on Child Protection and Early Marriage Prevention	The effectiveness of the law varies across society	Dispensation cases remain relatively high post-reform	Legal reform alone is insufficient to eliminate early marriage	Requires integrated legal, social, and educational approaches

The reformulation of the minimum marriage age through Law No. 16 of 2019 constitutes a significant legal transformation in Indonesia’s family law system (Masyhud et al., 2025). However, the findings of this study demonstrate that this reform does not operate in a vacuum; rather, it interacts dynamically with socio-cultural practices, religious norms, and judicial discretion (Lundberg et al., 2026). This section discusses each finding in depth by linking empirical evidence with theoretical perspectives from socio-legal and Islamic legal studies (Cotterrell, 2017).

Reformulation of the Minimum Marriage Age Norm

The establishment of a uniform minimum marriage age of 19 years for both men and women reflects a progressive legislative effort to eliminate gender discrimination and strengthen child protection (Arthur et al., 2018). This reform is

not merely administrative but represents a paradigm shift from a gender-differentiated legal framework toward a more egalitarian system (Kymlicka & Rubio-Marín, 2018). In the context of legal development, this change aligns with international human rights norms, particularly those related to child protection and gender equality (Khosla et al., 2017).

From a theoretical standpoint, this reform can be understood as part of legal modernization, where the state seeks to standardize legal norms to achieve social order and protect vulnerable groups (Trubek, 1972). Argues that raising the minimum marriage age is essential to reduce the risks associated with early marriage, including health complications, educational discontinuity, and economic dependency (Marphatia et al., 2017). However, socio-legal theory suggests that legal norms alone cannot effectively change social behavior unless they are supported by cultural acceptance and institutional enforcement (Schiff, 1970). This implies that the reformulation, while normatively strong, faces structural limitations in its implementation at the community level (Andrews, 2013).

Increase in Marriage Dispensation Applications

The significant increase in marriage dispensation applications following the enactment of the law indicates that stricter legal norms do not necessarily eliminate early marriage practices. Instead, they transform these practices into legally mediated processes (Hariyanto, 2025). The rise from 43 cases in 2019 to 324 cases in 2021, followed by a gradual decline that still remains the baseline, illustrates a pattern of legal adaptation rather than behavioral change (Craig, 2021).

This phenomenon reflects what socio-legal scholars describe as a “compliance gap,” where formal legal rules are not fully aligned with social practices (Vermeulen, 2015). Rather than abandoning early marriage, communities seek alternative legal pathways to legitimize it (Suhardi, 2025). Emphasizes that marriage dispensation has evolved into a structural mechanism that bridges the gap between rigid legal standards and flexible social practices (Arrasyid & Pradikta, 2025). This finding suggests that the law functions not only as a regulatory instrument but also as a facilitator of negotiated compliance (Brès et al., 2019). Consequently, the effectiveness of the reform is limited by its inability to address the underlying socio-economic and cultural drivers of early marriage (Pourtaheri et al., 2024).

Differences Between Islamic Law and Positive Law

The divergence between Islamic law and positive law in determining the minimum marriage age represents a fundamental normative tension (Rizhan et al., 2025). Islamic law, rooted in classical jurisprudence, does not prescribe a fixed numerical age but emphasizes qualitative indicators such as *baligh* (puberty), *rusyd* (maturity), and the principle of *maslahah* (public interest) (Adawiyah, 2025). This flexibility allows Islamic law to adapt to diverse social contexts but also creates challenges when integrated into modern legal systems that require uniform standards (Al Azhari, 2025).

In contrast, positive law adopts a rigid administrative approach by setting a fixed age limit of 19 years (Hulu et al., 2025). Argues that this rigidity is necessary to ensure legal certainty and protect minors, but it may not fully accommodate the socio-cultural realities of certain communities (Damayanti & Ramadhani, 2025). The coexistence of these two legal paradigms results in a form of legal pluralism, where different normative systems operate simultaneously (Twining, 2009). This pluralism creates a space for negotiation and interpretation, particularly within

judicial institutions (Swenson, 2018). Therefore, the tension between Islamic law and positive law is not merely a conflict but also a dynamic process of legal harmonization (Sembodo et al., 2025).

It is important to distinguish among the concepts of *baligh*, *rusyd*, and contemporary psychological maturity, as these are not interchangeable. *Baligh* refers specifically to physical puberty the onset of menstruation in girls or the capacity for ejaculation in boys which marks the minimum threshold of legal accountability in classical Islamic jurisprudence. *Rusyd*, by contrast, denotes a higher standard of rational and moral maturity, encompassing sound judgment and the capacity to manage one's affairs responsibly. In modern Islamic legal practice, *rusyd* increasingly converges with the psychological notion of cognitive and emotional maturity. Positive law's fixed age of 19 years can therefore be understood as an administrative operationalization of *rusyd* a uniform threshold that approximates, though does not perfectly replicate, the qualitative judgment demanded by Islamic jurisprudence. This clarification reveals that the conflict between Islamic law and positive law is not absolute but reflects different methodologies qualitative and contextual versus quantitative and administrative for achieving the shared objective of protecting minors from premature legal obligations.

Judicial Considerations in Granting Dispensation

The findings reveal that judges play a crucial role as intermediaries in resolving the tension between legal norms and social realities (Tirtakusuma, 2026). In practice, judicial decisions on marriage dispensation are not solely based on statutory provisions but are also influenced by sociological and psychological considerations (Chusnida & Anggriawan, 2022). Factors such as economic hardship, family pressure, unintended pregnancy, and the potential for social stigma are frequently taken into account (Yazdkhasti et al., 2015).

This approach reflects the application of *maslahah* as a guiding principle in Islamic law, which prioritizes the public interest and the prevention of harm (Lestari et al., 2025). Notes that judicial discretion in religious courts often involves balancing formal legality with substantive justice (Irwan et al., 2025). Highlights that the integration of Islamic legal principles allows judges to adopt a more flexible and humane approach in addressing complex family law issues. From a socio-legal perspective, this demonstrates that courts function not only as enforcers of law but also as institutions that mediate between competing normative systems (Febriani, 2026). This mediating role is essential in ensuring that legal decisions remain relevant and responsive to societal needs (Ali, 2013).

An examination of representative marriage dispensation decisions at the Pamekasan Religious Court reveals a consistent pattern in the ratio decidendi employed by judges. In cases where dispensation was granted, the judicial reasoning typically comprised three elements: (1) verification that the applicants had reached biological puberty (*baligh*) and demonstrated psychological readiness (*rusyd*); (2) identification of compelling circumstances most commonly unintended pregnancy, economic hardship, or parental pressure that rendered refusal potentially harmful; and (3) application of the *maslahah* principle to determine that granting the dispensation served the best interest of the parties. Notably, the implementation of Supreme Court Regulation (PERMA) No. 5 of 2019 has introduced procedural requirements including the mandatory presence of the prospective child bride or

groom before the court that have added a layer of substantive review to the dispensation process. However, in practice, compliance with these procedural requirements does not uniformly translate into stricter substantive scrutiny, suggesting that the regulation's impact depends significantly on individual judicial interpretation and local court culture.

Impact on Child Protection and Prevention of Early Marriage

The impact of the reformulation of the marriage age on child protection and the prevention of early marriage remains varied and context-dependent (Fafard St-Germain et al., 2022). On the one hand, the law has strengthened the legal framework and increased public awareness regarding the risks of early marriage (Santoso et al., 2026). On the other hand, the persistence of high numbers of marriage dispensation cases indicates that early marriage practices continue to exist, particularly in communities influenced by socio-cultural and economic pressures (Makuvaza, 2025).

Emphasizes that legal reform must be accompanied by broader social interventions, including education, community engagement, and economic empowerment, to effectively reduce child marriage (Karam, 2015). Further argues that structural factors such as poverty, limited access to education, and cultural norms play a significant role in sustaining early marriage practices (Abera et al., 2020). Therefore, the effectiveness of the reform cannot be measured solely by legal indicators but must also consider its social impact (Ponomarenko et al., 2023). This finding underscores the need for an integrated approach that combines legal regulation with social policy to achieve sustainable change (Banso et al., 2023).

4. CONCLUSION

Based on the findings and discussion, it can be concluded that the reformulation of the minimum marriage age in Law No. 16 of 2019, which establishes 19 years as the minimum age for both men and women, represents a progressive legal development aimed at strengthening child protection and promoting gender equality. However, its implementation has not been fully effective in reducing early marriage practices. This is evidenced by the significant increase in marriage dispensation applications at the Religious Court of Pamekasan following the enactment of the law, indicating a persistent gap between legal norms and social realities.

Furthermore, there is a fundamental difference between Islamic law and positive law in determining the appropriate age for marriage. Islamic law emphasizes individual maturity through the concepts of *baligh*, *rusyd*, and *maslahah*, while positive law imposes a fixed administrative age limit. This divergence creates a normative tension that is practically resolved by judges through a contextual approach, integrating sociological, psychological, and *maslahah* considerations in adjudicating marriage dispensation cases.

In addition, the impact of the reformulation of the marriage age on child protection and the prevention of early marriage remains varied and inconclusive. Although the law provides a stronger legal framework, its effectiveness is constrained by socio-cultural and economic factors that continue to support early marriage practices. Therefore, a more comprehensive approach is required, combining legal reform with broader social interventions, including public education, economic empowerment, and community engagement. Such an

integrated strategy is essential to ensure that the objectives of the legal reform namely reducing early marriage and protecting children's rights can be achieved more effectively.

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