Asian Journal of Law and Policy
Vol. 6 No. 3 (November 2026) eISSN: 2785-8979

# Setting the Minimum Marriage Age in Muslim Family Law: A *Maqāṣid*-Centered Approach to Legal Reform

**Mohamed Mahroof Ali Abdullah**
Ahmad Ibrahim Kulliyyah of Laws, International Islamic University Malaysia, Malaysia
*abdullahmma416@gmail.com*
ORCID iD: 0000-0001-5022-2806
(Corresponding author)

**Azizah Mohd**
Ahmad Ibrahim Kulliyyah of Laws, International Islamic University Malaysia, Malaysia
*azizahmohd@iium.edu.my*
ORCID iD: 0000-0002-9806-2300

**Norliah Ibrahim**
Ahmad Ibrahim Kulliyyah of Laws, International Islamic University Malaysia, Malaysia
*norliah@iium.edu.my*
ORCID iD: 0009-0008-6742-2984

**ABSTRACT**

This article examines the question of minimum marriage age through the normative framework of *maqāṣid al-sharīʿah*. While classical juristic discourse often linked marital capacity to biological puberty, contemporary realities reveal significant physical, psychological, educational, and socio-economic harms associated with child marriage. Employing a doctrinal legal research methodology, this study analyzes the issue through the five essential objectives, namely preservation of religion, life, intellect, lineage, and wealth. It further incorporates specialized family objectives and dynamic juristic principles, including *fiqh al-muwāzanah, sadd al-dharīʿah*, and contextual *ijtihād*. The analysis demonstrates that justifications for early marriage frequently fall within secondary (*ḥājiyyah*) considerations. In contrast, the documented harms of child marriage directly undermine essential objectives and long-term family stability. The paper argues that when predictable and substantial harm outweighs speculative benefit, Islamic legal theory mandates restriction. Accordingly, establishing a statutory minimum age of marriage is a legitimate application of *maqāṣid*

(2026) Asian Journal of Law and Policy, 6(3), 533–549
https://doi.org/10.33093/ajlp.2026.26
© Universiti Telekom Sdn Bhd. This work is licensed under the Creative Commons BY-NC-ND 4.0 International License.
Published by MMU Press. URL: https://journals.mmupress.com/ajlp

principles aimed at securing holistic welfare and preventing harm. The study concludes that reforming marriage laws to incorporate maturity, educational continuity, psychological readiness, and financial capability aligns with the overarching family objectives of Islamic law. The study further proposes legal reforms grounded in *maqāṣid* principles and identifies directions for future empirical research.

**Keywords:** Marriage; Minimum age; Muslim family law; *Maqāṣid al-Sharīʿah*; Islamic Law

**Received:** 4 March 2026, **Accepted:** 27 April 2026, **Published:** 1 November 2026

## 1. Introduction

The concept of *maqāṣid al-sharīʿah*, representing the higher objectives and purposes of Islamic law, provides a vital ethical and theoretical framework for re-evaluating legal norms within the family law paradigm (Busriyanti et al., 2025). This framework is fundamentally centered on promoting human welfare (*maṣlaḥah*) and preventing harm (*mafsadah*) for individuals and society (Chui et al., 2025). Nowhere is this need more urgent than in the discourse on child marriage, where marriage laws governing Muslim communities frequently fall short of the welfare and harm-prevention objectives central to *maqāṣid al-sharīʿah* (Sayehu, 2025).

The *maqāṣid al-sharīʿah* hierarchy of human welfare (*darūriyyāt, ḥājiyyāt, taḥsīniyyāt*) is essential in evaluating child marriage (Sidik et al., 2020). At the highest level, *darūriyyāt* (necessities) aims to preserve five fundamental human interests, often referred to as the five essentials, namely religion, life, intellect, lineage, and wealth (Al-Ghazali, 1993; Rosidi et al., 2022). When child marriage leads to physical harm, maternal or infant mortality, or disrupts education and intellectual growth, it undermines core *darūriyyāt* objectives (Fajar & Kartika, 2021). In contrast, reasons often given to justify early marriage, such as poverty alleviation, prevention of *zinā* (illicit sexual relations), and concerns over family honour, fall into the lower category of *ḥājiyyāt*, which addresses needs that remove difficulty but are secondary in priority (Kurniawan et al., 2020). Since *darūriyyāt* must always outweigh *ḥājiyyāt*, child marriage cannot be justified if it compromises fundamental human interests (Malek et al., 2024). *Taḥsīniyyāt* (embellishments), which relates to moral refinement and social grace, is even lower in the hierarchy and does not override either category (Sidik et al., 2020). Thus, safeguarding the essential objectives necessitates restricting child marriage (Sarib et al., 2025).

When applied to the determination of an appropriate age for marriage, *maqāṣid al-sharīʿah* offers a dynamic interpretative tool that allows for a shift from strict textual literalism of the Qur'an and Sunnah to a more contextual and purposive understanding (Purnomo et al., 2023). It guides legal interpretation (*ijtihād*) to address contemporary challenges by emphasizing the overarching spirit and purpose of Islamic law (Hassanein, 2025). This approach prioritizes the prevention of harm, recognizing that actions, even those traditionally permissible, should be restricted if they are likely to lead to significant detriment (Rachmadhani et al., 2024).

Therefore, within this framework, the legal rule concerning the minimum age of marriage is contingent upon its ability to uphold these essential values and ensure the well-being, dignity, and proper development of individuals (Mohd & Kadir, 2019). By focusing on the holistic welfare of the individual and the family unit, the *maqāṣid al-sharīʿah* provides a robust methodology for reconciling classical Islamic jurisprudence with modern understandings of maturity, rights, and justice in marital contexts (Sukri & Fauzan, 2025).

This study employs a doctrinal legal research methodology grounded in the *maqāṣid al-sharīʿah* framework to evaluate the minimum age of marriage, focusing on the five core human interests: religion, life, intellect, lineage, and wealth. It also utilizes key *fiqh* principles such as *fiqh al-muwāzanah* (jurisprudence of weighing harms and benefits) and *sadd al-dharīʿah* (blocking the means to harm) to assess the implications of child marriage. The research explores how the *maqāṣid* framework aligns with modern concerns like health risks, education, and emotional maturity.

## 2. Core Objectives of Islamic Law (*al-ḍarūriyyāt al-khams*)

The traditional *maqāṣid* framework establishes five fundamental human interests that Islamic law must protect. A legal rule on child marriage is contingent upon its ability to uphold these five values (Sukri & Fauzan, 2025).

### 2.1 Preservation of Religion (*Hifz al-Din*)

The religious objective of marriage in Islam is to establish a strong, lasting union (*mīthāqan ghalīzān*) marked by tranquillity (*sakīnah*), mutual love (*mawaddah*), and mercy (*raḥmah*), fulfilling the duty of worship (*ʿibādah*) and upholding the sanctity of the family unit (Al-Qaradāwī, 2017; Evanurfitriani, 2025). Indeed, a hadith describes marriage as fulfilling half of one's religious obligations by stating, 'When a person marries, he/she has fulfilled half of his religion, so let him fear Allah regarding the remaining half' (Shuʿab al-Īmān, 5486), underscoring that it is not merely a social contract but a profound spiritual commitment (Syarifah & Qotadah, 2022). This understanding implies that marriage demands full religious, moral, and emotional readiness, a standard that children, by virtue of their developmental stage, have not yet attained (Evanurfitriani, 2025).

Proponents argue that if children are at risk of *zinā*, early marriage may serve as a necessary preventive measure, protecting religion by averting severe sin, drawing support from the prophetic hadith, 'O young men, whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding chastity. And whoever cannot afford it, let him fast, for it will be a shield for him.' (Muslim, 1400), that recommends marriage as a means of guarding chastity for those who are capable (*man istaṭāʿa*) (Hazram, 2025; Aprilianto et al., 2024). From this perspective, restraining children from marriage is seen as opening the door to illicit relations, and early marriage is thus framed as a Sharīʿah-sanctioned solution (Al-Jibrīn, 1991; Malek & Samuri, 2025; Djubaedah, 2019). However, this justification must be critically evaluated within the hierarchy of *maqāṣid*, as it conflates a

secondary need (*ḥājiyyah*), the avoidance of social harm, with an essential objective (*ḍarūriyyah*).

Nevertheless, the deeper religious objective of marriage is not merely the prevention of sin, but the establishment of a spiritually and emotionally mature union. Immature thinking and emotional instability in child marriages frequently lead to conflict and early divorce, undermining the very goals of *sakīnah, mawaddah*, and *raḥmah* that define a religiously sound marriage (Abidin & Shamsuddin, 2025; Aprilianto et al., 2024). Furthermore, young parents who lack religious education and maturity are less capable of fulfilling the obligation of *hifẓ al-tadayyun fī al-usrah*, the preservation of religiosity within the family, thereby perpetuating religious harm across generations (Liwayanti et al., 2025; Aprilianto et al., 2024).

### 2.2 Preservation of Life (*Hifz al-Nafs*)

This necessity safeguards the physical and psychological well-being of the individual. Islamic law prohibits acts that expose oneself to destruction, grounded in the Qur'anic prohibition against self-destruction in 2:195, 'And do not throw [yourselves] with your [own] hands into destruction'. In extreme emergency cases such as premarital pregnancy, marriage is sometimes permitted to avoid greater social or religious harm, thereby protecting the soul and saving the honor of the family (Al-Jibrīn, 1991; Saiman & Mahadzir, 2024).

Nevertheless, early pregnancy for young brides in child marriage exposes young brides to significant physical risks that include maternal and infant mortality, premature births and low birth weight babies, complications like bleeding and obstructed labour, pre-eclampsia and eclampsia, and reproductive health risks and other long-term health issues for both mother and child, which contradicts the objective of preserving life (Bate et al., 2023; Sukri & Fauzan, 2025).

Child brides are also vulnerable to domestic violence and mental health issues like depression and trauma. Young spouses are often unprepared for the responsibilities of marriage, leading to mental stress, anxiety, emotional disturbances, and vulnerability to domestic violence. This can lead to the spouse experiencing feelings of hopelessness, fear, and psychological deterioration (Hazram & Azahari, 2021).

As a consequence, if marriage poses significant health risks, including fatal maternal mortality during childbirth, elevated risk of death among mothers and their offspring, heightened susceptibility to gynaecological diseases, uterine infections, and cervical cancer, immature reproductive complications leading to miscarriage and haemorrhage, premature birth resulting in infant mortality, and increased vulnerability to hypertension, it must be deemed impermissible, as endangering one's life is expressly prohibited (Alexander et al., 2024; Saiman & Mahadzir, 2024). Similarly, judicial authorities must thoroughly assess psychological readiness to determine if marriage serves the minor's best interest (Hazram, 2025).

### 2.3 Preservation of Intellect (*Hifz al-Aql*)

In modern context, *hifẓ al-ʿaql* is extended to include education as a means to enlighten the human intellect (Kamali, 2019). This objective protects the mental faculties by mandating conditions that allow individuals to develop their intellectual capacity fully before assuming major life responsibilities (Adawiyah, 2025). In Islamic legal theory, *hifẓ al-ʿaql* operates on two levels: positively, by obligating the pursuit of knowledge, grounded in the prophetic teaching that 'seeking knowledge is an obligation upon every Muslim' (Ibn Mājah, 224) and negatively, by prohibiting anything that impairs, interrupts, or prematurely burdens the intellect (Suberu & Hussein, 2024). In a contemporary context, this extends to protecting access to formal education as the primary modern mechanism for intellectual development (Kurniawan et al., 2020).

Child marriage often leads to interrupted education and premature school dropouts amongst young girls and this hinders intellectual growth, limits critical thinking skills, and reduces future personal and professional opportunities (Pancasilawati, 2024). Judicial reasoning often overlooks *hifẓ al-ʿaql*, thus, it is crucial to consider intellect for comprehensive welfare (Fausi & Asmuni, 2024).

Education is seen not merely as intellectual development, but as a crucial prerequisite for achieving emotional and moral maturity necessary for marriage (Hamzah, 2025). Judicial approvals for early marriage applications have been criticized for often neglecting the aspect of *hifẓ al-ʿaql*, prioritizing short-term concerns like avoiding illicit relationships over long-term educational and intellectual well-being (Hazram & Mutalib, 2025; Grijns & Horii, 2018). To mitigate the harm caused by educational interruption, it is recommended that education be elevated as a primary *maqāṣid* mechanism (Hazram & Mutalib, 2025).

### 2.4 Preservation of Lineage (*Hifz al-Nasl*)

The objective of securing legitimate offspring (*tanāsul*), maintaining the family structure, and ensuring children are raised in a stable environment aligns with the *maqāṣid al-sharīʿah* principle of the preservation of lineage (Wardi et al., 2023).

Marriage is often seen as a lawful framework for procreation and is viewed as an 'immediate remedy' to prevent the birth of illegitimate children and safeguard family honor (*hifẓ al-ʾird*) as the Qur'an (16:72) mentions 'And Allah has made for you spouses of your own kind, and made for you, out of them, sons and daughters and grandchildren, and provided for you sustenance of the best' (Al-Qaraḍāwī, 2017; Saiman & Mahadzir, 2024).

Based on the Qur'anic prohibition of *zinā* 'And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way' and the prophetic saying 'The child belongs to the marital bed, and for the adulterer is the stone' (Al-Bukhārī, 2053) which indicate that paternity is established only through the marital bed, classical jurists held that marriage legitimizes relationships that have exceeded permissible boundaries (Al-Jassas, 1994; Al-Kasani, 2003), serving as the only Sharīʿah-sanctioned remedy for re-storing

lineage and family honor (Chui et al., 2025). In practice, courts often grant marriage approvals on the grounds of *hifẓ al-nasl* and *hifẓ al-'ird* as an urgent measure, particularly if the minor is already pregnant, to help the child avoid the social stigma associated with being born out of wedlock (Hazram & Mutalib, 2025). In some critical instances, avoiding adultery is considered a necessity (*ḍarūriyyah*), making child marriage the perceived best choice to prevent the major sin and protect the lineage (Aprilianto et al., 2024).

Moreover, the general objective of marriage is to continue the human race (*tanāsul* or *baqā' al-nasl*) as established in the Qur'anic affirmation 'O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women' (Ibn Kathir, 1996; Athiyyah, 2003; Aprilianto et al., 2024). The Sharīʿah encourages marriage to have children as it is evident from the hadith 'Marry women who are loving and fertile, for I will be proud of your great numbers before the other nations on the Day of Resurrection' (Abu Dawud, 2050) and aims to establish a generation that is righteous, strong, competitive, and excellent (Ibn Qudamah, 1997; Sarkowi & Qosyim, 2023; Rasyid et al., 2024). Scholars note that the goal is not merely quantity but the quality of the offspring (Rasyid et al., 2024). The presence of children is also seen as a factor in family happiness (Rasyid et al., 2024).

However, the objective of *hifẓ al-nasl* is not just procreation but ensuring that children are born into a healthy and stable environment where they receive proper care (Bate et al., 2023). Young couples who lack the necessary emotional maturity (*rushd*) and knowledge experience difficulties making the best decisions for the child's fate (Aprilianto et al., 2024). Immaturity and lack of preparedness mean that young couples may fail to achieve the marital objectives of tranquility, affection, and mercy (Zahra et al., 2024). If the resulting family situation is unstable, the marriage fails to uphold the objective of preserving lineage in the required holistic manner (Sukri & Fauzan, 2025).

Likewise, young brides face serious health risks if they become pregnant before their bodies are fully developed as early pregnancies lead to complications such as maternal and infant mortality, low birth weight, and potential birth defects (Fan & Koski, 2022). This harm to the mother and child compromises the long-term goal of lineage preservation (Saiman & Mahadzir, 2024). When young parents lack knowledge and stability, their children's healthy growth and development are often disrupted (Naimah et al., 2024), potentially leading to physical and brain development issues due to the family's financial difficulties (Aprilianto et al., 2024). Furthermore, if the marriage occurs due to premarital pregnancy, the child's *nasab* (lineage) with the man may not be recognized in Sharīʿah, which adversely affects the aspect of lineage preservation in the long term (Ibn Taymiyyah, 1995; Ibn al-Qayyim, 1994; Sampuju et al., 2022).

### 2.5 Preservation of Wealth (*Hifẓ al-Māl*)

This objective involves safeguarding financial resources and ensuring that individuals can support themselves and their families reasonably (*bil maʿrūf*) as indicated in Qur'anic verses

'The child's father will provide reasonable maintenance and clothing for the mother' (2:233) and 'Let the man of wealth provide according to his means. As for the one with limited resources, let him provide according to whatever Allah has given him' (65:7) and the prophetic saying 'It is enough sin for a person to hold back the due of one whose provision is in his hand' (Muslim, 996) (Ibn Qudamah, 1997; Ibn al-Jawzī, 2004; Diniyya et al., 2020). Sharīʿah also preserves wealth through prohibiting wasteful spending and financial irresponsibility as mentioned in the Qur'an 'Give to close relatives their due, as well as the poor and ⌜needy⌝ travelers. And do not spend wastefully. Surely the wasteful are ⌜like⌝ brothers to the devils' (Qur'an 17:26-27) (Al-Ghazali, 1993; Ibn Qudamah, 1997). Since child marriage typically involves parties who lack the financial literacy, employment opportunities, and economic stability necessary to fulfil these obligations, it directly contravenes the objective of *hifẓ al-māl*, perpetuating rather than preventing financial vulnerability (Saiman & Mahadzir, 2024; Abidin & Shamsuddin, 2025).

Economic hardship is frequently cited as a significant driver of child marriage, especially in rural and impoverished communities, where families may view marrying off daughters as a means to alleviate their economic burden or to obtain perceived economic relief (Abidin & Shamsuddin, 2025). However, this rationale often backfires as young couples frequently lack the financial literacy and employment opportunities needed to sustain a household (Saiman & Mahadzir, 2024). They are often struggling financially, leading to difficulties in meeting their needs due to a lack of work experience (Saiman & Mahadzir, 2024; Abidin & Shamsuddin, 2025).

The financial problems caused by early marriage can perpetuate the cycle of poverty (Abidin & Shamsuddin, 2025). If the husband lacks sufficient income, the marriage will have a negative impact on the new family economy (Sarkowi & Qosyim, 2023). Difficult economic conditions can result in children not receiving enough nutritious food, hampering their physical and brain development, and potentially disrupting health insurance and leading to starvation, thereby threatening their survival (Aprilianto et al., 2024). The Qur'an 17:31 warns parents not to kill their children for fear of poverty, emphasizing that Allah provides for them.

In reality, early marriage couples are often unable to meet their needs due to a lack of work experience and skills, eventually becoming a burden on the parents again (Sarkowi & Qosyim, 2023). Thus, the Qur'an encourages individuals to marry when they can shoulder its responsibilities, implying the necessity of physical and financial capability. The verse 'And let those who find not the means to marry keep themselves chaste until Allah enriches them out of His bounty' (24:33) explicitly suggests that a certain level of financial stability should be attained before marriage to prevent future hardship. Moreover, marriage contracts should require parties to have sound judgment (Mahmudi & Sa'diyah, 2018). The ability to manage wealth is an aspect of the broader concept of *rushd* (skill or expertise) (Aprilianto et al., 2024).

### 3. Specialized Family Objectives (*Maqāṣid al-Usrah*)

Contemporary Islamic scholars, such as Jamaluddin Athiyyah (2003), have expanded the application of *maqāṣid* beyond the five essentials to the specialized objectives of the family unit (*al-usrah*). The practice of child marriage is often deemed irrelevant to the following *maqāṣid al-usrah* principles because it tends to violate multiple essential principles meant to ensure the welfare of the family and its members (Wardi et al., 2023; Aprilianto et al., 2024).

Regulating the ties between men and women (*tanzīm al-'alaqah bayn al-jinsayn*) requires ensuring that marriage occurs only when there is physical, biological, psychological, and social maturity (*rushd*), as children are not ready for sexual relations, pregnancy, or childbirth (Athiyyah, 2003; Aprilianto et al., 2024).

Marriage in Islam according to Asmuni et al. (2025) aims to achieve tranquility, love, and compassion (*taḥqīq al-sakan wa al-mawaddah wa al-raḥmah*) as the Qur'an 30:21 states, 'And one of His signs is that He created for you spouses from among yourselves so that you may find comfort in them. And He has placed between you compassion and mercy. Surely in this are signs for people who reflect'. However, these goals require emotional maturity and mental readiness (Novitasari et al., 2024). Adolescents, who are still forming their identity, often experience emotional instability and lack a sense of responsibility, thus, entering marriage at such a stage can lead to conflicts and imbalance in decision-making, preventing the couple from realizing the Islamic objectives of peace, love, and compassion (Jafar & Yaqub, 2021). Psychological immaturity is therefore recognized as a primary cause of marital problems in the early stages of marriage (Alexander et al., 2024).

To ensure the preservation of religiosity within the family (*hifẓ al-tadayyun fī al-usrah*), the girl must first attain maturity, education, and religious understanding, as she is often the primary nurturer and first educator of the children (Musthofa & Lutfiah, 2024). Thus, this interruption weakens her ability to instill religious values among children (Hanifah & Nasution, 2025), thereby threatening the objective of *hifẓ al-tadayyun fī al-usrah*.

Regulating the essential aspects of the Family (*tanẓīm al-jānib al-mu'assasī li al-usrah*) is a major objective in marriage (Saputra et al., 2025). As a result, maturity in marriage not only physically, but also psychologically, economically, socially, mentally, religiously, and culturally, is key to recognizing and protecting the rights and obligations of both spouses (Asman, 2025). Young brides frequently experience psychological problems stemming from the early assumption of marital and parenting responsibilities, making them vulnerable to instability in their marriages (Siregar, 2024). If the parties are unprepared, the marriage is vulnerable to failure, which fails to meet the Islamic objective of creating a lasting family (Razif, 2022).

### 4. Overarching Legal Principles and Methodologies

Evaluating child marriage universally requires adopting dynamic juristic principles that balance contextual benefits and potential harms. The methodologies of *fiqh al-muwāzanah*

and *sadd al-dharī'ah* in Islamic law concerning child marriage are crucial for reconciling classical jurisprudence, which often permits marriage at puberty, with the severe negative impacts observed in contemporary society (Khan & Iqbal, 2022; Rachmadhani et al., 2024; Hazram & Mutalib, 2025).

The central legal maxim in Islamic jurisprudence regarding child marriage is that 'repelling harm takes precedence over procuring benefits' (*dar' al-mafāsid muqaddam 'alā jalb al-maṣālih*) (Al-Suyuti, 2013; Rachmadhani et al., 2024). While child marriage is sometimes justified for perceived short-term benefits, such as preventing illicit relationships or preserving family honor, the *fiqh al-muwāzanah* requires evaluating these claims against the broader, long-term harms (Chui et al., 2025). Research and legal evidence consistently show that child marriage leads to significant physical risks such as pregnancy-related complications (Charan et al., 2024), emotional and psychological harm including trauma and domestic instability (Siregar, 2024), and intellectual loss due to disrupted education (Islam, 2022; Ridwan et al., 2021; Aljudai, 2018). When harms clearly outweigh the benefits, Islamic law requires prohibition, therefore, long-term welfare, namely personal development, mental health, and intellectual growth, must be prioritized over short-term concerns, and relying on early marriage merely to avoid premarital sin is not a sufficient justification except in very exceptional circumstances (Ridwan et al., 2021).

The principle of *sadd al-dharīʿah* operates as a preventive mechanism in Islamic law, whereby an act that is originally permissible may be restricted if it is strongly likely to lead to harm or a prohibited outcome (Salleh et al., 2019). Although classical *fiqh* permits marriage at puberty, contemporary evidence shows that child marriage commonly leads to violations of core *maqāṣid* such as the protection of life (*hifẓ al-nafs*), intellect (*hifẓ al-ʿaql*), and financial stability (*hifẓ al-māl*) due to increased health risks, educational interruption, and long-term socio-economic challenges (Fajar & Kartika, 2021). While some judicial authorities historically allowed underage marriage to prevent greater moral harm, such as continued *zinā*, modern juristic evaluation uses *sadd al-dharīʿah* to justify setting a minimum marriage age, recognizing that the predictable harms of early marriage far outweigh these short-term considerations (Widiyanto et al., 2024). Thus, restricting child marriage reflects an application of *fiqh al-muwāzanah* and *sadd al-dharīʿah*, prioritizing the protection of essential values over perceived immediate benefits.

## 5. The Role of Contextual Interpretation

The *maqāṣid* framework supports dynamic legal interpretation to address new social problems that earlier jurists did not face. Although the core religious texts remain fixed, the realities faced by Muslim societies continue to evolve (*tagayyuru al-ahkām bi tagayyuri al-amkinah wa al-azminah*), and therefore legal rulings must adapt to ensure the continued realization of welfare and the prevention of harm (Rachmadhani et al., 2024).

Within this, Jasser Auda's (2008) Systems Approach that consists of purposefulness, cognition, holism, multi-dimensionality, and openness provides a refined methodology for

applying *maqāṣid* to modern issues in Islamic law such as child marriage (Mahmudi & Sa'diyah, 2018). For instance, the feature of Cognitive Nature emphasizes grounding legal decisions in current social realities, recognizing that marriage requires emotional, psychological, and economic readiness, not merely biological puberty (Pancasilawati, 2024). Openness underscores that legal interpretation must remain responsive to modern advancements and realities in health, education, and individual rights, thus, early marriage can be detrimental and setting a minimum age aligns with contemporary understandings of maturity and readiness for marital responsibilities (Pancasilawati, 2024). As a consequence, this principle ensures the dynamism and universality of the Qur'an are not restrained (Mahmudi & Sa'diyah, 2018).

Through Holism that considers all dimensions of human welfare and Multidimensionality which necessitates comprehensive and multifaceted solutions, the approach highlights the interconnected consequences of early marriage, including compromised education, health risks, and emotional instability, suggesting that reforms must address broader social factors like poverty and lack of access to schooling (Pancasilawati, 2024). Meanwhile, Purposefulness that focuses on achieving the ultimate goals of Sharīʿah: justice, welfare, and the protection of human rights suggests reforming marriage laws to ensure that marriage contributes positively to the lives of individuals and society, as early marriage often contradicts these purposes by exposing young individuals to harm and depriving them of their rights (Pancasilawati, 2024). The principle of justice is a highest-level objective within *maqāṣid al-sharīʿah* (Hazram & Mutalib, 2025; Auda, 2008).

Thus, this application of *maqāṣid* suggests that legal standards, such as minimum marriage age, must be reformed to align with holistic welfare goals and contemporary understanding of maturity, even if the traditional ruling permitted marriage at physical puberty.

## 6. Conclusion

In conclusion, this research highlights the significance of applying the *maqāṣid al-sharīʿah* framework in addressing the legal and ethical concerns surrounding the minimum age of marriage. By focusing on the five core human interests-religion, life, intellect, lineage, and wealth- this approach offers a holistic and dynamic methodology for evaluating child marriage in contemporary society. The study underscores the importance of protecting individuals, particularly minors, from the physical, psychological, and social harms associated with early marriage, emphasizing that the preservation of essential human interests should always take precedence over temporary concerns. Furthermore, by integrating the principles of *fiqh al-muwāzanah* and *sadd al-dharīʿah*, this framework facilitates a balanced evaluation of both the benefits and the harms of child marriage, ensuring that the law upholds the well-being and dignity of individuals and society. Ultimately, this research advocates for the reform of marriage laws to align with the *maqāṣid al-sharīʿah* principles, ensuring that legal standards, such as the minimum marriage age, reflect the evolving understanding of maturity, rights, and justice in modern contexts.

Based on this analysis, the following policy recommendations are proposed. First, Muslim-majority and Muslim-minority jurisdictions should establish a statutory minimum marriage age, informed by comprehensive *maqāṣid* assessments rather than biological puberty alone. Second, judicial discretion in granting marriage exemptions should require documented evidence of physical, psychological, educational, and financial readiness. Third, premarital education frameworks grounded in *maqāṣid al-sharīʿah* principles should be mandated to ensure parties understand the religious and legal responsibilities of marriage before solemnisation.

This study is limited by its doctrinal methodology, which does not incorporate empirical data on the lived experiences of child marriage survivors. Future research should examine the implementation of *maqāṣid*-based marriage age reforms across specific jurisdictions through comparative legal analysis.

**Acknowledgement**

The authors wish to acknowledge with gratitude all those who contributed to and supported the completion of this article.

**Funding Information**

This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

**Author's Contributions**

Abdullah: conceptualization, writing original draft, and editing.

Azizah: conceptualization, writing, review and editing.

Norliah: writing, review and editing.

**Conflict of Interest Declaration**

The authors declare that there are no conflicts of interest regarding the publication of this article.

**Ethics Approval**

As this research is purely doctrinal in nature and does not involve human participants or animal subjects, ethical approval was not applicable.

**AI Usage Declaration**

Artificial intelligence (AI) tools were employed solely to enhance the linguistic clarity of this article. All substantive content was critically reviewed and approved by the authors.

**References**

Abidin, N. S. Z., & Shamsuddin, M. M. J. (2025). The misconception of early marriage: Reconciling perspectives through Maqasid al-Shariah. *Shariah. Jurnal Pengajian Islam*, 18(1), 123–143. https://doi.org/10.53840/jpi.v18i1.343

Adawiyah, R. (2025). The substance and relevance of the concept of marriage age in contemporary Islamic family law: An analysis of the discourse on early marriage among Muslim figures. *Istinbáth Jurnal Hukum Dan Ekonomi Islam*, 24(2), 284–300.

Alexander, O., Sobari, A., Supriadi, S., Taufiq, M., Helandri, J., & Arfaizar, J. (2024). The impacts of marriage dispensation in psychological, juridical and Islamic law perspectives. *Indonesian Journal of Interdisciplinary Islamic Studies*, 7(1), 65–80. https://doi.org/10.20885/ijiis.vol7.iss1.art4

Al-Ghazali, A. H. (1993). *Al-mustasfa min ʿilm al-usul*. Dar al-Kutub al-Ilmiyya. (Original work written 1111)

Al-Jassas, A. B. al-R (1994). *Aḥkam al-Qur'an* (A. al-S. M. A. Shahin (ed.)). Dar al-Kutub al-Ilmiyya.

Al-Jibrin, ʿ. A. I. ʿ. A. (1991). Wilayat tazwij al-ṣaghirah [Guardianship (or authority) over the marriage of a minor girl]. *Majallat Al-Buḥuth Al-Islamiyyah*, 33, 256–257.

Aljudai, A. (2018). *An Islamic human rights perspective on early and forced marriages: Protecting the sanctity of marriage*. Islamic Relief.

Al-Kasani, A. D. (2003). *Bada'i' al-sana'i' fi tartib al-shara'i'* (Vol. 6). Dar al-Kutub al-Ilmiyyah.

Al-Qaradawi, Y. (2017). *Fiqh al-usrah wa-qaḍaya al-mar'ah*. al-Dar al-Shamiyah.

Al-Suyuti. (2013). *Al-ashbah wa al-nazair fi qawa'id wa furu' fiqh al-shafi'iyah*. Dar al-Hadith. (Original work written ca. 1492)

Aprilianto, D., Na'imah, F. U., Fauzi, A., & Maknuun, L. il. (2024). The controversy of child marriage culture in the perspective of Maqaṣid al-Usrah: A case study of the authority of Lebe' in Brebes. *Al-Manahij: Jurnal Kajian Hukum Islam*, 18(2), 199–218. https://doi.org/10.24090/mnh.v18i2.11554

Asman, M. A. (2025). Interpretation of marriage law determination: An analysis study of the adult age of marriage in Indonesia. *International Journal of Law: Law and World*, 11(34), 112–130. https://doi.org/10.36475/11.2.10

Asmuni, Yusdani, Arfaizar, J., & Sulong, J. (2025). The erosion of al-Mawaddah and ar-Rahmah values in Muslim marriages: A socio-religious analysis of marital dynamics in Lombok. *Akademika: Jurnal Pemikiran Islam*, 30(2), 201–218. https://doi.org/10.32332/akademika.v30i2.11580

Athiyyah, J. (2003). *Nahḍwa taf'il maqāṣid al-shari'ah*. Dar al-Fikr.

Auda, J. (2008). *Maqasid al-Shari'ah as philosophy of Islamic law: A systems approach*. The International Institute of Islamic Thought.

Bate, N., Faiz, A. K., Samin, S., Musyahid, A., Almuhtadi, A. S. H., & Wahidin, W. (2023). Religious and cultural dialectics in determining early-age marriage (case study of the increase in early-age marriage in Pinrang city from the Maqashid Shari'ah perspective). *Istinbath Jurnal Hukum Dan Ekonomi Islam*, 22(2), 183–194.

Busriyanti, B., Pujiono, Mursalim, & Chamdan, U. (2025). Marriage law reform in Indonesia: A Maqasid al-Usrah perspective on legal adaptation. *Al-Istinbath: Jurnal Hukum Islam*, 10(2), 631–649.

Charan, I. A., Xin, S., & Soomro, S. (2024). Exploring the child marriage practices and their impact on women's lives in Pakistan: A qualitative analysis. *African Journal of Reproductive Health*, 28(9), 73–84.

Chui, K., Abdulrahman, M. M., & Mohamed, H. E.-D. I. (2025). Determining the legal age for marriage: A comparative study of Islamic jurisprudence and contemporary legal frameworks. *Iqra Journal: Journal of International Scientific Research*, 5(8), 5–20.

Diniyya, A. A., Yasin, R. F. F. Y. F., & Mahmud, M. W. (2020). The significance of financial literacy for family wealth management: A critical study from Maqasid perspective. *Journal of Islam in Asia*, 17(3), 198–215.

Djubaedah, N. (2019). Child marriage and zina in Indonesian legislation in Islamic law. *Jurnal Hukum & Pembangunan*, 49(1), 210–231.

Evanurfitriani, E. (2025). The urgency of marriage disability from the perspective of Fiqh and compilation of Islamic law (KHI). *Riwayat Educational Journal of History and Humanities*, 8(1), 727–732. https://doi.org/10.24815/jr.v8i1.44370

Fajar, M., & Kartika, L. (2021). Fiqh analysis of the age limit for marriage and its implications for children's welfare. *Indonesian Journal of Islamic Law*, 4(1), 17–34. https://doi.org/10.35719/ijil.v4i1.2040

Fan, S., & Koski, A. (2022). The health consequences of child marriage: A systematic review of the evidence. *BMC Public Health*, 22, Article 309. https://doi.org/10.1186/s12889-022-12707-x

Fausi, A., & Asmuni, A. (2024). Determination of the minimum age limit for marriage: Balancing legal supremacy and the objectives of Sharia in Indonesian marriage law. *Mazahib Jurnal Pemikiran Hukum Islam*, 23(1), 117–154.

Grijns, M., & Horii, H. (2018). Child marriage in a village in West Java (Indonesia): Compromises between legal obligations and religious concerns. *Asian Journal of Law and Society*, 5(2), 453–466. https://doi.org/10.1017/als.2018.9

Hamzah, R. M. (2025). Marriage readiness education among university students: Analysis of self-preparation for marriage and family life. *EDUCATIONE: Journal of Education Research and Review*, 3(2), 280–286. https://doi.org/10.59397/edu.v3i2.96

Hanifah, M. N., & Nasution, M. I. P. (2025). The role of family education in forming children's morals: A critical review from an Islamic perspective. *Anwarul: Jurnal Pendidikan dan Dakwah*, 5(6), 872–890. https://doi.org/10.58578/anwarul.v5i6.8455

Hassanein, A. A. M. (2025). The complementarity of Ijtihad and the Maqasid Al-Shariah in Islamic law: An Analytical Study. *International Journal of Academic Research in Business and Social Sciences*, 15(5), 847–859. https://doi.org/10.6007/IJARBSS/v15-i5/25424

Hazram, N. A. (2025). Educating child marriage applicants: Designing an Islamic pre-marriage education framework. *International Journal of Emerging Perspectives in Education*, 1(1), 21–32.

Hazram, N. A., & Azahari, R. (2021). Underage marriage from the perspective of Maqaṣid al-Shari'ah. *Journal of Contemporary Islamic Law*, 6(2), 32–42.

Hazram, N. A., & Mutalib, M. A. (2025). Not marriage, but maturity: Rethinking child marriage in Malaysia through Maqaṣid al-Shariʿah and educational reform. *Proceedings of the 2nd International Conference on Islamic Economics*, 2, 149–158.

Ibn al-Jawzī. (2004). *Ṣayd al-Khaṭir*. Nahdet Misr Pubishing House.

Ibn al-Qayyim, A.-J. (1994). *Zad al-ma'ad fi hadyi khair al-'ibaad* (27th ed.). Mu'assasat al-Risalah. (Original work published ca. 1350)

Ibn Kathir, I. (1996). *Tafsir al-Qur'an al-azim.* Maktabat al-Iman. (Original work published ca. 1370)

Ibn Qudamah. (1997). *Al-mughni*. Dar Alam al-Kutub.

Ibn Taymiyyah, A. (1995). *Majmu' al-fatawa* (A. R. Qasim, Ed.). Majma' al-Malik Fahd li-Tiba'at al-Mushaf al-Sharif. (Original work compiled ca. 1328)

Islam, M. M. (2022). Child marriage, marital disruption, and marriage thereafter: Evidence from a national survey. *BMC Women's Health*, 22, Article 485. https://doi.org/10.1186/s12905-022-02088-z

Jafar, E. S., & Yaqub, A. (2021). The dynamics marriage readiness of Muslim adolescent from the perspective of psychology and Islamic law. *Al-'Adl*, 14(2), 229–241. https://doi.org/10.31332/aladl.v14i2.2954

Kamali, M. H. (2019). *Maqasid Al-Shari'ah made simple*. International Institute of Islamic Thought.

Khan, A., & Iqbal, A. (2022). Child marriage in the light of objectives of Shari'ah and Islamic jurisprudence (an analytical study of prevalent practices in Pakistani society). *International Journal of Social Science & Entrepreneurship*, 2(2), 520–531. https://doi.org/10.58661/ijsse.v2i2.98

Kurniawan, E., Handesman, H., Rahmadi, R., & Najib, K. (2020). Early marriage, human rights, and the living Fiqh: A Maqaṣid al-Shari'a review. *Al-Risalah Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 20(1), 1–15.

Liwayanti, U., Zainuri, M., Nurjamilah, U., & Rosyad, R. (2025). Parental obligation to provide religious education to children under Islamic family law in Indonesia. *Juwara Jurnal Wawasan Dan Aksara*, 5(1), 1–10.

Mahmudi, Z., & Sa'diyah, K. (2018). The minimum of marriageable age in Maqasid al-Sharia and psychological perspectives. *Proceedings of International Conference Recent Innovation*, 1189–1195.

Malek, M. A.-G. A., & Samuri, M. A. A. (2025). Child marriage in Malaysia and the proposed legal reform: Views of Muslim stakeholders and religious officials. *El-Usrah: Jurnal Hukum Keluarga*, 8(1), 313–343.

Malek, M. A.-G. A., Samuri, M. A. A., Ramadhita, & Vargholy, M. N. (2024). Child marriage discourse according to al-Qaradawi's Fiqh methodology. *Islamiyyat: Jurnal Antarabangsa Pengajian Islam; International Journal of Islamic Studies*, 46(1), 3–14.

Mohd, A., & Kadir, N. A. (2019). Minimum age of marriage under Islamic law and the Islamic Family Law (Federal Territories) Act 1984: A preliminary study on the ideal age of marriage in Malaysia. *Al-Shajarah: Journal of the International Institute of Islamic Thought and Civilisation*, 24(2), 239–266.

Musthofa, & Lutfiah, S. Q. (2024). Early marriage and its influence on family harmony in an Islamic perspective. *Al-Risalah: Jurnal Studi Agama Dan Pemikiran Islam*, 15(1), 197–214.

Naimah, F. U., Rokhman, M., Hali, A. U., Ma'arif, M. A., & Sirojuddin, A. (2024). Internalization of local traditions in child marriage from the perspective of Maqaṣid Al-Usrah. *El-Mashlahah*, 14(2), 237–258. https://doi.org/10.23971/el-mashlahah.v14i2.7942

Novitasari, A. F., Luth, T., Djumikasih, D., & Chanifah, N. (2024). The importance of maturity in marriage from an Islamic legal perspective. *Journal of Legal Studies*, 33(47), 99–108. https://doi.org/10.2478/jles-2024-0006

Pancasilawati, A. (2024). Adolescent marriage in Paser Kalimantan, Indonesia: A Maqashid Syari'ah perspective. *Hayula: Indonesian Journal of Multidisciplinary Islamic Studies*, 8(2), 173–196. https://doi.org/10.21009/hayula.008.02.03

Purnomo, A., Salam, N., Zamzami, M., & Bakar, A. (2023). Dimensions of Maqaṣid Al-Shari'ah and human rights in the constitutional court's decision on marriage age

difference in Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 7(3), 1397–1421. https://doi.org/10.22373/sjhk.v7i3.13283

Rachmadhani, F., Sahid, M. M., & Ichsan, M. (2024). The use of Sadd Al-Dharī'ah in contemporary Islamic family law in Indonesia: Concept and practice. *Malaysian Journal of Syariah and Law*, 12(1), 206–215. https://doi.org/10.33102/mjsl.vol12no1.505

Rasyid, A., Jarudin, J., Saleh, I., & Lubis, R. F. (2024). Dynamics of childless marriage through the lens of Maqasid Al-Shari'a. *Jurnal Ilmiah Peuradeun*, 12(2), 763–786. https://doi.org/10.26811/peuradeun.v12i2.1182

Razif, N. H. M. (2022). Between intention and implementation: Recent legal reforms on child marriage in contemporary Malaysia. *Journal of Legal Anthropology*, 6(1), 1–23. https://doi.org/10.3167/jla.2022.060102

Ridwan, R. bin, Ifnaldi, I., & Jahidin, J. (2021). Early marriage in medical view and Maqashid Sharia. *Academic Journal of Islamic Studies*, 6(1), 135–146. https://doi.org/10.29240/ajis.v6i1.2751

Rosidi, M. H., Mokhtar, A. W. Bin, & Majid, M. N. B. A. (2022). The role of Maqasid Al-Shari'ah as a fundamental ethics in social media use. *International Journal of Academic Research In Business and Social Sciences*, 12(4), 1285–1301. https://doi.org/10.6007/IJARBSS/v12-i4/13044

Saiman, M. Z., & Mahadzir, 'Izzati Farhana. (2024). Consideration of benefits (Maslahah) and harm (Mafsadah) in child marriage cases in Malaysia from the perspective of Maqasid al-Syariah. *Global Journal of Human-Social Science*, 24(A5), 39–48.

Salleh, A. D., Kashim, M. I. A. M., Adnan, N. I. M., Ghani, N. A. R. N. A., & Jamsari, E. A. (2019). Theory and application of Sadd al-Dhara'i' (Blocking the means) in Shafi'iyya school. *International Journal Of Academic Research in Business and Social Sciences*, 9(1), 724–737. https://doi.org/10.6007/IJARBSS/v9-i1/5475

Sampuju, U. H., Akbar, M., & Hidayatullah, M. S. (2022). The lineage of children out of wedlock according to Islamic law. *Proceeding of International Conference on Islamic and Interdisciplinary Studies*, 1, 170–175.

Saputra, E. D., Permatasari, E., & Mahfud. (2025). Kafa'ah as the basis for prohibiting interfaith marriage in the compilation of Islamic law: A contemporary analysis of Maqaṣid al-Usrah. *Al-Mawarid Jurnal Syariah Dan Hukum*, 7(2), 397–420. https://doi.org/10.20885/mawarid.vol7.iss2.art10

Sarib, S., Niode, O. S., Suleman, N. H., & Usup, D. (2025). Reconsidering legal protections for child marriage victims: A Maqasid Shariah perspective. A*l-Mujtahid: Journal of Islamic Family Law*, 5(1), 22–39. https://doi.org/10.30984/ajifl.v5i1.3477

Sarkowi, S., & Qosyim, R. A. (2023). The early marriage in Kaliboto Kidul on Maqasid Sharia perspective. *Al-Hukama*, 13(1), 140–159. https://doi.org/10.15642/alhukama.2023.13.1.140-159

Sayehu, S. (2025). Child marriage dispensation in Islamic law: A meta-analysis and systematic review. *Jurnal Hukum Keluarga*, 2(1), 43–50.

Sidik, M. S. M., Saper, M. N., & Daud, N. M. (2020). The application of Maqasid Shariah elements in family and marriage counseling. *Advances in Social Science, Education and Humanities Research*, 464, 713–718.

Siregar, L. S. (2024). A review of Islamic law on the psychological impact of child marriage. El-Sirry: *Jurnal Hukum Islam Dan Sosial*, 2(2), 1–14. https://doi.org/10.24952/ejhis.v2i2.13440

Suberu, I., & Hussein, A.-G. O. (2024). Maqasid Al-Shari'ah: A framework for understanding and addressing depression in Muslims. *Abraka Journal of Religion and Philosophy*, 4(2), 16–28.

Sukri, A., & Fauzan, A. (2025). Maqasid Al-Shariah and child protection: A holistic approach to preventing early marriage. *Journal of Social and Islamic Culture*, 33(2), 600–636.

Syarifah, M., & Qotadah, H. A. (2022). Childfree in the Qur'an: Reinterpretation of al-Naḥl Verse 72 With Ma'na cum Maghza approach. *Al-Tahrir Jurnal Pemikiran Islam*, 22(2), 325–342.

Wardi, M. C., A'la, A., & Nurhayati, S. (2023). Contextualisation of al-Maqasid al-Kulliyat according to the objectives of the individual, family, society and humanity: An analysis on Jamaluddin 'Athiyah's perspectives. *Malaysian Journal of Syariah and Law*, 11(1), 109–121. https://doi.org/10.33102/mjsl.vol11no1.389

Widiyanto, A., Zumrotun, S., & Saputra, H. (2024). The prevention of underage marriage in Indonesia: State, religious authority, and human rights. *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial*, 21(2), 401–422. https://doi.org/10.21154/justicia.v21i2.9771

Zahra, A. A., Ansori, I. H., & Samsudin, A. (2024). Early marriage and Hadith: Reinterpreting the marriage of Prophet Muhammad SAW and Aisha RA in a modern context. *CANONIA RELIGIA: Jurnal Studi Teks Agama Dan Sosial*, 2(1), 1–20. https://doi.org/10.30762/cr.v2i1.1817

(This page is intentionally left blank.)