

HARMONIZING THE VALUES OF LOVE AND TOLERANCE IN COMBATING CHILD MARRIAGE: AN ISLAMIC LEGAL AND CULTURAL PERSPECTIVE FROM PROBOLINGGO REGENCY

Irzak Yuliardy Nugroho

Universitas Islam Zainul Hasan Genggong

ardhiesjb@gmail.com

Abstract: *Child marriage remains a persistent issue in Probolinggo Regency, posing risks to children's well-being and raising complex legal, religious, and socio-cultural challenges. This study aims to explore how the values of love and tolerance in Islamic law, along with local wisdom, can be harmonized to address the practice of child marriage. Employing a normative-empirical approach, the research analyzes classical and contemporary Islamic legal sources, especially through the lens of maqāṣid al-sharī'ah and integrates field data gathered from interviews and observations. Findings reveal that child marriage in the region is often driven by economic hardship, cultural norms, and religious misinterpretation. Islamic law, when viewed contextually, offers a strong foundation for child protection as a central objective. Moreover, local wisdom that emphasizes social harmony, compassion, and deliberation serves as a potential entry point for legal reconstruction. The discussion proposes a model of harmonization between Islamic legal principles and cultural practices, rooted in love and tolerance, as a strategic solution to reduce child marriage. The study recommends community-based legal education that integrates religious values and cultural sensitivity to prevent child marriage effectively.*

Keywords: *Child Marriage, Islamic Law, Local Wisdom, Legal Harmonization, Maqāṣid al-Sharī'ah.*

INTRODUCTION

Child marriage remains a pressing issue in the development of family law in Indonesia. This practice refers to a marital union involving one or both partners under the age of eighteen, often resulting in violations of children's rights to education, health, and future opportunities. Although national trends indicate a decline between 10.35% in 2021 and 6.92% in 2023, the frequency of child marriage decreased,¹ this figure still reflects a serious challenge in various regions, including Probolinggo Regency. The

¹ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, "Angka Perkawinan Anak Turun Menjadi 6,92 Persen, Lampau Target RPJMN," 2025, <https://www.kemennppa.go.id/siaran-pers/menteri-pppaangka-perkawinan-anak-turun-menjadi-692-persen-lampau-target-rpjm>.



underlying causes are complex, ranging from poverty and low levels of education to strong social and cultural norms.²

Reproductive health concerns, susceptibility to domestic violence, and restricted educational and economic possibilities are just a few of the many dimensions affected by child marriage.³ Several areas in Indonesia still have a significant number of women aged 20–24 who were married or cohabiting prior to the age of 18, as reported by the Central Statistics Agency.⁴ In a similar vein, one out of every nine Indonesian women aged 20–24 were wed as minors, according to the UNICEF (2018) report.⁵ Furthermore, data from the Supreme Court show that in 2021 there were more than 65,000 requests for marriage dispensations, the majority involving underage couples. In Probolinggo Regency, a similar pattern can be observed, with a consistently high number of dispensation requests submitted to the Religious Court each year suggesting that this practice continues systematically, despite the fact that the age of majority for marriage has been raised to 19.⁶

In this context, a new approach is needed, one that goes beyond regulatory mechanisms and considers the ethical and cultural values embedded in society. Two fundamental values that warrant examination are love and tolerance. In Islamic teachings, *mawaddah wa rahmah* (love and compassion) constitute the foundation for a *sakinah* (harmonious and tranquil) family. Love, in this sense, extends beyond romantic affection to include compassion, responsibility, and emotional readiness to nurture a household. Tolerance, on the other hand, encompasses the ability to accept differences, to engage in mutual understanding, and to create spaces for dialogue among various parties, including between parents and children, as well as between local traditions and state law.

The study of these values is essential because Islamic legal narratives concerning marriage have largely emphasized legal-formal and classical *fiqh* dimensions. In social practice, religious justification is often used to accelerate child marriage as a means of “legitimizing relationships” or avoiding social disgrace. This reality presents both a challenge and an opportunity: to harmonize Islamic teachings oriented toward *maṣlaḥah* (public benefit) with local humanistic values that prioritize protection, education, and dignity.⁷

² Ch. Mufidah and Ahmad Izzuddin, *Merajut Komitmen Pencegahan Perkawinan Anak* (Malang: UIN Maliki Press, 2023). 23.

³ Ch. Mufidah, *Psikologi Keluarga Islam Berwawasan Gender* (Malang: UIN Maliki Press, 2020). 99.

⁴ Badan Pusat Statistik, “Proporsi Perempuan Yang Berstatus Kawin Atau Hidup Bersama Sebelum Umur 18 Tahun Menurut Provinsi,” 2025, <https://www.bps.go.id/id/statistics-table/2/MTM2MCMY/proporsi-perempuan-umur-20-24-tahun-yang-berstatus-kawin-atau-berstatus-hidup-bersama-sebelum-umur-18-tahun-menurut-provinsi.html>.

⁵ UNICEF Indonesia, “1 Dari 9 Perempuan Indonesia Menikah Saat Usia Anak,” 2025, <https://www.unicef.org/indonesia/id/air-sanitasi-dan-kebersihan-wash/1-dari-9-perempuan-indonesia-menikah-saat-usia-anak>.

⁶ Irzak Yuliardy Nugroho et al., “Pendekatan *Sadd Al-Dzari’ah* Dalam Pencegahan Perkawinan Anak: Studi Kasus Di Kabupaten Probolinggo,” *Litigasi* 26, no. 1 (2025): 67–101, <https://doi.org/10.23969/litigasi.v26i1.19478>.

⁷ Arif R Tanjung, Akhmad Husaini, and Dia Huda Pranoto, “Pilar Hubungan Harmonis Perspektif Yasir Al-Hazimi: Analisis Dan Penerapannya Dalam Hukum Keluarga Islam,” *Al-Usariyah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 131–54, <https://doi.org/10.37397/al-usariyah.v3i2.898>.



However, despite the growing body of literature on child marriage and Islamic legal reform, few studies have specifically explored the integration of moral-emotional values, such as love and tolerance, according to *maqāṣid al-sharī'ah* and the culture of the area. Previous research tends to focus either on doctrinal reinterpretations of *fiqh* or on socio-legal interventions by the state, leaving a conceptual gap between legal reasoning and community-based moral transformation. Moreover, existing studies rarely analyze how ethical values can be operationalized in participatory mechanisms such as *musyawarah desa* (village deliberations) or in collaborative programs among religious, governmental, and civic institutions. Addressing this gap, the present study proposes a contextual model of Islamic law that not only prohibits harmful practices such as child marriage but also cultivates relational ethics capable of fostering mutual care and social harmony.

Probolinggo Regency, as the focus of this study, offers a unique setting in which to explore this paradigm. With its strong *pesantren* (Islamic boarding school) traditions and deeply rooted kinship systems, it provides fertile ground for developing locally grounded approaches to child-marriage prevention. Such approaches must align with the principles of progressive Islamic law and child protection grounded in justice. This study aims to enhance the understanding of Islamic family law in contemporary Indonesia by examining it through the frameworks of Islamic jurisprudence and local wisdom, thereby contributing to both theoretical and practical aspects of re-humanization.

Regrettably, few studies have explored the relationship between the values of love and tolerance within the context of addressing child marriage. This research aims to fill that gap by examining how these two values can be integrated into the framework of Islamic legal thought and local cultural strategies in responding to the practice of child marriage. The findings are expected not only to strengthen theoretical foundations in Islamic family law but also to contribute practical insights for designing more contextual and human-centered policies and social intervention programs. Accordingly, this study is both urgent and significant not merely as an academic discourse, but as part of a broader social transformation toward building an Islamic family structure that is just, civilized, and grounded in love and tolerance.

RESEARCH METHOD

This study employs a normative empirical qualitative approach,⁸ integrating doctrinal legal analysis with empirical field studies to understand both the textual foundations of law and the social realities that shape community practices.⁹ The primary focus lies in harmonizing the values of love (*mawaddah wa rahmah*) and tolerance within efforts to address child marriage, particularly in the context of Islamic law and local cultural traditions in Probolinggo Regency.

Three complementary approaches are utilized in an integrated manner. First, the Islamic legal approach is employed to examine normative sources such as the Qur'an, *hadith*, and classical *fiqh* texts, in order to explore the concepts of love, tolerance, and child protection from a sharia perspective. Second, the sociological legal approach is used

⁸ Abdulkadir Muhammad, *Hukum Dan Penelitian Hukum* (Bandung: Citra Aditya Bakti, 2004). 134.

⁹ Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek* (Jakarta: Rineka Cipta, 2012). 126.



to analyze the relationship between legal norms both religious and state law and the social realities that exist in the field. Third, the anthropological approach is applied to uncover the cultural structures, customary values, and social practices of Probolinggo communities that influence the persistence or resistance toward child marriage.

The primary data in this study consist of religious texts (Qur'an, *hadith*, and *fiqh* literature), statutory regulations such as the Marriage Law, and in-depth interviews with religious leaders, community figures, village officials, and families with experiences related to child marriage. The secondary data were obtained through literature reviews, academic journals, institutional reports, as well as statistics gathered by the BPS of Probolinggo Regency.

Observation, interviews, and documentation were the means of data collection used in this qualitative research, combined through triangulation to ensure validity and depth. The Miles and Huberman interactive analysis model was not used merely as a technical framework, but as a dynamic process guiding the researcher's continuous engagement with the field.¹⁰ During the data collection phase, interview narratives, field notes, and institutional documents were compiled to capture the diverse perspectives of stakeholders such as *KUA officials, DP3AP2KB staff, and local women's and community organizations*. In the data reduction phase, these materials were coded thematically to identify recurring patterns, such as religious justification, cultural stigma, and economic motivation, that explain the persistence of child marriage in Probolinggo. Finally, during the verification and conclusion-drawing stage, the reduced data were compared and cross-checked across sources to ensure internal consistency and theoretical coherence. This iterative process allowed the researcher to move back and forth between empirical findings and the conceptual framework of *maqāṣid al-sharī'ah*, ensuring that conclusions were not only descriptive but also interpretive and contextually grounded.

To ascertain the veracity of the results, the credibility test (data trustworthiness test) was conducted through extended observation, increased research persistence, detailed data description, and in-depth analysis of specific objects. These measures were undertaken to strengthen the accuracy, reliability, and interpretive integrity of the research results.¹¹

RESULTS AND DISCUSSION

Research Findings

The combined results of interviews and documentation reveal that efforts to prevent child marriage in Probolinggo Regency have shifted from moral and individual concerns to a coordinated social and institutional movement. Interviews with key stakeholders, Muslimat NU, Aisyiyah, the Religious Court of Kraksaan, the Ministry of Religious Affairs, PKK, and DP3AP2KB, show that prevention now involves a synergy between religion, culture, education, and governance. Women's religious organizations such as Muslimat NU and Aisyiyah play a central role in reframing community views through faith-based education, empowerment programs, and advocacy that link early

¹⁰ Sugiyono, *Metode Penelitian Pendidikan Kuantitatif, Kualitatif, Dan R&D* (Bandung: Alfabeta, 2015).

¹¹ Sugiyono.



marriage to health and family welfare.¹² The Religious Court acts as a “last gatekeeper,” tightening marriage dispensations and prioritizing children’s best interests, while the Ministry of Religious Affairs promotes delayed marriage through pre-marital counseling and school-based programs grounded in *maqāṣid al-sharī‘ah* (protection of life, intellect, and lineage). PKK and DP3AP2KB translate policies into community-level awareness through handbooks, counseling, and coordination with local leaders.¹³

Child marriage in Probolinggo Regency arises from an interplay of moral anxiety, cultural norms, economic insecurity, and religious misinterpretation. Parents often marry off their children out of fear of *zina* (premarital sex) and community gossip, viewing early marriage as a safeguard for family honor. Deeply rooted beliefs such as *sangkal*, the notion that rejecting marriage proposals brings misfortune, further reinforce this practice. Economic hardship compounds the issue, as poor families see marriage as a means to reduce financial burdens. In addition, literal interpretations of religious texts, such as the Prophet’s marriage to Aisha, are often used to justify early marriage without considering the broader *maqāṣid al-sharī‘ah* principles of protection and welfare. Together, these factors create a social environment where early marriage appears morally acceptable, economically practical, and culturally honorable, despite its harmful effects on children’s rights and well-being.

Documentation from the Regional Action Plan (RAD PPA) supports these findings, confirming a governance-based approach that integrates religious institutions, government agencies, and civil society. The plan focuses on empowering youth, transforming family and community attitudes, expanding services, and strengthening regulation. Religion and culture are used not as barriers but as tools for reform. Altogether, Probolinggo’s model demonstrates that child marriage prevention requires local collaboration, gender inclusion, and the transformation of moral discourse into child protection and social justice.¹⁴

However, pregnancy outside of marriage is not the most dominant cause. Instead, social stigma and local cultural pressures play a decisive role. The traditional belief known as *sangkal* the notion that a girl who rejects a marriage proposal will struggle to find a partner later in life remains deeply ingrained. In several villages, women as young as twenty-two who remain unmarried are already labeled as “old maids,” a social stigma regarded as shameful by many families. Such beliefs make early marriage appear to be a more “honorable” and “secure” option than allowing a girl to grow into adulthood without a husband.

Economic factors are equally influential. Many low-income families perceive child marriage as a practical means of reducing their economic burden. When a prospective husband is seen as financially stable or comes from a well-off family, proposals are often accepted without considering the girl’s age or emotional readiness. In communities

¹² Kementerian Agama. et al., “Wawancara Lintas Stakeholder Mengenai Upaya Pencegahan Perkawinan Anak Di Kabupaten Probolinggo” (Probolinggo, Indonesia, 2025).

¹³ Kementerian Agama. et al.

¹⁴ Pemerintah Kabupaten Probolinggo, “Rencana Aksi Daerah Pencegahan Perkawinan Anak,” n.d. 30-35.



where daily survival is a challenge, marriage becomes a form of economic survival strategy, even though in reality it rarely leads to improved financial stability.¹⁵

Religion also plays a crucial role in shaping public attitudes toward child marriage. Many cases gain social legitimacy through literal religious interpretations. The Prophet Muhammad’s marriage to Aisha is frequently cited as justification for such practices.¹⁶ The *hadith* narrating this event is recorded in various authoritative collections and classified as *mutawatir* (reliably transmitted).¹⁷ Nevertheless, in contemporary contexts, the use of this textual precedent warrants reexamination.¹⁸ In the Maliki, Shafi’i, and Hanbali schools of law, a guardian (*wali*) could marry off a young girl (*hak ijbar*). However, these views did not always take into account the *maqā'id al-sharī'ah*.¹⁹ The main aims of Islamic law emphasise the preservation of life, intelligence, and the child's future.²⁰ In today’s social reality, child marriage contradicts those principles of *maslahah* (public benefit) and endangers the well-being the sharia aims to safeguard.²¹

Moreover, the influence of social media has become a new factor reinforcing the persistence of child marriage. Internet access and digital exposure have introduced children, even in rural areas, to lifestyles and information that may not align with local cultural values. Many parents, unable to monitor their children’s online interactions, regard early marriage as a form of “protection” against the perceived moral risks of social media.²² This indicates that digitalization of everyday life has created a new layer of challenge in the prevention of child marriage.²³

The phenomenon has far-reaching consequences for children, especially girls. Many are forced to drop out of school, unable to continue to higher education, and ultimately trapped in cycles of poverty. Field interviews and statistical data reveal that most girls in Probolinggo receive only elementary or junior secondary education, as marriage terminates their opportunity to pursue formal schooling.²⁴ In addition, early marriage

¹⁵ Kementerian Agama. et al., “Wawancara Lintas Stakeholder Mengenai Upaya Pencegahan Perkawinan Anak Di Kabupaten Probolinggo.”

¹⁶ Muhammad ibn Ismail Al-Bukhari, *Shahih Al-Bukhari: Kitab Al-Manaqib, Hadis Nomor 3605* (Beirut: Dar al-Fikr, 1981).

¹⁷ Ahmad ibn Ali Ibn Hajar al-'Asqalani, *Al-Ishabah Fi Tamyiz as-Shahabah, Juz VIII* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1995).

¹⁸ Muhammad ibn Jarir At-Thabari, *Tarikh Al-Umam Wa Al-Mulk* (Beirut: Dar al-Fikr, n.d.). 229.

¹⁹ Adji Pratama Putra and Agung Burhanusyihab, “Normalisasi Trend Nikah Muda: Analisis Struktural Fungsional Dan Maqashid Syariah,” *Al-Manhaj: Journal of Indonesian Islamic Family Law* 5, no. 1 (2023): 104–19, <https://doi.org/10.19105/al-manhaj.v5i1.9725>.

²⁰ Jalal al-Din al-Mahalli, *Sharkh Minhaj Al-Thalibin*, vol. 3 (Mesir: Dar al-Ihya al-Kutub, n.d.). 221.

²¹ Abdullah Ibn Qudamah, *Al-Kafi Fi Fiqh Al-Imam Ahmad Bin Hanbal, Juz III* (Beirut: al-Maktab al-Islami, 1408). 26

²² U Supraptiningsih, “Pro and Cons Contestation on The Increase of Marriage Age in Indonesia,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021), <https://doi.org/10.22373/sjhk.v5i1.9136>.

²³ Ch Mufidah and Izzuddin Ahmad, *Merajut Komitmen Pencegahan Perkawinan Anak* (Malang: UIN Maliki Press, 2023).

²⁴ Mufidah and Ahmad.



exposes them to reproductive health risks, child stunting, and domestic violence, due to the lack of physical and psychological readiness for marital life.²⁵

This condition has also led to a high rate of divorce among young couples, as recorded by the Religious Court of Kraksaan. Numerous marriages dissolve within a relatively short time sometimes only a few months to two or three years after the wedding. Emotional immaturity, economic stress, and insufficient understanding of marital relationships contribute to the instability of these unions, many of which eventually result in legal proceeding.²⁶

Despite these challenges, various institutions in Probolinggo Regency have demonstrated collective efforts to curb child marriage. The Ministry of Religious Affairs, DP3AP2KB, PKK Women's Movement Team, Muslimat NU, 'Aisyiyah, and the Religious Court of Kraksaan have collaborated in drafting the Regional Action Plan (*Rencana Aksi Daerah/RAD*) and implementing community-based education programs.²⁷ This multi-sectoral initiative underscores the importance of cross-institutional cooperation in tackling a problem that is multidimensional in nature.

Within this process, the values of love and tolerance, rooted in local wisdom, become profoundly relevant. Love is interpreted as the parental responsibility to protect and nurture children until they reach physical, emotional, and social maturity. Tolerance reflects the community's willingness to embrace social change, to promote intergenerational dialogue, and to listen to children's voices. The village deliberation forum (*musyawarah desa*) a long-standing Javanese tradition can serve as a collective platform for advocating child protection and formulating policies anchored in local cultural values.

Through the reinforcement of these values and the continuation of cross-sector collaboration, it is expected that the practice of child marriage in Probolinggo Regency can be significantly reduced. This effort is not merely about delaying marriage, but about building a fairer and more dignified future for every child.

Islamic Legal Analysis and Locality: Contextualizing Islamic Law with the Prohibition of Child Marriage

Child marriage is a complex issue involving the interplay between religious norms, customary traditions, state law, and socio-economic dynamics. In Muslim societies, the challenge of prohibiting child marriage often relates to the interpretation of Islamic jurisprudence (*fiqh*), which is sometimes perceived as legitimizing such practices. However, Islam as both a legal and moral system possesses a high degree of flexibility to adapt to the changing conditions and needs of society. Through a contextual and purposive approach based on the objectives of Islamic law (*maqāṣid al-sharī'ah*), Islamic

²⁵ Mubasyaroh, "Analisis Faktor Penyebab Perkawinan Dini Dan Dampaknya Bagi Pelakunya," *Jurnal Pemikiran Hukum Dan Hukum Islam* 7, no. 6 (2016).

²⁶ S H Bustani M.M., "Wawancara Dengan Hakim Pengadilan Agama Kraksaan Mengenai Isu Perkawinan Anak" (Kraksaan, Probolinggo, 2025).

²⁷ E Zulaiha and A Z Mutaqin, "The Problems of The Marriage Age Changing in Indonesia in the Perspectives of Muslim Jurists and Gender Equality," *Hanifiya: Jurnal Studi Agama-Agama* 4, no. 2 (2021): 99–108, <https://doi.org/10.15575/hanifiya.v4i2.13538>.



law can, in fact, serve as a strong foundation for protecting children from harmful marital practices.²⁸

Generally, Islamic law has two kinds of normativity: universal principles and practical regulations. Universal ideals such as justice, life preservation, intelligence, and ancestry remain unchanged throughout time and space. Operational principles based on *ijtihad* (scholarly legal reasoning) are dynamic and adaptable to changing socio-cultural circumstances. The restriction of underage marriage aligns with Islamic teachings and upholds the value of safeguarding children and posterity (*maqāṣid al-sharī‘ah*).

Nevertheless, reconstructing classical interpretations of child marriage remains a challenge. Traditional *fiqh* often considers puberty, rather than a fixed chronological age, as the criterion for marriage eligibility. In certain legal schools, a guardian (*wali*) is permitted to marry off a prepubescent girl on the condition that the consummation of the marriage is postponed until she reaches maturity. The precedent most frequently cited is the Prophet Muhammad’s marriage to Aisha, often interpreted as occurring when she was young.²⁹ When applied without contextual understanding, such interpretations can hinder legal reform.

In contrast, empirical realities across various regions reveal that the persistence of child marriage is more deeply rooted in cultural and economic factors than in purely religious reasoning. Many communities practice early marriage as a means of preserving family honor, alleviating financial burdens, or resolving social tensions. In these contexts, Islamic teachings are often used merely as passive legitimations, whereas in truth, the same texts can be reinterpreted to protect children from the negative consequences of premature marriage.³⁰

For this reason, a contextual approach becomes essential. This approach places *maqāṣid al-sharī‘ah* at the center of legal interpretation. When the prohibition of child marriage can be shown to prevent harm (*mafsadah*) and promote public welfare (*maṣlahah*), such a policy is not only permissible but becomes a religious obligation within the framework of Islamic law. Contemporary scholars from various Muslim countries have developed new *ijtihad* that sets a minimum marriage age by considering children’s psychological, health, and educational dimensions.³¹

Several practical strategies can be employed to align Islamic law with the prohibition of child marriage. First, advancing *ijtihad* grounded in *maqāṣid al-sharī‘ah*, by interpreting the protection of children’s physical and mental health, and ensuring their right to learn and mature, as essential and non-negotiable objectives of Islamic law.³² Second,

²⁸ Anthin Lathifah, Briliyan Ernawati, and Anwar Masduki, “Problems with the Islamic Legal System Regarding Child Marriages in Indonesia during the Covid-19 Pandemic Period,” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (2022): 155–76, <https://doi.org/10.18326/IJTIHAD.V22I2.155-176>.

²⁹ Al-Bukhari, *Shahih Al-Bukhari: Kitab Al-Manaqib, Hadis Nomor 3605*.

³⁰ Mufidah and Izzuddin, *Merajut Komitmen Pencegahan Perkawinan Anak*. 16

³¹ N Miqat et al., “The Development of Indonesian Marriage Law in Contemporary Era,” *De Jure: Jurnal Hukum Dan Syar’iah* 15, no. 1 (2023), <https://doi.org/10.18860/jfsh.v15i1.17461>.

³² F U Naimah et al., “Internalization of Local Traditions in Child Marriage from the Perspective of Maqasid Al-Ushrah,” *El-Mashlahah* 14, no. 2 (2024), <https://doi.org/10.23971/el-mashlahah.v14i2.7942>.



strengthening the role of judges and guardians (*wali*) to act as protectors rather than facilitators of early marriage. Guardians, in the modern context, must ensure that any decision to marry off a child is based on measurable welfare considerations rather than social or economic pressure.

Third, local religious scholars and institutions can issue fatwas or guidelines that establish a minimum marriage age based on current social and medical conditions. Such rulings hold significant moral authority within Muslim communities and can bridge the gap between state law and religious principles. In Indonesia, for instance, The public's view on the need to raise the legal marriage age for the sake of children may be significantly influenced by influential Islamic groups like Muhammadiyah, the Indonesian Ulema Council (MUI), and Nahdlatul Ulama (NU).

Fourth, harmonizing Islamic law and state legislation is a crucial step. The statutory prohibition of child marriage such as Indonesia's amendment of the Marriage Law that raised the minimum age to nineteen must be reinforced with theological support from *ulama*. In this way, state law is no longer seen as conflicting with *sharī'ah*, but rather as a manifestation of Islamic values oriented toward protection and justice. Religious education also plays a pivotal role in this transformation. Curricula in *pesantren* (Islamic boarding schools) and Islamic educational institutions should include discussions on *maqāṣid al-sharī'ah*, the risks of child marriage, and the importance of maturity prior to marriage. Mosque leaders, *khātibs*, and grassroots religious figures must be equipped with critical and contextual *fiqh* understanding, enabling them to deliver religious messages that resonate with contemporary needs.³³

The strength of locality that is, social norms, traditions, and community structures should be directed toward reinforcing the prohibition of child marriage. When communities collectively reject early marriage, social deterrence against such practices strengthens. Religious scholars and community leaders can build consensus that child marriage is no longer a legitimate norm but a violation of the sanctity of Islam and children's rights.

Through these multi-layered approaches, Islamic law can function not as an obstacle but as a moral and spiritual foundation in rejecting child marriage. A contextualized Islam, rooted in *maṣlaḥah* and the welfare of the ummah, can synergize with positive law and local cultural wisdom to foster a society that is more just, healthy, and protective of its younger generations.³⁴

Compatibility of *Maqāṣid al-Sharī'ah* and Local Wisdom in Realizing a Tolerant Islamic Legal Framework

Islamic law, in its essence, constitutes a value-based system that governs not only the relationship between humans and God but also the dynamics of social life. One of its defining characteristics is its openness to contextualization the capacity to adapt to

³³ Putra and Burhanusyihab, "Normalisasi Trend Nikah Muda: Analisis Struktural Fungsional Dan Maqashid Syariah."

³⁴ F P Meilinda, "Budaya Dan Perkawinan Anak Di Kabupaten Probolinggo," *Al-Mada: Jurnal Agama, Sosial, Dan Budaya* 7, no. 1 (2024): 73–86, <https://doi.org/10.31538/almada.v7i1.4462>.



societal and cultural realities, provided that such adaptations do not contravene the fundamental principles of *sharī‘ah*. Amid contemporary challenges, including issues such as child marriage, a tolerant and adaptive approach to Islamic law has become increasingly necessary. Within this framework, *maqāṣid al-sharī‘ah* as the philosophical foundation of Islamic law provides the normative basis for integrating local wisdom into a living and grounded legal construction.³⁵

Maqāṣid al-sharī‘ah refers to five primary objectives that represent the ultimate goals of Islamic law: the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-‘aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). In contemporary legal thought, the protection of human dignity (*ḥifẓ al-‘ird*) is also added as a complementary objective.³⁶ These principles serve as parameters to determine whether a legal ruling promotes *maṣlaḥah* (public benefit) or generates mafsadah (*harm*). When Islamic law interacts with a particular social context, *maqāṣid* functions as an essential interpretive tool for ensuring that the law remains relevant and substantively just for the community it serves.³⁷

In the Indonesian context, the relationship between Islamic law and local wisdom is far from foreign. Indonesian Muslim communities have long embedded local values into their religious practices. Local wisdom is not regarded as a barrier to *sharī‘ah*, but rather as a vehicle for embodying Islamic teachings in ways that are holistic and rooted in lived experience. This is particularly evident in regions such as Probolinggo, where communities maintain strong religious identities while preserving harmony with evolving cultural norms.

One tangible manifestation of local wisdom in Probolinggo is the coexistence of love and tolerance as guiding social values. Here, love transcends mere romantic sentiment; it signifies compassion and concern for children’s welfare and development. Children are viewed as sacred trusts (*amānah*) that must be protected, educated, and nurtured until they attain full maturity before marriage. This understanding aligns closely with *maqāṣid* objectives such as *ḥifẓ al-nafs* (protection of life) and *ḥifẓ al-dīn* (protection of faith), which emphasize safeguarding life and instilling moral consciousness from an early age.³⁸

Meanwhile, the community’s commitment to tolerance can be interpreted as a readiness to accept differences, to foster dialogue, and to respond wisely to social change. The openness toward *musyawarah* (collective deliberation) and the inclusive participation of various social actors in decision-making processes represent a cultural strength that resonates deeply with *maqāṣid* values such as *ḥifẓ al-‘aql* (protection of reason) and *ḥifẓ al-‘ird* (protection of dignity). By upholding rationality and human honor, local communities are consciously or not embodying the purposes of *sharī‘ah* within their social practices.³⁹

³⁵ Abdul Wahab Khallaf, *Kaidah-Kaidah Hukum Islam* (Jakarta: Rajawali Pers, 1991). 329-330

³⁶ Ibn ‘Ali al-Subki, *Jam‘u Al-Jawami’* (Kairo: Dar Ihya’ al-Kutub, n.d.).

³⁷ Khallaf, *Kaidah-Kaidah Hukum Islam*. 334-335

³⁸ Putra and Burhanusyihab, “Normalisasi Trend Nikah Muda: Analisis Struktural Fungsional Dan Maqashid Syariah.”

³⁹ Asy-Syathibi, *Al-Muwāfaqāt Lisī Syāthibi* (Beirut: Maktabah Dārūbnū ‘Affān, 1997). 178



A concrete example of the synergy between *maqāṣid* and local wisdom in Probolinggo can be found in the mechanism of village deliberations (*musyawarah desa*). This process involves religious leaders, customary elders, women's groups, and other stakeholders in formulating local policies, including the determination of minimum marriage age. The *musyawarah desa* is not merely an administrative formality; it serves as a forum for collective reasoning that enables the integration of *maqāṣid* values into local norms. When a community agrees to enact a Village Regulation (*Peraturan Desa/Perdes*) establishing a minimum marriage age for the protection of children, it is, in essence, practicing *maqāṣid al-sharī'ah* in a substantive way. Furthermore, such local regulations can be theologically justified through a *maqāṣid*-based approach, as protecting children from early pregnancy, domestic violence, and educational failure constitutes the preservation of life and lineage.⁴⁰

In the discipline of *uṣūl al-fiqh*, there exists a maxim stating that preventing harm takes precedence over pursuing benefit.⁴¹ Accordingly, preventing child marriage through local regulation does not contradict Islamic principles; rather, it is highly encouraged when grounded in empirical evidence and considerations of public welfare (*maṣlaḥah*).⁴² Community acceptance of local *sharī'ah*-based laws also serves as a crucial indicator of policy effectiveness. Herein lies the strategic role of local wisdom: when people perceive that legal norms reflect their values, resistance diminishes while participation increases. This dynamic illustrates that Islamic law can emerge as both tolerant and adaptive, provided that its formulation involves dialogue between text and context, between *ulama* and community, and between principles and practice.

Admittedly, this harmonization process faces challenges, particularly from conservative groups who adhere to literalist readings of religious texts. They often reject legal reform on the grounds that it violates prophetic traditions or established customs. To address this, educational and dialogical approaches are indispensable. Religious scholars and community leaders must advance a *maqāṣid*-based narrative as the theological foundation for reform in pursuit of communal welfare (*maṣlaḥah al-ummah*).

Furthermore, village institutions must be strengthened to ensure that local regulations (*Perdes*) are not merely symbolic documents but possess real enforceability. Local governments, religious organizations, and educators should collaborate to promote awareness of *maqāṣid* principles in every policy affecting social life, including child marriage prevention.

In conclusion, the alignment between *maqāṣid al-sharī'ah* and local wisdom is not only possible but strategically essential in shaping a tolerant and grounded Islamic legal system. The experience of Probolinggo demonstrates that the community's values of love, tolerance, and deliberation can serve as social capital for translating Islamic principles into fair and context-sensitive local legal practices. Within this framework,

⁴⁰ Abu Ishaq Asy-Syatibi, *Al-Muwafaqat Fi Ushul Al-Shari'ah* (Kairo: Dar Ibn Affan, 1997). 8-15

⁴¹ Abdul Karim Zaidan, *Al Wajiz Fi Syarhi Al Qawaid Al Fiqhiyyah Fi Asy Syariah Al-Islamiyyah* (Beirut: Ar-Risalah, 1998). 117

⁴² Muhammad Atho Mudzhar, "The Use of Legal Maxims in the Fatwas of Indonesian Ulama Council," *Jurnal Indo-Islamika* 12, no. 1 (2022): 1–11, <https://doi.org/10.15408/jii.v12i1.24343>.



Islamic law does not operate as an instrument of coercion, but as a living moral value that evolves alongside the community it serves.⁴³

Contextual Islamic Legal Model: Grounded in Love, Tolerance, and Local Values in Responding to Child Marriage

The issue of child marriage remains a serious challenge in many regions of Indonesia, particularly in areas where strong local cultural influences and conservative interpretations of religious teachings prevail. In such contexts, an approach to Islamic law that relies solely on classical textual interpretation without considering social, psychological, and cultural dynamics risks reinforcing practices that harm children, especially girls. Therefore, it is necessary to formulate a contextual Islamic legal model one that does not stop at textual legitimacy, but is able to adapt to the living socio-cultural context of the community.⁴⁴

This contextual legal model can be developed upon three foundational pillars: love, tolerance, and local values. Love is defined as the expression of compassion and protection toward children, particularly in preventing practices that endanger them physically or psychologically. Tolerance represents a legal attitude that is open to dialogue and social evolution, bridging the gap between text and context. Meanwhile, local values provide a powerful source of cultural legitimacy, since communities tend to embrace legal norms that emerge organically from their own traditions.⁴⁵ Through these three pillars, Islamic law manifests not as a coercive authority but as a moral regulation that is just, ethical, and dignified.

To operationalize this conceptual framework in the context of child-marriage prevention, the contextual Islamic legal model can be actualized through the following five strategic approaches:

1. Progressive Interpretation of the Text (*Nasṣ*)

This approach emphasizes the necessity of *ijtihād* that moves beyond literalism and instead prioritizes the objectives of Islamic law (*maqāṣid al-sharī‘ah*), which include the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-‘aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*).⁴⁶ Within this framework, the determination of marriageable age must account for emotional, psychological, and social maturity, not merely biological puberty. The classical concept of *tamyīz* (the capacity to distinguish right from wrong) can serve as a shar‘ī basis that a person is not eligible for marriage until they are psychologically and socially mature. Moreover, in many contemporary *fiqh* discourses, the marriage contract (*‘aqd al-nikāh*) is linked

⁴³ Septi Panbriani et al., “Pernikahan Pada Anak Usia Sekolah Di Desa Paok Pampang Kecamatan Sukamulia Kabupaten Lombok Timur,” *Paedagogia : Jurnal Kajian, Penelitian Dan Pengembangan Kependidikan* 13, no. 2 (2022): 202, <https://doi.org/10.31764/paedagogia.v13i2.10689>.

⁴⁴ Helmi Karim, *Kedewasaan Untuk Menikah: Problematika Hukum Islam Kontemporer* (Jakarta: Pustaka Firdaus, 1996). 70

⁴⁵ F F Wasitaatmadja, “Hukum Islam Dan Toleransi Tasawuf Atas Budaya,” *Jurnal Ilmiah Mimbar Demokrasi* 17, no. 1 (2017): 1–14, <https://doi.org/10.21009/jimd.v17i1.8759>.

⁴⁶ Asy-Syathibi, *Al-Muwāfaqāt Lisyl Syathibi*. 178-179



to *rushd* (the capacity for sound judgment and economic responsibility),⁴⁷ not simply to biological age.

2. Participatory Local Regulation

This model promotes the creation of Village Regulations (*Peraturan Desa/Perdes*) that emerge from community deliberation (*musyawarah*) involving customary leaders, religious figures, youth representatives, women's groups, and child-advocacy institutions.⁴⁸ Within such forums, communities can discuss local data such as teenage pregnancy rates, school-dropout levels, and domestic-violence risks as empirical foundations for determining the minimum marriage age. Local religious leaders may clarify that these regulations do not contradict *sharī'ah*; rather, they embody *maqāṣid* principles, particularly the protection of life and lineage. These *Perdes* can also be designed flexibly, allowing very limited exceptions and incorporating participatory monitoring mechanisms, ensuring that regulation remains protective rather than repressive while providing substantive safeguards for children.⁴⁹

3. Inclusive Religious Education

Education is key to building collective awareness that prohibiting child marriage is not an act of secularization, but a means of safeguarding the Muslim community through the lens of *maqāṣid al-sharī'ah*. Religious counselors, mosque imams, and *pesantren* teachers should receive training on contextual *ijtihad* and the understanding that *mawaddah wa rahmah* (love and compassion in marriage) can flourish only under conditions of maturity not through coerced early unions.⁵⁰ Religious sermons (*khutbah*) and outreach programs should cultivate empathy and awareness that children require healthy developmental stages before assuming marital responsibilities. By involving youth forums, schools, and community leaders, such educational initiatives can become more inclusive and socially transformative.

4. Strengthening *Fiqh* Maxims as Normative Foundations

To ensure that a contextual Islamic legal model based on love, tolerance, and local values possesses strong normative legitimacy within Islamic jurisprudence, it is crucial to refer to the fundamental legal maxims (*al-qawā'id al-fiqhiyyah*) as its theoretical foundation. These maxims not only provide textual guidance but also offer rational frameworks for legal decision-making rooted in public benefit (*maṣlahah*) and social realities. Several key maxims serve as reference points for formulating child-protection policies against early marriage:

⁴⁷ Wahbah Az-Zuhaili, *Al-Fiqh Al-Islami Wa Adillatuhu* (Damaskus: Dar al-Fikr, 2006). 66

⁴⁸ Pemerintah Kabupaten Probolinggo, "Peraturan Daerah Kabupaten Probolinggo Nomor 2 Tahun 2024 Tentang Penyelenggaraan Kabupaten Layak Anak" (2024). 28

⁴⁹ D A Saputra, "Maqashid Syari'ah Analysis Of Pregnant Women's Marriage: A Review Of Individual And Community Welfare," *Journal of Social Science (JoSS)* 2, no. 10 (2023): 875–87, <https://doi.org/10.57185/joss.v2i10.142>.

⁵⁰ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, "Kementerian PPPA Menekankan Pentingnya Penguatan Pesantren Sebagai Sarana Pencegahan Perkawinan Anak," 2021, <https://nasional.kompas.com/read/2021/06/17/14300851/kementerian-pppa-terapkan-sejumlah-strategi-turunkan-angka-perkawinan-anak>.



First, the maxim *دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ* “Preventing harm takes precedence over attaining benefit”.⁵¹ In the context of child marriage, while some claim potential benefits such as preserving family honor, promoting early independence, or preventing *zina*, a holistic assessment reveals that the practice produces far greater harm. Negative outcomes such as increased school dropouts, domestic violence, and maternal mortality among adolescent mothers exemplify *mafsadah* that Islamic law must prevent. Guided by this maxim, Islamic law prioritizes preventive measures against such damage, even if it means relinquishing symbolic or cultural benefits historically perceived as virtuous.

Second, the maxim *الضَّرَرُ يُزَالُ* “Harm must be eliminated”.⁵² This principle mandates that any form of harm physical, psychological, social, or moral must be avoided insofar as possible under Islamic law. Medically, child marriage increases the risk of pregnancy complications and exposes girls to higher rates of exploitation and violence. Allowing this practice to continue without legal intervention would violate the *sharī‘ah*’s duty of protection. Thus, a contextual Islamic legal model must explicitly restrict or abolish any practice that endangers children, including by establishing a strict minimum marriage age.

Third, the maxim *المشقة تجلب التيسير* “Hardship brings about facilitation.” This principle allows flexibility within Islamic law when facing exceptional circumstances.⁵³ In applying the contextual legal model, urgent cases may arise such as extreme social or medical conditions that require narrowly defined exceptions. Hence, regulations may provide limited dispensation mechanisms based on assessments of psychological readiness, health conditions, and the child’s consent.⁵⁴ Nevertheless, such dispensations must not become loopholes for legitimizing child marriage in general, but rather a form of legal facilitation to prevent greater hardship while preserving the primary goal of child protection.

Fourth, the maxim *إِذَا تَرَاخَمَتِ الْمَصَالِحُ قُدِّمَ الْأَعْلَى مِنْهَا وَإِذَا تَرَاخَمَتِ الْمَفَاسِدُ قُدِّمَ الْأَخْفُ مِنْهَا* “When benefits conflict, the greater benefit takes precedence; when harms conflict, the lesser harm is chosen”.⁵⁵ In social practice, moral and cultural values often intersect. For example, efforts to prevent child marriage may appear to contradict certain local traditions that frame early marriage as a means of preserving honor.⁵⁶ However, through data-driven and rational analysis, it becomes clear that safeguarding children’s health and education represents a higher *maṣlahah*, while postponing marriage until maturity avoids the greater *mafsadah*. This maxim underscores that

⁵¹ Abdul Wahab Khallaf, *Ilm Ushul Al-Fiqh* (Kairo: Dar al-Qalam, 1942). 125

⁵² Zaidan, *Al Wajiz Fi Syarhi Al Qawaid Al Fiqhiyyah Fi Asy Syariah Al-Islamiyyah*. 117

⁵³ Zaidan. 67

⁵⁴ Mufidah and Ahmad, *Merajut Komitmen Pencegahan Perkawinan Anak*. 16-17

⁵⁵ Muhammad Rafiq, *Al-Qawaid Al-Fiqhiyyah (Kaidah-Kaidah Fikih)* (Palembang: UIN Raden Fatah Palembang, 2020). 55

⁵⁶ F Reza and K Khairuddin, “Budaya Pernikahan Di Desa Pea Jambu: Antara Tradisi, Hukum Islam, Dan Norma Sosial,” *Ahlika: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 1 (2024): 1–10, <https://doi.org/10.70742/ahlika.v1i1.5>.



Islamic law should not operate through rigid binaries but must assess competing benefits and harms proportionally.⁵⁷

Collectively, these four *fiqh* maxims provide a robust theological and methodological framework for supporting a contextual Islamic legal model that prioritizes child protection. Within this framework, Islamic law emerges not as dogma, but as an ethical and protective system that addresses social realities with fairness and sustainability

5. Continuous Evaluation and Adaptation

Every legal model grounded in local context must include monitoring and evaluation mechanisms. Village governments and customary institutions can collaborate with health offices, educational departments, and child-protection agencies to assess the effectiveness of *Perdes* including the number of child-marriage cases, educational attainment, and indicators of children's well-being following regulation enforcement. When gaps or new challenges arise, regulatory revisions must be allowed. This reflects the inherent tolerance of Islamic law toward social change and ensures that legal norms remain dynamic, responsive, and contextually relevant.

CONCLUSION

Child marriage in Probolinggo Regency constitutes a multidimensional phenomenon shaped by cultural traditions, economic vulnerability, and religious interpretation. Employing a contextual Islamic legal framework grounded in *maqāṣid al-sharī'ah*, this study concludes that the prevention of child marriage aligns with the higher objectives of Islamic law, namely the protection of life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), and lineage (*ḥifẓ al-nasl*). The proposed model emphasizes the values of love, tolerance, and local wisdom as key foundations for harmonizing textual authority with contemporary social realities. Within this framework, Islamic law is reinterpreted not as a justification for early marriage, but as a normative and practical instrument for child protection, social justice, and community empowerment through collaborative local governance.

This study is limited by its qualitative and context-specific focus on Probolinggo Regency, which may not capture the full diversity of socio-cultural and legal conditions across Indonesia. The heavy reliance on interviews and document analysis introduces potential interpretive bias, while the absence of quantitative validation constrains the ability to measure the direct impact of the proposed model. Additionally, the study's analytical scope remains primarily within normative and socio-legal dimensions, without extensive empirical evaluation of behavioral or policy outcomes.

Future research should expand this model to other regional contexts to examine its adaptability across different cultural and religious environments. Employing quantitative or mixed-methods designs would allow for more robust assessment of the model's long-term effectiveness in reducing child marriage. Interdisciplinary collaboration, particularly with scholars of psychology, education, public health, and

⁵⁷ Mufidah and Ahmad, *Merajut Komitmen Pencegahan Perkawinan Anak*. 32



gender studies, would also enrich the understanding of how contextual Islamic legal approaches contribute to child well-being, family resilience, and sustainable community development.

REFERENCES

- Al-Bukhari, Muhammad ibn Ismail. *Shahih Al-Bukhari: Kitab Al-Manaqib, Hadis Nomor 3605*. Beirut: Dar al-Fikr, 1981.
- al-Mahalli, Jalal al-Din. *Sharkh Minhaj Al-Thalibin*. Vol. 3. Mesir: Dar al-Ihya al-Kutub, n.d.
- al-Subki, Ibn `Ali. *Jam`u Al-Jawami*. `Kairo: Dar Ihya` al-Kutub, n.d.
- Arikunto, Suharsimi. *Prosedur Penelitian Suatu Pendekatan Praktek*. Jakarta: Rineka Cipta, 2012.
- Asy-Syathibi. *Al-Muwafaqat Lisyl Syathibi*. Beirut: Maktabah Dârubnu `Affân, 1997.
- Asy-Syatibi, Abu Ishaq. *Al-Muwafaqat Fi Ushul Al-Shari`ah*. Kairo: Dar Ibn Affan, 1997.
- At-Thabari, Muhammad ibn Jarir. *Tarikh Al-Umam Wa Al-Mulk*. Beirut: Dar al-Fikr, n.d.
- Az-Zuhaili, Wahbah. *Al-Fiqh Al-Islami Wa Adillatuhu*. Damaskus: Dar al-Fikr, 2006.
- Badan Pusat Statistik. “Proporsi Perempuan Yang Berstatus Kawin Atau Hidup Bersama Sebelum Umur 18 Tahun Menurut Provinsi,” 2025. <https://www.bps.go.id/id/statistics-table/2/MTM2MCMY/proporsi-perempuan-umur-20-24-tahun-yang-berstatus-kawin-atau-berstatus-hidup-bersama-sebelum-umur-18-tahun-menurut-provinsi.html>.
- Bustani M.M., S H. “Wawancara Dengan Hakim Pengadilan Agama Kraksaan Mengenai Isu Perkawinan Anak.” Kraksaan, Probolinggo, 2025.
- Ibn Hajar al-`Asqalani, Ahmad ibn Ali. *Al-Ishabah Fi Tamyiz as-Shahabah, Juz VIII*. Beirut: Dar al-Kutub al-`Ilmiyyah, 1995.
- Ibn Qudamah, Abdullah. *Al-Kafi Fi Fiqh Al-Imam Ahmad Bin Hanbal, Juz III*. Beirut: al-Maktab al-Islami, 1408.
- Indonesia, UNICEF. “1 Dari 9 Perempuan Indonesia Menikah Saat Usia Anak,” 2025. <https://www.unicef.org/indonesia/id/air-sanitasi-dan-kebersihan-wash/1-dari-9-perempuan-indonesia-menikah-saat-usia-anak>.
- Karim, Helmi. *Kedewasaan Untuk Menikah: Problematika Hukum Islam Kontemporer*. Jakarta: Pustaka Firdaus, 1996.
- Kementerian Agama., Pengadilan Agama Kraksaan., Muslimat Nahdlatul Ulama (NU)., Aisyiyah., Tim Penggerak Pemberdayaan dan Kesejahteraan Keluarga (TP PKK) Kabupaten Probolinggo., and Pengendalian Penduduk dan Keluarga Berencana (DP3AP2KB) Kabupaten Probolinggo. Dinas Pemberdayaan Perempuan, Perlindungan Anak. “Wawancara Lintas Stakeholder Mengenai Upaya Pencegahan Perkawinan Anak Di Kabupaten Probolinggo.” Probolinggo, Indonesia, 2025.
- Kementerian Pemberdayaan Perempuan dan Perlindungan Anak. “Angka Perkawinan Anak Turun Menjadi 6,92 Persen, Lampau Target RPJMN,” 2025. <https://www.kemenpppa.go.id/siaran-pers/menteri-pppaangka-perkawinan-anak-turun-menjadi-692-persen-lampau-target-rpjmn>.



- . “Kementerian PPPA Menekankan Pentingnya Penguatan Pesantren Sebagai Sarana Pencegahan Perkawinan Anak,” 2021. <https://nasional.kompas.com/read/2021/06/17/14300851/kementerian-pppa-terapkan-sejumlah-strategi-turunkan-angka-perkawinan-anak>.
- Khallaf, Abdul Wahab. *Ilm Ushul Al-Fiqh*. Kairo: Dar al-Qalam, 1942.
- . *Kaidah-Kaidah Hukum Islam*. Jakarta: Rajawali Pers, 1991.
- Lathifah, Anthin, Briliyan Ernawati, and Anwar Masduki. “Problems with the Islamic Legal System Regarding Child Marriages in Indonesia during the Covid-19 Pandemic Period.” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (2022): 155–76. <https://doi.org/10.18326/IJTIHAD.V22I2.155-176>.
- Meilinda, F P. “Budaya Dan Perkawinan Anak Di Kabupaten Probolinggo.” *Al-Mada: Jurnal Agama, Sosial, Dan Budaya* 7, no. 1 (2024): 73–86. <https://doi.org/10.31538/almada.v7i1.4462>.
- Miqat, N, H S Bakhtiar, S Salam, K Tridewiyanti, and K M Ibrahim. “The Development of Indonesian Marriage Law in Contemporary Era.” *De Jure: Jurnal Hukum Dan Syar’iah* 15, no. 1 (2023). <https://doi.org/10.18860/jfsh.v15i1.17461>.
- Mubasyaroh. “Analisis Faktor Penyebab Perkawinan Dini Dan Dampaknya Bagi Pelakunya.” *Jurnal Pemikiran Hukum Dan Hukum Islam* 7, no. 6 (2016).
- Mudzhar, Muhammad Atho. “The Use of Legal Maxims in the Fatwas of Indonesian Ulama Council.” *Jurnal Indo-Islamika* 12, no. 1 (2022): 1–11. <https://doi.org/10.15408/jii.v12i1.24343>.
- Mufidah, Ch. *Psikologi Keluarga Islam Berwawasan Gender*. Malang: UIN Maliki Press, 2020.
- Mufidah, Ch., and Ahmad Izzuddin. *Merajut Komitmen Pencegahan Perkawinan Anak*. Malang: UIN Maliki Press, 2023.
- Mufidah, Ch, and Izzuddin Ahmad. *Merajut Komitmen Pencegahan Perkawinan Anak*. Malang: UIN Maliki Press, 2023.
- Muhammad, Abdulkadir. *Hukum Dan Penelitian Hukum*. Bandung: Citra Aditya Bakti, 2004.
- Naimah, F U, M Rokhman, A U Hali, M A Maarif, and A Sirojuddin. “Internalization of Local Traditions in Child Marriage from the Perspective of Maqasid Al-Usrah.” *El-Mashlahah* 14, no. 2 (2024). <https://doi.org/10.23971/el-mashlahah.v14i2.7942>.
- Nugroho, Irzak Yuliardy, Cholil Mufidah, Suwandi, and Abd Rouf. “Pendekatan Sadd Al-Dzari’ah Dalam Pencegahan Perkawinan Anak: Studi Kasus Di Kabupaten Probolinggo.” *Litigasi* 26, no. 1 (2025): 67–101. <https://doi.org/10.23969/litigasi.v26i1.19478>.
- Panbriani, Septi, Yuliatin Yuliatin, Muh Zubair, and Rispawati Rispawati. “Pernikahan Pada Anak Usia Sekolah Di Desa Paok Pampang Kecamatan Sukumulia Kabupaten Lombok Timur.” *Paedagoria: Jurnal Kajian, Penelitian Dan Pengembangan Kependidikan* 13, no. 2 (2022): 202. <https://doi.org/10.31764/paedagoria.v13i2.10689>.
- Probolinggo, Pemerintah Kabupaten. Peraturan Daerah Kabupaten Probolinggo Nomor



2 Tahun 2024 tentang Penyelenggaraan Kabupaten Layak Anak (2024).

———. “Rencana Aksi Daerah Pencegahan Perkawinan Anak,” n.d.

Putra, Adji Pratama, and Agung Burhanusyihab. “Normalisasi Trend Nikah Muda: Analisis Struktural Fungsional Dan Maqashid Syariah.” *Al-Manhaj: Journal of Indonesian Islamic Family Law* 5, no. 1 (2023): 104–19. <https://doi.org/10.19105/al-manhaj.v5i1.9725>.

Rafiq, Muhammad. *Al-Qawaid Al-Fiqhiyyah (Kaidah-Kaidah Fikih)*. Palembang: UIN Raden Fatah Palembang, 2020.

Reza, F, and K Khairuddin. “Budaya Pernikahan Di Desa Pea Jambu: Antara Tradisi, Hukum Islam, Dan Norma Sosial.” *Ahlika: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 1 (2024): 1–10. <https://doi.org/10.70742/ahlika.v1i1.5>.

Saputra, D A. “Maqashid Syari’ah Analysis Of Pregnant Women’s Marriage: A Review Of Individual And Community Welfare.” *Journal of Social Science (JoSS)* 2, no. 10 (2023): 875–87. <https://doi.org/10.57185/joss.v2i10.142>.

Sugiyono. *Metode Penelitian Pendidikan Kuantitatif, Kualitatif, Dan R&D*. Bandung: Alfabeta, 2015.

Supraptiningsih, U. “Pro and Cons Contestation on The Increase of Marriage Age in Indonesia.” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021). <https://doi.org/10.22373/sjhc.v5i1.9136>.

Tanjung, Arif R, Akhmad Husaini, and Dia Huda Pranoto. “Pilar Hubungan Harmonis Perspektif Yasir Al-Hazimi: Analisis Dan Penerapannya Dalam Hukum Keluarga Islam.” *Al-Usariyah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 131–54. <https://doi.org/10.37397/al-usariyah.v3i2.898>.

Wasitaatmadja, F F. “Hukum Islam Dan Toleransi Tasawuf Atas Budaya.” *Jurnal Ilmiah Mimbar Demokrasi* 17, no. 1 (2017): 1–14. <https://doi.org/10.21009/jim.v17i1.8759>.

Zaidan, Abdul Karim. *Al Wajiz Fi Syarhi Al Qawaid Al Fiqhiyyah Fi Asy Syariah Al-Islamiyyah*. Beirut: Ar-Risalah, 1998.

Zulaiha, E, and A Z Mutaqin. “The Problems of The Marriage Age Changing in Indonesia in the Perspectives of Muslim Jurists and Gender Equality.” *Hanifiya: Jurnal Studi Agama-Agama* 4, no. 2 (2021): 99–108. <https://doi.org/10.15575/hanifiya.v4i2.13538>.

