

# Examining the Impact of Early Marriage Hadith on Marriage Laws in Indonesia

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**Abstract:** This research aims to investigate the impact of the hadith narrating the marriage between Prophet Muhammad and Aishah on early marriage laws in Indonesia. The hadith has been a subject of debate regarding its influence on the prevalence and acceptance of early marriage practices. Through a hermeneutics analysis within the Indonesian context, this study examines the interpretations and implications of the hadith, exploring how it has shaped societal attitudes and influenced the formulation of early marriage laws. The research argues that the marriage between the Prophet and Aishah was a “product of time”, rather than an inherent Islamic principle. It posits that Islamic principles can be contextualized across space and time, while product of time are influenced by specific values and circumstances. The study contends that the underlying Islamic principle behind marriage is to enhance the welfare and well-being of women in various aspects of life. The Prophet aimed to improve the status of women by emphasizing the institution of marriage as a means of protection. In contrast, early marriage undermines women’s opportunities for education and independent living. By comparing these perspectives, the study highlights that marriage practices are influenced by historical contexts, while the true Islamic principle seeks to elevate and empower women in social, economic, and educational spheres. The findings of this research contribute to a nuanced understanding of the relationship between religious teachings, cultural practices, and legal frameworks surrounding early marriage in Indonesia.

**Keyword:** Hermeneutics, Islamic legal reform, Socio-legal analysis, Gender justice, Cultural interpretation of hadith

## Introduction

The persistence of early marriage in Indonesia underscores its status as a substantial societal concern.<sup>1</sup> This assertion is supported by a comprehensive survey conducted by UNICEF, which has ranked Indonesia as the fourth country with the highest prevalence of child marriage globally.<sup>2</sup> Despite efforts to combat this issue, the practice of marrying at a young age continues to persist in certain communities and regions of the country. Available statistical data from Indonesia reveals a concerning prevalence of early marriage among women in recent years. Analysis of the data indicates that the percentage of Indonesian women who entered into early marriages stood at 10.35% in 2020, showing a slight decrease to 9.23% in 2021, and further declining to 8.06% in 2022.<sup>3</sup>

Several factors contribute to the prevalence of early marriage in Indonesia.<sup>4</sup> Socioeconomic factors play a prominent role, as families living in poverty or facing economic hardships may view early marriage as a means to alleviate financial burdens or secure economic stability.<sup>5</sup> Traditional and cultural norms also influence the prevalence of early marriage, as some communities adhere to customs and practices that endorse marrying at a young age.<sup>6</sup> As a predominantly Muslim country, religious teachings play a significant role in shaping societal norms and practices Indonesia. The Prophet's and Aishah's Marriage Hadith, which describes the marriage of Prophet Muhammad to Aishah when she was a young girl, has been invoked by some proponents of child marriage in Indonesia.<sup>7</sup> However, there is a need to critically examine the influence of this hadith on the formulation and effectiveness of early marriage laws in the country.

This research aims to examine the impact of the Prophet's and Aishah's Marriage Hadith on early marriage laws in Indonesia. It seeks

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<sup>1</sup> Nisa, Eva F. "Battling marriage laws: Early marriage and online youth piety in Indonesia."

<sup>2</sup> Karita Sakharina, et al. "Abolition of Child Marriage Practices in Indonesia

<sup>3</sup> <https://www.bps.go.id/>

<sup>4</sup> Nabila, Rizkia, et al. "A literature review of factors influencing early marriage

<sup>5</sup> Putri, Ucca Fajrin Wicitra et al. "Causes of early marriage on socio-ecological

<sup>6</sup> Setiadi, Setiadi. "Getting married is a simple matter:

<sup>7</sup> Damayanti, Ameliaet al. "Contextualization of Early Marriage Hadith:

to understand how interpretations of the hadith have influenced societal attitudes and perceptions towards early marriage, as well as the formulation and implementation of legal measures. By exploring the complex interplay between religious teachings, cultural norms, and legal frameworks, this study aims to contribute to a nuanced understanding of the factors influencing early marriage practices in Indonesia.

The prevalence of child marriage in Indonesia has exhibited a notable decline over the past decade, as evidenced by available data from *Survei Sosial Ekonomi Nasional* (SUSENAS) 2011-2021. According to estimates derived from the National Socioeconomic Survey (Susenas), the prevalence of child marriage in Indonesia stood at 9.23% in the year 2021. This figure represents a notable decrease of 1.12% in comparison to the preceding year, 2020. The data was obtained by analyzing responses from female participants within the age group of 20 to 24 years, who reported being married before the age of 18. Furthermore, an examination of the data reveals that, in 2021, approximately 61% of respondents belonging to the aforementioned age group and who were married before the age of 18 resided in rural areas. Additionally, 58% of these individuals were found to be living in households categorized as very poor or poor.<sup>8</sup>

In 2021, West Sulawesi,<sup>9</sup> West Nusa Tenggara,<sup>10</sup> and Central Kalimantan reported the highest rates of child marriage in Indonesia,<sup>11</sup> highlighting regional disparities that demand targeted interventions. While a UNICEF report shows a 3.5% decrease in child marriage over the past decade, the decline remains slow, posing challenges to achieving national targets of 8.74% by 2024 and 6.94% by 2030.<sup>12</sup> Key

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<sup>8</sup> Kusumaningrum, Santi, and Ni Luh Putu Maitra. "12 Leaving no girls behind: Inclusive ways to address child marriage in Indonesia."

<sup>9</sup> Rusydi, Muh Kemal Ikhsan, et al. "Description of the Level of Early Marriage Cases in Langkowala Village Community,

<sup>10</sup> Hartarto, Romi Bhakti, and Wahyu Tri Wibowo. "Conditional cash transfer and early marriage: a case study of Mataram City,

<sup>11</sup> Rahman, R. Topan Aditya, and Esti Yuandari. "Early marriage in Banjarmasin:

<sup>12</sup> UNICEF Indonesia, National Strategy on Child Marriage Prevention

drivers of child marriage include poverty,<sup>13</sup> limited access to education,<sup>14</sup> natural disasters,<sup>15</sup> and persistent traditional and religious practices.<sup>16</sup> Rural areas show higher prevalence rates, and cultural norms such as the Merariq tradition and social stigmas like labeling unmarried women as "old maids" further entrench the issue. Although some proponents cite religious justification for early marriage based on the Prophet Muhammad's union with Aisha, many Islamic scholars argue this interpretation must consider historical context and does not justify child marriage today.<sup>17</sup> These scholars emphasize child protection,<sup>18</sup> education, and gender equality, with several Muslim-majority countries instituting legal minimum age laws to protect children's rights and promote their development.<sup>19</sup>

Ultimately, the aim of this article is to critically examine the hadiths pertaining to the marriage between Aishah and the Prophet Muhammad during her childhood, and subsequently contextualize them within the Indonesian milieu. It is imperative to reassess the interpretation and contextual understanding of such marriages within the Islamic faith. While Islamic scholars and academics hold varying viewpoints on this marriage, a comprehensive investigation is warranted to comprehend its implications within Indonesia's social and legal framework.

The framework theory proposed in this study utilizes the concept of hermeneutics to analyze the hadith of Aishah and the Prophet's marriage at an early age.<sup>20</sup> By applying this framework, the study aims to provide a comprehensive understanding of the hadith

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<sup>13</sup> Paul, Pintu. "Effects of education and poverty on the prevalence of girl child marriage in India: A district-level analysis."

<sup>14</sup> Mucharom, Rully Syahrul, and Wardah Yuspin. "Comparison of Law Between Merariq T

<sup>15</sup> Prasetyo, Budi, Edy Sanjaya, and Indira Hastuti. "Marriage Law Perspective Against Underage Marriage.

<sup>16</sup> Samuri, Mohd Al Adib, et al. "Hadith of Aisha's Marriage to Prophet Muhammad: An Islamic Discourse on Child Marriage.

<sup>17</sup> Yamani, Mai. "Cross-cultural marriage within Islam: Ideals and reality."

<sup>18</sup> Kurniawan, Edi, et al. "Early Marriage, Human Rights, and the Living Fiqh: A Maqasid Al-Shari'a Review." *Al-Risalah* 20.1: 1-15.

<sup>19</sup> Sezgin, Yüksel. "A global and historical exploration:

<sup>20</sup> Gadamer, Hans-Georg. *Truth and method*. A&C Black, 2013.

and its significance within the broader socio-cultural and religious context. This study employs a hermeneutic framework to analyze the hadith concerning the Prophet Muhammad's marriage to Aishah at a young age,<sup>21</sup> incorporating five key aspects to ensure a comprehensive understanding. The first aspect centers on a detailed textual analysis of the hadith, particularly its sanad (chain of narrators) and matan (content), to assess authenticity and uncover deeper meanings and intentions behind the narration.<sup>22</sup> The second involves a historical contextualization, examining the social, cultural, and demographic conditions of 7th-century Arabia to understand the possible motivations and norms influencing the marriage.<sup>23</sup> The third aspect investigates the socio-cultural impact of the hadith, exploring how its interpretation has shaped societal beliefs, practices, and legal frameworks surrounding early marriage within Muslim communities.<sup>24</sup> The fourth aspect addresses its contemporary relevance, analyzing how understandings and applications of the hadith have evolved and how they are debated or reinterpreted in modern contexts.<sup>25</sup> Lastly, the framework considers the ethical implications of early marriage, particularly in terms of gender equality, human rights, and individual well-being. Together, these five dimensions contribute to a nuanced and critical understanding of the hadith's role in shaping discourses on early marriage, potentially guiding reinterpretations aligned with contemporary values and societal shifts.

### ***Hadith on Early Marriage: An Analysis of Sanad and Matan***

The hadith pertaining to the marriage of Aishah and the Prophet Muhammad during her early age has been documented in the six canonical collections of hadith include al-Bukhari, Muslim, Sunan al-Nasa'i, Sunan Abi Dawud, and Sunan Ibn Majah. In addition, there exist earlier compilations of hadith that also report this narrative, such

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<sup>21</sup> Motzki, Harald. "Dating Muslim traditions: A survey."

<sup>22</sup> Motzki, Harald. "The origins of Islamic jurisprudence:

<sup>23</sup> Saeed, Sumaira, et al. "Social network analysis of Hadith narrators.

<sup>24</sup> Suroso, Amat, et al. "Challenges and opportunities towards Islamic.

<sup>25</sup> Sifa, Alex Nanang Agus, and Ahmad Faizal Adha. "Understanding the Hermeneutic Debate

as Sunan al-Darimi and Musnad Ahmad, although their authenticity is subsumed within the kutub sittah.

Al-Bukhari, in his Sahih, narrates five hadith that pertain to the marriage of Aishah and the Prophet Muhammad during her early age. These hadith are 3894,<sup>26</sup> 3896,<sup>27</sup> 5133, 5134,<sup>28</sup> and 5158,<sup>29</sup> on the authority of five of his sheikhs, and they are: Muḥammad b. Yūsuf (183 H/799 M – 212 H/827 AD), Mu‘allā b. Asad (d. 218 H/833 AD), Qabīṣah b. ‘Uqbah (d. 235 H/849 AD), Farwah b. Abī al-Mughra’, dan ‘Ubayd b. Ismā‘il (d. 226 H/840 AD). All narrated the hadith through Hishām b. ‘Urwah (61 H/680 – 146 H/763 AD), on the authority of his father ‘Urwah b. al-Zubayr (23 H/644 – 94 H/713 AD), on the authority of his aunt ‘Ā’ishah (may God be pleased with her).

The marriage of Aishah and the Prophet Muhammad was narrated by Muslim in his Sahih (1422a, b, c, and d)<sup>30</sup> on the authority of several of his sheikhs, and they are: Abū Karīb Muḥammad b. al-‘Alā’ (w. 248 H/862 AD), Abū Bakr b. Abī Shaybah (159 H/776 AD – 235 H/849 AD), Yaḥyā b. Yaḥyā al-Tamīmī (152 H/769 AD – 226 H/841 AD), dan Ibn Numayr (Muḥammad b. ‘Abdallāh b. Numayr) (w. 199 H/815 AD); the hadith was narrated by Hisham b. Urwa on the authority of his father. In the other hand, the hadith was also narrated by Muslim on the authority of his sheikh, Abd b. Hamid from Abd Al-Razzaq from Muammar from Al-Zuhri on the authority of Urwa on the authority of Aisha. Additionally, Muslim also narrated from Yahya b. Yahya, Ishaq b. Ibrahim, Abu Bakr b. Abi Shaybah, and Abu Kuraib from Abu Muawiyah on the authority of Al-A’mash from Ibrahim from Al-Aswad on the authority of Aisha.

The marriage of Aishah and the Prophet Muhammad was also narrated by Abu Dawood (4933) on the authority of his two sheikhs: Mūsā b. Ismā‘il (113 H/731 M – 223 H/838 AD) dan Bishr b. Khālīd

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<sup>26</sup> Muḥammad ibn Ismā‘il al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, Kitāb Faḍā’il al-Anṣār [The Merits of the Ansār], no. 3894 Lihat juga *Faṭḥ al-Bārī* oleh Ibn Ḥajar al-‘Asqalānī, jld. 7, hlm. 281.

<sup>27</sup> Al-Bukhārī, *Ṣaḥīḥ*, Kitāb Faḍā’il al-Anṣār, no. 3896, jld. 5, hlm. 48.

<sup>28</sup> Al-Bukhārī, *Ṣaḥīḥ*, Kitāb al-Nikāḥ, no. 5134, jld. 7, hlm. 27.

<sup>29</sup> Al-Bukhārī, *Ṣaḥīḥ*, Kitāb al-Nikāḥ, no. 5158, jld. 7, hlm. 34.

<sup>30</sup> Muslim ibn al-Ḥajjāj al-Qushayrī, *Ṣaḥīḥ Muslim*,

(w. 233 H/848 AD).<sup>31</sup> Both of them are from Hisham bin Urwa, on the authority of his father, on the authority of Aisha. It was also narrated by Abu Dawood (4937) on the authority of a third sheikh, Ubayd Allah b. Muadz from Yahya b. Abdul Rahman b. Hatib, on the authority of Aisha.

Ibn Majah also included the marriage of Aishah and the Prophet Muhammad in his collection of hadith (1876), relying on his sheikh Suwayd bin Saeed, who learned it from Hisham bin Urwa, who heard it from his father, who heard it from Aisha.<sup>32</sup> Similarly, al-Nisa'i narrated the hadith (3379) through his sheikh, Ahmad ibn Sa'd ibn al-Hakam ibn Abi Maryam, who transmitted it from Muhammad ibn Ibrahim, who heard it from Abu Salamah ibn Abd al-Rahman, who heard it from Aisha.<sup>33</sup> Furthermore, Ahmad included the marriage of Aishah and the Prophet Muhammad in his Musnad (24867) through his sheikh Suleiman bin Dawood, who learned it from Hisham bin Urwah, who heard it from his father, who heard it from Aisha.<sup>34</sup>

Despite this discrepancy, both ages clearly indicate childhood, confirming the young age of marriage from the textual standpoint (matan). Importantly, marriage during that era was deeply rooted in the social and cultural context, where early marriage was customary and widely accepted, including among opponents of the Prophet. Thus, the marriage can be understood as a "product of the time," shaped by the specific social, cultural, and historical circumstances that defined norms and practices of that period.<sup>35</sup>

Understanding something as a product of its time enables us to analyze it within its specific historical and cultural context, recognizing the unique factors that shaped its development. This approach helps us appreciate how ideas and practices reflect the values and challenges of their era, cautioning against applying modern standards to past events,

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<sup>31</sup> Abū Dāwūd Sulaymān ibn al-Ash'ath al-Sijistānī, *Sunan Abi Dawūd*,

<sup>32</sup> Muḥammad ibn Yazīd Ibn Mājah al-Qazwīnī, *Sunan Ibn Majah*,

<sup>33</sup> Aḥmad ibn Shu'ayb al-Khurasānī al-Naṣā'ī, *Sunan al-Naṣā'ī* (Arabic-English), trans..

<sup>34</sup> Aḥmad ibn Muḥammad ibn Ḥanbal, *al-Musnad*,

<sup>35</sup> Shinta Ilahi, Nurul Anggraeni, Nurwahidin Nurwahidin, and Mohammad Izdiyan. "The Concept of Hadith,

which can lead to misinterpretation. From this perspective, early marriage is not a fundamental or universally applicable Islamic principle. If it were, it would not conflict with other hadiths or the Qur'an, some of which, like *Ṣaḥīḥ* al-Bukhārī Hadith no. 5066, recommend marriage at a mature age, highlighting the importance of readiness over age alone.<sup>36</sup>

In this hadith, the Prophet Muhammad highlights that marriage should be undertaken only by those who are “capable” (*al-ba’ah*), meaning they possess physical, financial, intellectual, and emotional readiness. This underscores the serious, lifelong nature of marriage as an act of worship and responsibility, requiring preparedness to handle family obligations and challenges. Similarly, the Qur'an in *An-Nisa'* (4:6) stresses the importance of maturity and competence before orphans are granted control over their wealth, indirectly connecting marriage eligibility to one's ability to make sound decisions and manage responsibilities. Thus, marriage is reserved for those who have attained sufficient maturity and capability.<sup>37</sup> This implies that marriage is a milestone of adulthood, not childhood, reinforcing the importance of education and readiness before entering such a commitment. In this context, early marriage contradicts Islamic principles that prioritize knowledge and preparedness. Furthermore, while many focus on Aishah's age at the time of her marriage to the Prophet Muhammad, the transformative educational impact she experienced highlights the marriage's broader purpose—promoting women's intellectual empowerment and dignity.

Through his marriage to Aishah, the Prophet Muhammad exemplified a deep commitment to empowering women by recognizing their intellectual and societal potential. By personally educating Aishah and nurturing her growth into a prominent scholar, he emphasized the value of women's knowledge acquisition, challenging the patriarchal norms of seventh-century Arabia. This union had a transformative effect that transcended its time, promoting women's rights and gender equality within Islam. Aishah's significant contributions as a hadith

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<sup>36</sup> Al-Bukhārī, *Ṣaḥīḥ*, Kitāb al-Nikāḥ, no. 5158, jld. 7, hlm. 34.

<sup>37</sup> Mauliza, Fizal, and Faisal Murni. "Minimum Marriage Age: Study of Fiqh of Four Madhabs."



narrator, jurist, and intellectual helped shape early Islamic thought, yet many scholars still narrowly focus on her age at marriage, overlooking the broader, empowering legacy of her life.

Aishah's marriage with the Prophet Muhammad represented a transformative event that transcended prevailing social norms and challenged gender dynamics of the time.<sup>38</sup> However, it is crucial to recognize that the parameters and perceptions of marriage in seventh-century Arabia differed significantly from those of the present day. Consequently, attempting to evaluate historical events through a contemporary lens risks oversimplification and fails to capture the nuanced complexities of the era in question.

Regrettably, some Islamic scholars fail to adequately contextualize the marriage of Aishah to the Prophet Muhammad, choosing instead to interpret it through the lens of contemporary sensibilities.<sup>39</sup> This approach risks distorting the historical and cultural realities of seventh-century Arabia, leading to misinterpretations of the hadiths and their intended meanings. To gain a more accurate understanding, scholars must adopt a nuanced, historically informed perspective that appreciates the social, cultural, and religious dynamics of the era. Viewing marriage as a "product of the time" means assessing it within its specific historical context rather than judging it by modern standards. While the marriage between the Prophet and Aishah was customary and accepted in its time, its lasting significance lies in Aishah's role as a prominent scholar and transmitter of hadith, highlighting the marriage's deeper purpose of promoting women's education and empowerment within Islam.

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<sup>38</sup> Damayanti, Amelia, and Siti Zuhrotun Ni'mah. "Contextualization of Early Marriage Hadith:

<sup>39</sup> Ullah, Nazir, Saidatul Nadia Binti Abd Aziz, and Rao Qasim Idrees. "Child marriages: International laws and islamic laws perspective; Razi, Naseem, et al. "Child Marriage in Pakistan: A Critical Analysis in The Light of Socio-Legal and Religious Context."; Khan, Amrina, and Asim Iqbal. "Child marriage in the light of objectives of Shari'ah and Islamic jurisprudence; Shah, Muhammad Sultan, and Ayesha Farooq. "Exchange Marriages in Pakistan: Social and Islamic Viewpoints."

### ***Contextualizing the Hadith on Aishah's Marriage and its Implications within Marriage Law in Indonesia***

Marriage, in our perspective, is inherently bound by its specific temporal and spatial context and cannot be transposed to different eras or locations. Conversely, the universal values underlying marriage can transcend temporal and spatial boundaries. The marriage between the Prophet Muhammad and Aishah exemplified such enduring values in the realm of women's education, as the Prophet sought to create educational opportunities for women through the institution of marriage. During that time, formal schools were non-existent, and societal perceptions relegated women to subordinate roles. Consequently, the Prophet aimed to combat gender discrimination through marriage, as it provided women with protection against societal marginalization.

A notable error among contemporary Islamic thinkers lies in their inability to differentiate between the products of a specific era and the principles of Islamic teachings, despite their significant disparities.<sup>40</sup> These scholars often obsess over Aishah's age at the time of her marriage to the Prophet Muhammad, erroneously attributing undue emphasis to this aspect while neglecting essential Islamic principles. Age, however, is merely a numerical factor and not a foundational principle of Islamic teachings. Consequently, many Islamic thinkers remain silent when confronted with age-based marriage restrictions linked to Aishah's marriage, even though several Islamic countries have employed the hadith of Aishah's marriage as a basis for setting marriage age limits.<sup>41</sup>

In Indonesia, for instance, the age limit for marriage was initially regulated by Law Number 1 of 1974 concerning Marriage. According to this law, the minimum age for prospective husbands was set at 19 years, while the minimum age for prospective wives was 16 years.<sup>42</sup> This discrepancy highlights a tension between modern legal reforms and traditional interpretations of Islamic teachings in

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<sup>40</sup> Zaman, Nazia, and Mohyuddin Hashmi. "Woman's Marriage Age

<sup>41</sup> Samuri, Mohd Al Adib, et al. "Hadith of Aisha's Marriage to Prophet

<sup>42</sup> Indra, Gandi Liyorba, M. Yasin Al Arif, and Abdul Qodir Zaelani. "The Ideal Age For Marriage in The Compilation of Islamic Law (KHI)

Indonesia. While Law Number 16 of 2019 raised the minimum marriage age to 19 for both genders to better protect children's rights, it still allows exceptions for younger brides with judicial authorization—rooted in a hadith that some interpret as permitting early marriage. This ongoing allowance reveals how deeply entrenched certain religious understandings are among Indonesian Islamic scholars, potentially limiting the full implementation of child protection measures. The persistence of such exceptions raises critical questions about reconciling contemporary legal frameworks with religious interpretations in the effort to prevent premature marriages.<sup>43</sup>

Aishah's marriage is often invoked in legal determinations, yet comprehending it necessitates a broader contextual examination. It extends beyond a mere legal issue, encompassing social, economic, and educational implications that demand consideration. Interpreting this hadith requires a holistic perspective that acknowledges its multifaceted dimensions. In the social context, Aishah's marriage influences the dynamics between individuals and society. Early marriages can profoundly impact individuals and communities, potentially leading to challenges in fostering healthy relationships and an increased susceptibility to divorce and family conflicts. Therefore, when evaluating marriage laws, it is essential to consider their social ramifications and implement preventive measures to safeguard individual rights.<sup>44</sup>

Early marriage often undermines financial stability by disrupting education and employment, limiting economic independence, and perpetuating poverty. Examining the hadith of Aishah's marriage must include these economic and social consequences to develop fairer marriage laws. Emphasizing education is crucial, as early marriage restricts girls' access to formal education—a fundamental right vital for societal progress. Instead of focusing solely on adjusting marriage age limits, efforts should prioritize improving educational access and quality for Indonesian women to

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<sup>43</sup> Rizki, Darlin, Frina Oktalita, and Ali Sodikin. "Maqasid Sharia Perspective in Changes the Marriage Age Limits for Women.

<sup>44</sup> Setiawan, Irza, Agus Sukristyanto, and A. Ibnu Rochim. "The Implementation of Law Number 16 of 2019

promote empowerment and participation. Despite progress, gender gaps in higher education and literacy rates persist, highlighting the need for continued action.<sup>45</sup>

In contextualizing the hadith of Aishah's marriage, it is crucial to look beyond legal aspects and consider its social, economic, and educational implications. A comprehensive understanding requires legislation that protects individual rights and well-being within appropriate contexts. The marriage between the Prophet Muhammad and Aishah should be seen as a historical product, not a universal model. Overemphasizing Aishah's age overlooks that age is contextual, not doctrinal. The marriage aimed to uplift women's status, especially in education and societal inclusion, challenging marginalization and promoting dignity and empowerment through Islamic principles.

### **Indonesian government Adoption of a comprehensive approach in determining the legal age limit for marriage**

Early marriage, defined as the union of individuals below the age of 18, continues to be a prevalent issue. Currently, the prevalence of child marriage among young women aged 20 to 24 has decreased to one in five, compared to nearly one in four a decade ago.<sup>46</sup> Economic factors play a significant role in precipitating early marriages, as families facing challenging economic conditions often feel compelled to marry off their children at a young age in order to alleviate financial burdens and establish new households.<sup>47</sup> However, this practice can have detrimental effects on the educational prospects of children, particularly young women, as early marriage frequently disrupts their access to education and hampers their intellectual and professional development. Beyond its educational ramifications, early marriage poses a myriad of physical and mental health risks, particularly for couples who are themselves very young.<sup>48</sup> Consequently, early marriage

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<sup>45</sup> Raymond, Christopher, and Paul R. Ward. "Fear and Loathing in an Indonesian Island: An Ethnographic Study of Community Responses to the COVID-19."

<sup>46</sup> United Nations Children's Fund, *Is an End to Child Marriage within Reach?*

<sup>47</sup> McDougal, Lotus, et al. "Beyond the statistic: exploring the process of early marriage decision-making using qualitative findings from Ethiopia and India."

<sup>48</sup> MacQuarrie, Kerry LD, and Christina Juan. "Trends and factors

perpetuates a cycle of adverse health outcomes for both the individuals involved and their offspring. Additionally, the prevalence of early marriage can be attributed, in part, to deeply ingrained cultural and traditional practices. Certain communities continue to adhere to customs that endorse matrimony at a young age, thereby perpetuating the persistence of this problem. Thus, economic pressures, educational setbacks, health risks, and cultural traditions collectively contribute to the persistent challenge of early marriage.

Early marriage is a prevalent phenomenon, particularly in developing nations. Extensive research conducted by Unicef indicates alarming statistics, revealing the magnitude of early marriage across various regions. The survey findings indicate that a staggering 290 million children in South Asia, 127 million children in Sub-Saharan Africa, 95 million children in East Asia and the Pacific, 58 million children in Latin America, 37 million children in the Middle East and North Africa, 20 million children in Europe and Central Asia, and 13 million children in other parts of the world are subjected to early marriage.<sup>49</sup> These figures underscore the widespread nature of early marriage, transcending geographic boundaries and affecting millions of children globally. The prevalence of early marriage in these regions highlights the urgent need for comprehensive interventions and policy measures to address this pervasive issue and safeguard the rights and well-being of children.

The issue of child marriage in Indonesia has garnered significant attention from the Ministry of Women's Empowerment and Child Protection (Kemen PPPA) due to its alarming prevalence. Data obtained from religious courts regarding applications for child marriage dispensation indicates a concerning trend. In 2021 alone, there were 65,000 recorded cases, followed by 55,000 applications in 2022. The majority of these applications are likely driven by the fact that the female applicants are already pregnant. Surveys reveal that approximately 11.2% of all marriages in Indonesia involve individuals

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<sup>49</sup> United Nations Children's Fund, *Is an End to Child*

under the age of 18. Such practices can have detrimental effects on the physical and psychological development of children.<sup>50</sup>

Furthermore, early marriage exposes children to a higher risk of domestic violence and hampers their access to education and a decent standard of living. The Ministry of Women's Empowerment and Child Protection has undertaken various initiatives to address this issue.<sup>51</sup> These efforts include policy implementation and programs aimed at promoting the postponement of marriage until individuals reach a mature age, as well as providing education on the adverse consequences of child marriage. However, further collaboration among multiple stakeholders, including the government, communities, non-governmental organizations (NGOs), and the private sector, is necessary to create an environment conducive to children's development and effectively prevent child marriage in Indonesia.

Researchers have expressed dissatisfaction with the existing laws governing early marriage in Indonesia, citing their lack of stringency.<sup>52</sup> The current regulations governing early marriage are outlined in Law Number 1 of 1974 concerning Marriage, which was subsequently amended by Law Number 16 of 2019.<sup>53</sup> These laws stipulate a minimum age limit of 19 for both men and women to enter into marriage. However, the age limit provision can be easily circumvented through a dispensation granted by the court or another authorized official appointed by the parents of the underage individuals. Moreover, the Quran does not provide a definitive and explicit statement regarding the minimum age limit for marriage. Muslims consider this issue an area of *ijtihad*, wherein the age limit for marriage can be adjusted according to societal, temporal, and spatial conditions.

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<sup>50</sup> Kertati, Indra, Karningsih Karningsih, and Tri Marhaeni Pudji Astuti. "Collaboration of Local Government and Stakeholders in the Prevention

<sup>51</sup> Judiasih, Sonny D., et al. "Efforts to eradicate child marriage practices in Indonesia:

<sup>52</sup> Nurfieni, Amrin. "The Impact Law Number 16 of 2019 about Marriage Age Dispensation

<sup>53</sup> Tobing, Rudyanti Dorotea. "Prevention of Child Marriage Age

Early marriage has wide-ranging consequences, encompassing psychological,<sup>54</sup> biological,<sup>55</sup> health,<sup>56</sup> economic, social,<sup>57</sup> legal, and deviant sexual behavior impacts. Both the husband and wife who enter into early marriages are affected by these consequences, with women often experiencing the most disadvantages. Furthermore, the lack of maturity in both parties increases the likelihood of divorce. Regrettably, existing religious and state regulations fail to effectively prevent early marriages. According to the Central Statistics Agency (BPS) data from 2022, about 33.76% of Indonesian youth marry for the first time between ages 19 and 21, while 27.07% marry between 22 and 24. Notably, 19.24% marry early, between 16 and 18 years old. There are clear gender differences: 35.21% of young men marry between 22 and 24, and 30.52% between 25 and 30. Meanwhile, 37.27% of young women marry between 19 and 21, and 26.48% marry between 16 and 18. Overall, women tend to marry earlier than men in Indonesia.<sup>58</sup>

Research reveals that out of 12 Sub-Saharan countries, four have laws stipulating a minimum marriage age of 18 or older. In countries with consistent laws against child marriage, the prevalence of such marriages is 40% lower compared to countries without consistent laws. Similarly, the prevalence of teenage childbearing is 25% lower in countries with consistent laws on minimum marriage age. However, the effectiveness of minimum age marriage laws is contingent upon other factors, such as the level of education and wealth within society. Furthermore, the successful implementation of minimum age marriage laws is crucial for ensuring their effectiveness.<sup>59</sup>

Various factors contribute to underage marriage, including economic disadvantage within the woman's family,<sup>60</sup> lack of

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<sup>54</sup> Ernawati<sup>1</sup>, Hery, et al. "The factors that cause early marriage and the impact

<sup>55</sup> Kasjono, Heru Subaris, et al. "Impact of early marriage on childhood

<sup>56</sup> Jayawardana, Danusha. "Happily ever after? Mental health effects

<sup>57</sup> Susilo, Singgih, et al. "Investigation of early marriage:

<sup>58</sup> Sudirman, Sudirman, et al. "Examining the complexity of child marriage

<sup>59</sup> Melesse, Dessalegn Y., et al. "Inequalities in early marriage, childbearing and sexual debut among adolescents in sub-Saharan Africa."

<sup>60</sup> Scott, Samuel, et al. "Early marriage and early childbearing in South Asia:

knowledge,<sup>61</sup> and the perception that women are dependent on men.<sup>62</sup> Underage marriages today often lead to divorce and domestic violence due to the immaturity of the individuals, with young women predominantly affected. However, the marriage between the Prophet Muhammad and Aishah is fundamentally different from contemporary underage marriages in context, purpose, and outcome. Their union positively impacted women's social, economic, and educational welfare. Socially, it challenged norms by affirming women's rights and dignity; economically, Aishah gained security and independence; educationally, she became a leading religious scholar. This marriage promoted women's empowerment in its historical context and should not be equated with modern early marriage challenges.

## Conclusion

The marriage between the Prophet Muhammad and Aishah has been interpreted in various ways by Islamic scholars, with a key distinction made between the contextual practices of 7th-century Arabia and the enduring, universal principles of Islam. While debates often center on Aishah's age, it is important to note that age itself is not a fixed Islamic principle; rather, the core values of marriage—such as protection, dignity, and mutual benefit—are applicable across time and context. In modern-day Indonesia, early marriage often results in negative social, economic, and educational consequences for women, including increased divorce rates, deepened poverty, and restricted access to education. In contrast, Aishah's marriage to the Prophet is seen by many as having advanced women's welfare for its time: socially, by elevating the status of women; economically, by providing stability and access to resources; and educationally, by empowering Aishah to become a key transmitter of Islamic knowledge. Thus, the Prophet's marriage to Aishah can be understood as a reflection of its historical context rather than a prescriptive model for all times. Ultimately, Islam's foundational principle in this regard lies in promoting the well-being and empowerment of women, a goal that remains central in contemporary efforts to address the challenges of early marriage.

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<sup>61</sup> Mishra, Manamaya. "Impact of early marriage: knowledge and health

<sup>62</sup> Frye, N., Ganong, L., Jensen, T., & Coleman, M. (2020). A dyadic analysis



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