

## The Relevance of the Marriage Age Maturation Program according to Law No. 52/2009 from the Perspective of Maqasid shariah (Case Study in Bontoa District, Maros Regency)

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**Abstract:** The purpose of this study is to reveal the relevance of the Marriage Age Maturation Program according to Law No. 52 of 2009 from the perspective of Maqasid shariah in Bontoa District, Maros. This research is qualitative research, the type of research is field research. The data collection methods used in this research are observation, interview and documentation. Data processing and data analysis techniques used through three stages, namely: data reduction, data presentation, data verification, data classification, data analysis and conclusion drawing. The results showed that; the relevance of Maqāshid al-Syarī'ah to the implementation of the Marriage Age Advancement Program according to Law No. 52 of 2009 in Bontoa District, Maros Regency is in expectation of improving the quality and controlling the quantity of the population, the five main elements in Maqāshid al-Syarī'ah are very relevant to the Marriage Age Advancement Program for the sake of benefit and preventing evil.

**Keywords:** Maturation of Marriage Age, Early Marriage, Child Marriage

**Abstrak:** Tujuan penelitian ini untuk mengungkap relevansi Program Pendewasaan Usia Perkawinan menurut UU No. 52 Tahun 2009 Perspektif Maqasid shariah di Kec. Bontoa Kab. Maros. Penelitian ini merupakan penelitian kualitatif, jenis penelitian adalah field research. Metode pengumpulan data yang digunakan dalam penelitian ini adalah observasi, wawancara dan dokumentasi. Teknik pengolahan data dan analisis data yang digunakan dengan melalui tiga



tahapan, yaitu: reduksi data, penyajian data, verifikasi data, klasifikasi data, analisis data dan penarikan kesimpulan. Hasil penelitian menunjukkan bahwa; relevansi Maqāshid al-Syarī'ah dengan implementasi Program Pendewasaan Usia Perkawinan menurut Undang-Undang No. 52 Tahun 2009 di Kecamatan Bontoa Kabupaten Maros adalah dalam mengharapkan peningkatan kualitas dan pengendalian kuantitas penduduk, lima unsur pokok dalam Maqāshid al-Syarī'ah sangat relevan Program Pendewasaan Usia Perkawinan demi kemaslahatan dan mencegah kemafsadahan.

**Kata Kunci: Pendewasaan Usia Perkawinan, Pernikahan dini, Pernikahan Anak**

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## **A. Introduction**

Based on Marriage Law No.16 of 2019 concerning Amendments to Law No. 1 of 1974, concerning Marriage, clearly states that marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years.<sup>1</sup> The National Population and Family Planning Board (BKKBN) recommends that the ideal age for marriage is 21 years old for women and 25 years old for men, which biologically and psychologically is the ideal mature age according to health science. This age is considered as the best time to marry because people are full-grown and able to think maturely.

This recommendation is intended for the sake of society with an eye to run a well prepared household all aspects, in terms of mental readiness, maturity of thinking, as well as psychological and biological readiness. Therefore, establishing a harmonious family is not an easy thing. A successful marriage is not expected from those who are still physically and emotionally immature but from ones who are able to take responsibility and are full-grown. Hence, a

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<sup>1</sup> Republik Indonesia, “Undang-Undang Perkawinan No.16 Tahun 2019 Tentang Perubahan Undang-Undang No. 1 Tahun 1974 Tentang Perkawinan, Bab I, Pasal 7” (2019).

marriage must be well-prepared in order to maintain good offspring.<sup>2</sup>

Population problems are basically related to the quantity, quality and mobility of the population. Law no. 52 of 2009 concerning Population Development and Family Development has mandated the need to control quantity, improve quality and direct population mobility to become a strong resource for national development and resilience. One of the development programs related to population is the Family Planning Program which aims to control the population numbers and also improve its quality. One way to pursue the aim is by a program called the Marriage Age Maturation. This program is carried out to sensitize young people in their teens to consider the various aspects of building a family more formally and materially. Regardless, it is also necessary to identify the appropriate births quantity, births span and gestational age for future descendent's rights.

It is essential to run this Marriage Age Maturation program considering many sides. Biologically, the reproductive organs are not yet fully ready thus they cannot function well. Commonly, people will refer to physical size or menstruation period as a sign of someone's a full-grown person already. However, those kind of signs are not reliable whether ones are mature enough psychologically.

The lack of readiness and understanding of sexual relations might affect a long term trauma which will lead to an unready parenting system. Offspring, of course, will get affected the most in this situation for mother's instability, which will just like a snowball effect.

Other effect of early marriage is that this future bride and groom will hamper their higher education which will be harder for them to get a decent income from work. Administratively, one more effect is that their children will not get a marriage certificate and family

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<sup>2</sup> Sution Usman Adji, *Kawin Lari Dan Kawin Antar Agama* (Liberty, 1989).

identity card which will become an enormous problem as Indonesian.

The marriage law strictly does not require early marriage. This can be seen from the large number of early marriage cases, only a few of them who carry out marriage dispensations at the Religious Courts. This is based on existing facts in society and based on data from the Religious Courts in 2019 that there were only 10 young couple, in 2020 there were 13 young couple, in 2021 and 2022 there were 9 and 14 young couple respectively who received marriage dispensation. Early marriage is a phenomenon that has occurred long ago in Indonesia, especially among rural teenagers including in Bontoa district, Maros.

Early marriages that occur in people's lives have been going on for a long time and still persist today. According to the recognition of some people, early marriage occurs not only due to economic factors, but is mostly caused by promiscuity (premarital sex) which results in pregnancy before married.

Early marriage seen from psychology, sociology and Islamic law is divided into two categories. The first category is genuine early marriage, which is a minor marriage that is purely carried out by both parties to avoid sin without any intention merely to cover up the act of adultery that has been committed by the future bride and groom. The second category is a fake early marriage, namely underage marriage which is essentially carried out as a camouflage for the unethical morality of the future bride and groom. Marriages are carried out only to cover up adultery committed by the bride and groom which results in pregnancy.<sup>3</sup>

Child marriage is an old problem whose rate is still relatively high in Indonesia, regardless of whether it is a pandemic situation or not.

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<sup>3</sup> Arwanda Cahya PUTRA, "Program Pendewasaan Usia Perkawinan Sebagai Bentuk Intervensi Sosial Pencegahan Perkawinan Usia Dini Di Kecamatan Rambipuji Desa Rowotamtu (Studi Deskriptif Pada Badan DP3AKB Bidang Keluarga Sejahtera Kabupaten Jember)," n.d.

So synergistic steps are needed between stakeholders in this country without having to ignore religious norms and social norms.

Child marriages are vulnerable to problems, this is because teenagers are not yet psychologically and physically ready. So it is very vulnerable to get divorced. Various facts show that girls who marry in a young age face negative consequences for their health as a result of giving birth at an immature age, increased risk of domestic violence, poor nutrition and sexual and reproductive health problems.<sup>4</sup>

By raising the age of future bride and groom on their first marriage, it is expected to have implications for the ideal age of marriage. However, it cannot be denied that postponing marriage is not the only goal or target to gain a maturation in marriage.

Child marriage cannot be avoided from negative sides or harm. Islamic Sharia revealed by Allah SWT is to realize overall human welfare to realize benefits in this world and the hereafter. There are five main things (maqasid shariah) that must be maintained and guarded, they are religion, soul, mind, lineage and property. So in order to measure the harmony of the Marriage Age Maturation Program according to Law no. 52 of 2009 with maqasid shariah, a perspective of maqasid al-Syariah is needed in applying Islamic law to appropriate legal objects.<sup>5</sup> In fact, the idea of Maqasid shariah provides a conceptual basis for the acceptance of Pancasila as the basis of the state that underlies a system of laws and regulations that are substantially shar'i in nature. This is due to the character of Maqasid shariah which expands the meaning of Islamic law into good values, especially the protection of human rights.<sup>6</sup> It is necessary to study the relevance of the Marriage Age Maturation

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<sup>4</sup> Siti Aisyah Kara, "Panduan Penelitian Dan Pemantauan Perkawinan Usia Anak," *Makassar: Liblitera Institute*, 2019.

<sup>5</sup> Abd. Rauf Muhammad Amin, *Esai-Esai Maqasid Al-Syariah*, I (Depok: Rajawali Pers, 2022), 32.

<sup>6</sup> Syaiful Arif, *Islam Dan Pancasila: Perspektif Maqashid Al-Syariah Prof.K.H. Yudian Wahyudi, Ph.D*, 1st ed. (Yogyakarta: Cakrawala, 2023), 122–23.

Program according to Law no. 52 of 2009 Perspective of Maqasid syariah. The reason why researchers chose a case study in Kec. Bontoa District, Maros because based on 2020 divorce data at the Maros Religious Court shows that there were 542 divorce cases and 387 of them were caused by continuous disputes and quarrels.

To find out information that is relevant to the topic in this research, previous studies by scholars are presented. This research carried out a link between the existing studies and filling the gaps from previous studies to prevent plagiarism. So a new gap was born through this research. This research aims to figure out the relevance of the Marriage Age Maturation Program according to Law no. 52 of 2009 Perspective of Maqasid syariah.

First, a scientific journal article by Muawwanah (Muhammadiyah University Surabaya, 2018 M.) with the title "Maturation of the Marriage Age Perspective of Maqasid syariah". The results of this research show that the minimum age limit is 25 years for men and 20 years for women in the BKKBN Marriage Age Maturation (PUP) program. This program is in line with Maqasid syariah, in terms of protecting offspring, intellect, soul, property and religion.<sup>7</sup> Muawwanah's and this research analyze the Marriage Age Maturation program from the maqasid syariah perspective, but in this researcher, the researcher includes the relevance of maturation of the marriage age which is focused on Law no. 52 of 2009.

Next, a scientific journal article by Muammar M. Bakry, (Faculty of Sharia and Law, UIN Alauddin Makassar) with the title "Priority Principles in maqasid syariah". This work explains maqasid syariah and its substance, namely the concept of benefit.<sup>8</sup> However, Bakry's writing is not focused on the Marriage Age Maturation Program in Law no. 52 of 2009. Meanwhile, in this research, the discussion of

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<sup>7</sup> Muawwanah Muawwanah, "Pendewasaan Usia Perkawinan Perspektif Maqasid Syariah," *MAQASID* 7, no. 2 (2018).

<sup>8</sup> Muammar M Bakry, "Asas Prioritas Dalam Al-Maqashid Al-Syar'iah," *AL-Azhar Islamic Law Review* 1, no. 1 (2019): 1–8.

Maqasid shariah and its substance focuses on the relevance of the Marriage Age Maturation Program in Law no. 52 of 2009.

So, starting from the literature mentioned, it was found that there were two gaps in studies that focused on the relevance of the Marriage Age Maturation Program in Law no. 52 of 2009, Maqasid shariah perspective. So the gap in the novelty of this research is at the point of relevance.

## **B. Method**

This type of research is classified as qualitative with the research approaches used: juridical and syar'i. The source of this research is the extension coordinator from Family Planning and the instructor from Family Planning, Bontoa village, Bontoa district. Furthermore, the data collection methods used were observation, interviews and documentation. The data processing and data analysis techniques go through three stages: data reduction, data presentation, data verification, data classification, data analysis, and conclusion.

## **C. Research Results**

### **1. The relevance of maturing the marriage age to Law No. 52 of 2009**

Law no. 52 of 2009 concerning Population Development and Family Development has mandated the need to control quantity, improve quality and direct population mobility so that it can become a strong resource for development and national resilience through one of the development programs related to population, namely the Family Planning Program which aims to control the number of residents through the Marriage Age Maturation program. In accordance with Law no. 52 of 2009 concerning Population Development and Family Development.

Creating harmony and balance between the quality, quantity and distribution of the population, the living environment and family development aim to improve the quality of the family so that a sense of security, peace and hope for a better future can arise in realizing

physical prosperity and inner happiness.<sup>9</sup> The contents of this article are reinforced by article 20. To realize a balanced population growth and quality families, the Government has established a family planning policy through the implementation of a family planning program.<sup>10</sup> This article shows the government's initial commitment to overcoming population problems, especially in areas where population growth is still high.

Regarding family policy, it is also regulated in this Law, namely in Article 21 and Article 22.

#### Article 21

1) The family planning policy as intended in Article 20 is implemented to assist prospective or married couples in making decisions and realizing reproductive rights responsibly regarding:

- a. ideal age for marriage;
- b. ideal age for giving birth;
- c. ideal number of children;
- d. ideal birth distance for children; And
- e. reproductive health education.

2) The family planning policy as intended in paragraph (1) aims to:

- a. organize a desired pregnancy;
- b. maintaining health and reducing maternal, infant and child mortality;
- c. improving access and quality of information, education, counseling and family planning and reproductive health services;
- d. increasing men's participation and inclusion in family planning practices; and

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<sup>9</sup> Republik Indonesia, "Undang-Undang No. 52 Tahun 2009 Tentang Perkembangan Kependudukan Dan Pembangunan Keluarga, Pasal 4" (n.d.).

<sup>10</sup> Republik Indonesia, "Undang-Undang No. 52 Tahun 2009 Tentang Perkembangan Kependudukan Dan Pembangunan Keluarga, Pasal 4" (n.d.).



e. promote breastfeeding in an effort to space pregnancies further apart.<sup>11</sup>

In article 22 clause 1

The family planning policy as intended in Article 21 is carried out through efforts:

- a. increasing community integration and participation;
- b. family development; and
- c. regulating pregnancy by considering religion, conditions of socio-economic and cultural development, as well as the values that exist in society.<sup>12</sup>

In this article it is very clear that it needs public awareness in implementing government programs. One of the programs is increasing the age of marriage through family planning, one of the efforts is to reduce the death rate, according to article 30:<sup>13</sup>

1) The government has established a policy of reducing the death rate to achieve balanced and quality population growth in all its dimensions.

2) The policy for reducing the death rate as intended in clause (1) takes the form of giving priority to:

- a. Reducing maternal mortality rates during pregnancy
- b. Mother giving birth
- c. Postpartum
- d. Babies and children

3) The policy of reducing the death rate as intended in clause (2) is implemented by the Government, regional governments and the

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<sup>11</sup> Republik Indonesia, “Republik Indonesia, Undang-Undang No. 52 Tahun 2009 Tentang Perkembangan Kependudukan Dan Pembangunan Keluarga, Pasal 21” (n.d.).

<sup>12</sup> Republik Indonesia, “Republik Indonesia, Undang-Undang No. 52 Tahun 2009 Tentang Perkembangan Kependudukan Dan Pembangunan Keluarga, Pasal 22” (n.d.).

<sup>13</sup> Republik Indonesia, “Republik Indonesia, Undang-Undang No. 52 Tahun 2009 Tentang Perkembangan Kependudukan Dan Pembangunan Keluarga, Pasal 30” (n.d.).

community through promotive, preventive, curative and rehabilitative efforts in accordance with the provisions of laws and regulations and religious norms.

The provisions in this article have been implemented with several family assistance efforts and several community activity groups by paying attention to several aspects in article 31:<sup>14</sup>

The policy of reducing the death rate as intended in Article 30 is implemented by taking into account:

- a. equal reproductive rights of married couples
- b. balanced access and quality of information, education, counseling and health services, especially reproductive health for mothers, babies and children
- c. prevention and reduction of the risk of morbidity and death; and prevention.
- d. active participation of family and community.

Based on Law no. 52 of 2009 concerning Population Development and Family Development. The policies that need to be considered in building and developing a family have been explained, one of the development programs in Marital Age Maturation (PUP), namely, efforts to increase the age of the prospective bride and groom at the first marriage which has implications for the ideal age of marriage. Delaying marriage is not the only goal or target for maturation of marriage, but rather the maturity of moral and material. The marriage age maturation program is carried out to sensitize young people in their teens to consider the various aspects of having a family in a more formal and material way. Apart from that, it is also necessary to identify the appropriate quantity, births span and gestational age.

Risky births are pregnancies that will cause risks to the baby being born and to the mother giving birth. Risky pregnancies usually

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<sup>14</sup> Republik Indonesia, “Republik Indonesia, Undang-Undang No. 52 Tahun 2009 Tentang Perkembangan Kependudukan Dan Pembangunan Keluarga, Pasal 31” (n.d.).

occur because of "4 too" which is explained in the Reproductive Health Preparation Booklet for Prospective Brides published by the Representative of the National Population and Family Planning Board of South Sulawesi Province in 2015 in the city of Makassar, explained on pages 23-25, as follows.<sup>15</sup>

1. Too young to get pregnant (mother's age is less than 20 years)
  - a. The condition of the uterus and pelvis has not developed optimally
  - b. Mentally not ready to face pregnancy and carry out the role of mother
  - c. Premature births and Low Birth Weight (BBLR) babies can occur
  - d. Bleeding may occur
  - e. Can cause death to mother and baby
2. Too old to get pregnant (mother's age is more than 35 years)
  - a. The health and function of the uterus has decreased
  - b. The reproductive organs of the birth canal are no longer elastic or are stiff, it is likely that the baby will experience defects
  - c. Medical and birth complications, fetal distress, obstructed labor and bleeding'
  - d. Pre-eclampsia, Premature Rupture of Membranes (KPD), Low Birth Weight (BBLR)  $\leq$  2500 grams
  - e. Can cause death to mother and baby
3. Too close a pregnancy distance (the distance between the first pregnancy and the second child is less than 2 years)
  - a. The condition of the mother's uterus has not recovered
  - b. Lack of mother's time to care for and breastfeed her baby
  - c. Miscarriage, anemia, Low Birth Weight (BBLR), congenital defects and less than optimal baby growth and development.
4. Too many pregnancies (too many children)

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<sup>15</sup> Perwakilan Badan Kependudukan dan Keluarga Berencana Nasional Provinsi Sulawesi Selatan, *Booklet Persiapan Kesehatan Reproduksi Bagi Calon Pengantin* (Makassar, 2015).

- a. Reproductive health problems, looseness of the abdominal wall and a hanging appearance.
- b. Abnormal position of the baby in the womb (latitudinal position)
- c. If the baby's position is latitude, the uterus will tear
- d. Labor will take a long time and postpartum bleeding
- e. Child growth and development is less than optimal
- f. Adding to the family's economic burden
- g. Mother's lack of time to care for herself.

The benefits of preventing over 4 are very appropriate in Chapter III of the Rights and Obligations of Residents in article 5 and article 6 of Law no. 52 of 2009 concerning Population Development and Family Development, here are the benefits of 4 Too:<sup>16</sup>

1. The desired pregnancy occurs so that the pregnancy and birth process is safe and healthy.
2. The mother's reproductive health will be excellent and she will have enough time to care for herself and her family.
3. Children will grow and develop optimally, be healthy, intelligent and have the opportunity to get a better education.
4. Families have the opportunity to increase independence in developing prosperity

## **2. Maturing Age of Marriage on Maqasid shariah's Perspective**

Marriage in the view of Maqāshid al-Syarī'ah is to fulfill religious commands, in order to establish a harmonious, prosperous and happy household. In terms of carrying out balanced rights and obligations between husband and wife, so as to create mutual consent and responsibility in the household, a person's welfare in married life usually takes the form of material things, so that material things can build a sufficient household.

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<sup>16</sup> Perwakilan Badan Kependudukan dan Keluarga Berencana Nasional Provinsi Sulawesi Selatan.

There are five goals contained in Maqāshid al-Syarī'ah, namely protecting religion, reason, property, offspring and self. Basically, safeguarding these five goals is the purpose of all orders and prohibitions.

Maqāshid al-Syarī'ah is the main basic principle which is the main goal of the discovery of Islamic Law or means all the goals set by religion in order to realize benefits and avoid damage.<sup>17</sup>

While the Quran and hadith do not speak implicitly about the minimum age limit for marriage, the longed-for hope is that benefits will emerge from the implications of the existence of the marriage age maturation program in every sacred bond of marriage, physical and psychological maturity of husband and wife. Apart from that, there are financial aspects and elite class education.

Understanding the government's expectations, in this case the National Population and Family Planning Board (BKKBN) as the organizer with the maturation of marriage age from the Maqāshid al-Syarī'ah perspective is crucial. The National Population and Family Planning Board (BKKBN) through the Family Planning program which is oriented towards developing the Marriage Age Maturation Program (PUP) recommends the age for marriage and having a first child, at a minimum age of 20 years for women and 25 years for men.

The goals of marriage are safeguarding offspring, building a quality family, maintaining family interaction models, maintaining diversity in the family, and maturing material and more aspects in family life as well as the realization of 8 family functions. Mrs. Dahliah as extension coordinator of Family Planning & Family Planning instructor, Bontoa village, Bontoa district, explained that the five main elements of the benefit of the afterlife are closely related to the 8 functions of the family.

"The five main elements that must be maintained for the benefit of the afterlife are closely related to the 8 family functions that must be understood by teenagers as they reach marriageable age, which

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<sup>17</sup> Bakry, "Asas Prioritas Dalam Al-Maqashid Al-Syar'iah."

are: religious function, socio-cultural function, reproductive function, protection function, love function, social & educational function, economic function and environmental function”

Looked at the maturation of marriage age which is implemented by several elements such as BKKBN, DP3ADALDUKKB, Family Planning Counselors, Ministry of Religion and Health Workers, and analyzed using the theory of Maqāshid al-Syarīah is to achieve the realization of benefit as the goal of Islamic law<sup>18</sup> by rejecting all forms of mafsadatan. In general, Maqāshid al-Syarīah consists of five types of objectives consisting of:

a. Maintaining Religion (Hifz al-Din)

The Marriage Age Maturation Program is related to maintaining religion because religion is a basic need for every person to live a life in society because the family is the first place to instill religious teachings and values. All parents want to have pious children, so the role of parents in instilling religious teachings and values is very important in forming children's personalities. That the process of fostering religious values from early childhood to adulthood will prevent children from moral violations. As contained in the word of Allah SWT QS at-Tahrim/66: 6

يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ عَلَيْهَا مَلَائِكَةٌ غِلَاظٌ شِدَادٌ لَا يَعْصُونَ اللَّهَ مَا أَمَرَهُمْ وَيَفْعَلُونَ مَا يُؤْمَرُونَ

“O believers, protect yourselves and your families from the fire of hell whose fuel is people and stones. Its guardians are rough and

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<sup>18</sup> Lajnah Pentashih Mushaf al-Qur'an Kemenag RI, “Qur'an Kemenag: 66: 6,” accessed April 28, 2024, <https://quran.kemenag.go.id/quran/perayat/surah/66?from=6&to=12>.

tough angels. They did not disobey Allah for what He commanded them and always did what they were ordered to do.”<sup>19</sup>

The purpose of marriage is not just to obtain offspring, but rather how to produce these offspring into a generation of quality and devotion to Allah SWT. Everyone should always pray and try to be given righteous offspring. So if you have been blessed with a child, you should educate him properly.

b. Guarding the soul (Hifz al-Nafs)

The Marriage Age Maturation Program (PUP) is related to maintaining the soul and survival of a husband who must be able to fulfill basic needs in the form of food to sustain life. If basic needs are not met then it will result in the threat to the existence of the human soul then marriage at an early age is understood to have great potential to increase the quantity of offspring. Furthermore, pregnancies that are very close together will result in a lack of time to channel affection to the baby in the process of growth. Rips, tears and pain in the genitals can occur biologically, due to marriage at an early age.

Indicators of a person's suitability for sex include wet dreams or menstruation. This indicator is ruled out if the suitability of the genitals does not appear to work or function, so it is recommended that marriage be postponed, for the benefit of protecting the soul, life and the risks that may occur, especially for the prospective mother and the baby she will give birth to. As found in QS al-Maidah/5:32

مِنْ أَجْلِ ذَلِكَ كَتَبْنَا عَلَى بَنِي إِسْرَائِيلَ أَنَّهُ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي  
الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا وَلَقَدْ جَاءَهُمْ  
رُسُلُنَا بِالْبَيِّنَاتِ ثُمَّ إِنَّ كَثِيرًا مِنْهُمْ بَعَدَ ذَلِكَ فِي الْأَرْضِ لُمُسْرِفُونَ

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<sup>19</sup> Lajnah Pentashih Mushaf al-Qur'an Kemenag RI, "Qur'an Kemenag: 66: 6," accessed April 28, 2024, <https://quran.kemenag.go.id/quran/per-ayat/surah/66?from=6&to=12>.

“Therefore, We established (a law) for the Children of Israel that whoever kills someone not because (the person killed) has killed another person or because he has done mischief on earth, it is as if he had killed all humans. On the other hand, whoever preserves the life of one human being, it is as if he has preserved the lives of all humans. Indeed, our Messengers have indeed come to them with (bringing) clear information. Then, indeed, many of them after that went beyond the limits of the earth.”<sup>20</sup>

Allah SWT glorifies every human being who protects the life and safety of his soul, so protecting it becomes one of the main goals of religion. Humans as social creatures have relationships and bonds with other humans. Protecting the life of one human is the same as protecting the lives of all human beings, because it is essentially the same as protecting the existence of human life.

### c. Maintaining intellect (Hifz al-Aql)

The Marriage Age Maturation Program (PUP) is related to maintaining intellect because from a psychological perspective, marriage at a relatively young age is considered inappropriate. It is a concern if early marriage causes arguments between husband and wife, because of psychological/emotional instability. At least psychological maturity can control attitudes and actions, so that arguments and selfishness in a family are minimized, as well as in making decisions, adults are considered to be more prepared and wiser in making decisions regarding every problem that will be faced in married life. As a fact, there were several cases of suicide that were reported on social media. On Monday 12 June 2023, a mother (young mother) was found hanging herself in the room of her house in Bullide sub-district, Kota Barat District, Gorontalo, based on the results of the background investigation. The suicide occurred because this young mother had become a victim of an online loan

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<sup>20</sup> Lajnah Pentashih Mushaf al-Qur'an Kemenag RI, “Qur'an Kemenag: 5: 32,” accessed April 28, 2024, <https://quran.kemenag.go.id/quran/per-ayat/surah/5?from=32&to=120>.



fraud (pinjol) so that the victim became depressed. Moreover, in several other cases, many parents are depressed because of internal problems that they cannot handle well and wisely, such as economic problems, so they choose to kill their offspring and there are many other cases.

This particular case is one of the facts that maturing the age of marriage is very important in maintaining intellect because an immature or unstable age with various household problems that will occur in the future will most likely cause a person to not be able to think well in making decisions and can endanger himself and his family. Thus, by raising the age of marriage or postponing the age of marriage is one way to prevent harm that could occur. As found in QS al-Baqarah/2:195

وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ

“Donate in the way of Allah, do not plunge yourself into destruction, and do good. Indeed, Allah loves those who do good.”<sup>21</sup>

Maturity in a marriage greatly influences the way of thinking in dealing with every problem. People who are not physically ready can experience depression when facing problems that they are not ready to accept. This can result in loss of reason and can do things that are forbidden and even kill people, such several facts circulating through online news media.

#### d. Protecting the Offspring (Hifz al-Nasl)

The Marriage Age Maturation Program is related to maintaining offspring in accordance with maturation from a health perspective where one of the functions of the family is closely related to the function of protection and reproduction. A husband-wife is a mean for humans to channel sexual desires to other humans (of different

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<sup>21</sup> Lajnah Pentashih Mushaf al-Qur'an Kemenag RI, “Qur'an Kemenag: 2: 195,” accessed April 28, 2024, <https://quran.kemenag.go.id/quran/per-ayat/surah/2?from=195&cto=286>.

genders) legally in the eyes of the law. and religiously legal, humans can continue their lives because with biological functions they will have offspring in the form of children, so the Marriage Age Maturation Program is very important because if pregnancy occurs for women under the age of 19 years old in particular, it will bring great risks to the mother and child such as miscarriage or if the child is born safely, there is a possibility of poor health, one of which is that prospective brides and grooms are at risk of having stunted children.

Maintaining the preservation of this lineage is part of Maqāshid al-Syarī'ah in the primary order. It is hoped that this urgency will not only protect its sustainability, but also its quality. As found in QS an-Nisa/4: 9

وَلْيَحْشَ الَّذِينَ لَوْ تَرَكُوا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعْفًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا

“Let them be afraid of those who should (die) leave behind them, weak offspring (whom) they fear. So, fear Allah and speak with the right words (in terms of protecting the rights of your descendants).”<sup>22</sup>

So maturation of the marriage age is then needed which includes a pattern of birth regulations, which is intended to give birth to benefits by providing opportunities for the child to receive proper love and education for a glorious future.

#### e. Guarding wealth (Hifz al-Mal)

The Marriage Age Maturation Program (PUP) program is related to safeguarding assets because economic function is a primary need in a family, so maturity is very important in building a family, that a head of household is obliged to fulfill the family's economic needs

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<sup>22</sup> Lajnah Pentashih Mushaf al-Qur'an Kemenag RI, “Qur'an Kemenag: 4: 9,” accessed April 28, 2024, <https://quran.kemenag.go.id/quran/per-ayat/surah/4?from=9&to=176>.

and a wife is able to manage finances well in a house. A well-established husband/father with good economic management will be able to easily meet the family's needs, thereby producing generations of quality, health, balanced nutrition and prosperity.

The maturation of marriage age is considered to be in line with Maqāṣhid al-Syarī'ah in its application which aims to design a life that carries out life planning with an emphasis on education, self-protection, offspring, and financial maturity before starting a family. All effects/consequences that have the potential/chance to cause harm must be avoided as per the rules of fiqh which read:

Rule *الضَّرُّ يُزَالُ* means the harm must be eliminated.<sup>23</sup> This rule is excluded if eliminating a loss result in another loss of the same level. Also, the application of this rule is excluded if eliminating the harm results in another harm that is greater or of a higher level.<sup>24</sup> Additionally, in eliminating harm, it is forbidden to go beyond the limits and there really is no other way except to carry out prohibited actions which is the only way.<sup>25</sup> Furthermore, there are rules that further clarify these rules, namely *لا ضرر ولا ضرار* means not endangering yourself or others.

Indicators of a person's suitability for sex include wet dreams or menstruation. This indicator is ruled out if the suitability of the genitals does not appear to work or function, so it is recommended that marriage be postponed.

In one of the rules of fiqhiyah, it is stated that avoiding harm is prioritized over taking advantage. This can also apply in the context of marriage where consideration of avoiding concerns about the impact on children's health, finances and population must be carried out as the rules state:

*الضَّرُّ يُزَالُ بِقَدْرِ الْإِمْكَانِ*

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<sup>23</sup> A Djazuli, *Kaidab-Kaidab Fikih: Kaidab-Kaidab Hukum Islam Dalam Menyelesaikan Masalah-Masalah Yang Praktis, Kencana* (Jakarta, 2022), 67.

<sup>24</sup> Djazuli, 70–71.

<sup>25</sup> Djazuli, 70–71.

“Harm must be rejected within possible limits.”<sup>26</sup>

This rule stated that the obligation to prevent harm from occurring, or in other words, the obligation to carry out preventive measures so that harm does not occur, with all possible efforts.

This rule applies in the event that a disaster has not occurred or will occur, prevention efforts are more important than recovery efforts. The substance of this rule indicates that all forms of danger must be prevented immediately in order to achieve *mashlahab*, both general and specific.<sup>27</sup>

دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

“Rejecting harm takes priority over achieving benefit.”<sup>28</sup>

Based on the Islamic concept which states that an action or behavior must be accountable to Allah SWT and society, we should assume obligations. Based on the words of Allah SWT QS al-Anbiya/21: 107

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

“We did not send you (Prophet Muhammad) except as a mercy for all the worlds.”<sup>29</sup>

The purpose of Allah SWT in sending Prophet Muhammad, who brought His religion, was none other than to give guidance and warning so that they would be happy in this world and in the afterlife. God's grace for all nature includes protection, peace, compassion and so on, which God gives to His creatures.

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<sup>26</sup> Djazuli, 73.

<sup>27</sup> Darmawan, *Kaidab-Kaidab Fiqhiyah* (Surabaya: Revka Prima Media, 2020).

<sup>28</sup> Djazuli, *Kaidab-Kaidab Fikih: Kaidab-Kaidab Hukum Islam Dalam Menyelesaikan Masalah-Masalah Yang Praktis*, 164.

<sup>29</sup> Lajnah Pentashih Mushaf al-Qur'an Kemenag RI, “Qur'an Kemenag: 21: 107,” accessed April 28, 2024, <https://quran.kemenag.go.id/quran/per-ayat/surah/21?from=107&to=112>.

In a marriage, consideration is needed regarding aspects of a person's maturity, both physically and psychologically. Therefore, maturing the age of marriage is an important thing to do so that couples who want to get married can prepare and plan the marriage in advance so that they can create a family that is *sakinah, mawaddah, warahmah* or a quality family.

#### **D. Conclusion**

The relevance of *maqasid syariah* to the implementation of the Marriage Age Maturation Program according to Law no. 52 of 2009 in Bontoa District, Maros Regency, is that in hoping to increase the quality and control the quantity of population, the five main elements in *Maqāṣhid al-Syarī'ah* are very relevant in the Marriage Age Maturation Program, more specifically in the aspect of protecting the soul and offspring, for the benefit and preventing *mafsadah*.

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