

Analysis of Child Marriage Issue in Indonesia from the *Qirā'ah Mubādalāh* Perspective

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Abstract

This study aims to examine how the qirā'ah mubādalāh approach can reinterpret Islamic texts commonly invoked to justify child marriage and to evaluate whether these interpretations align with Islamic principles of justice and human dignity. This study is qualitative in nature, employing library research and utilizing a textual-contextual analysis method. It adopts the mubādalāh perspective, a hermeneutic framework that emphasizes reciprocity, equality, and mutual responsibility. Data were collected from selected ḥadīths concerning marriage and contemporary interpretations, then analyzed using a textual-contextual approach informed by qirā'ah mubādalāh. This article reinterprets ḥadīths regarding marriage, specifically the terms syabāb and al-ba'ah. The analysis reveals that these terms require readiness, consent, and equal capacity on the part of men and women as dignified subjects. In the context of child marriage, this readiness is clearly not met, as girls face biological, psychological, and social limitations that pose risks of maternal and infant mortality, school dropout, and a cycle of poverty. The research findings affirm that child marriage contradicts the principles of martabah, 'adālah, and maṣlahah. The contribution of this study is to offer a reinterpretation of ḥadīth based on humanistic Islam that rejects child marriage, as well as to reaffirm Islam as a source of protection, equality, and respect for human dignity.

Keywords: *Islamic Studies, Qirā'ah Mubādalāh, Child Marriage.*

1. INTRODUCTION

Islam Child marriage remains a serious problem in Indonesia, despite legal regulations and a minimum marriage age of 19 years in Article 7 paragraph (2) *Undang-Undang* Number 16 of 2019 concerning Marriage, including *Peraturan Mahkamah Agung* (PERMA) Number 5 of 2019 (Yaffie dkk., 2026). Even in the period 2022-2024, data from the Ministry of Religious Affairs in Indonesia still shows a figure of 12,954 child marriages that occurred (Puspasari, 2025). This shows that this practice continues with the support of marriage dispensations in law, especially through religious courts. This phenomenon has complex impacts, ranging from reproductive health risks, interrupted access to education, to vulnerability to domestic violence, which ultimately

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leads to violations of children's rights. The factors that cause this are diverse, including economic, educational, and socio-cultural, as well as religious legitimacy that arises from textual understanding of verses and *ḥadīth* (Cholidi & Fadlulah, 2025).

Textualist and rigid interpretations of religious texts on marriage tend to ignore the prerequisites of ability, welfare, and social context of the subject. This way of reading makes religious texts seem to normalize early marriage, even though, in reality, it shows significant negative impacts (al-Mustaqim & Alfirahmah, 2025). In fact, Islam is basically a religion that carries the mission of *rahmatan li al-‘ālamīn*, namely mercy for all creatures without discrimination (Rasyid, 2016). That is why, in contemporary Islamic studies, the orientation toward the study of religious texts adopts a more humanist approach, so that religious texts are not understood in a rigid, discriminatory manner and can respond to modern humanitarian issues, including issues of relational justice and child protection (al-Na'im, 2008). Namely, in emphasizing the importance of protecting human dignity, justice, and universal welfare. Within the framework of *maqāṣid al-syarī'ah*, fundamental objectives such as the preservation of life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-‘aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*) form the foundation of Islamic law in creating a just and prosperous life (Auda, 2008).

One approach that seeks to develop humanism-based Islamic studies is *qirā'at mubādalah*. This method asserts that the relationship between men and women in religious texts must be read in terms of reciprocity rather than a framework of subordination. The purpose of Sharia is also directed toward the common good, so it must not disadvantage one party and disproportionately benefit another. Furthermore, religious interpretation must ensure justice and protection, especially for vulnerable groups such as women and children, so that human dignity remains upheld (Kodir, 2023). These three principles are not only relevant for dismantling patriarchal biases in religious interpretations but can also serve as an analytical framework for addressing contemporary issues, including the practice of child marriage.

According to data from the Indonesian Central Statistics Agency and UNICEF in 2020 M, the rate of child marriage in Indonesia reached 10.35%, or approximately 1 in 9 girls marrying before the age of 18. This figure places Indonesia among the countries with the highest absolute number of child marriages in Southeast Asia. This practice carries serious consequences, including risks to reproductive health, interrupted education, the perpetuation of the cycle of poverty, heightened vulnerability to domestic violence, and long-term psychological issues (Hakiki et al., 2020). Ironically, the practice of child marriage often gains religious legitimacy through textual interpretations, such as the understanding of *baligh* or classical *fiqh* traditions regarding the *wali mujbir*. In fact, when read through the principle of *mubādalah*, this practice contradicts the objectives of sharia, which emphasize dignity, justice, and the public good.

In this regard, many studies have examined child marriage from legal, social, and health perspectives. Dewi Mahayogi and Rohmah highlight its impact on reproductive health and include adolescents' knowledge (Mahayogi et al., 2025; Rohmah et al., 2025), while Nugroho and Puspasari focus on cultural, economic, and weak regulatory enforcement influences within the population (Nugroho, 2025; Puspasari, 2025). From a religious-normative and cultural perspective, Nariti, Setiyani, and Shufiyah highlight the tension among tradition, Islamic law, and the child's physiological, psychological, and social readiness (Nariti & Setiyani, 2024; Shufiyah, 2018). In the study of religious texts, Rahyu and Muzhaffar use a gender-normative perspective grounded in the *Qur'an* and

Hadīth (Rahyu & Muzhaffar, 2022), while Cholidi and Fadlulah adopt a socio-historical approach to verses often perceived as legitimizing child marriage (Cholidi & Fadlulah, 2025).

Meanwhile, the *qirā'ah mubādalāh* approach is more commonly applied to family issues outside the context of child marriage. These include spousal relationships and the voting rights of women, public policy, family governance, post-divorce rights, and an egalitarian interpretation of *nusyūz*, as explored by Mustaqim and Fitriani, Saerozi, al-Mustaqim and Alfirahmah, and Ghummiah (al-Mustaqim & Alfirahmah, 2025; al-Mustaqim & Fitriani, 2026; Saerozi et al., 2025). This situation indicates a lack of studies that specifically apply the *qirā'ah mubādalāh* approach in interpreting religious texts regarding child marriage practices, which is why this research was undertaken by the author. Specifically, this research aims to fill this gap by analyzing religious texts related to marriage using the *mubādalāh* approach to re-evaluate the religious legitimacy of child marriage practices within the contemporary social context of Indonesia. Theoretically, this is expected to enrich Islamic studies by introducing the concept of *mubādalāh* as a new framework for addressing the issue of child marriage. Meanwhile, practically, it can provide a strong theological foundation for efforts to prevent the rising incidence of child marriage in Indonesia, particularly through humanistic religious education.

2. LITERATURE REVIEW

In this regard, there have been numerous studies on child marriage from various perspectives, including legal, social, and religious perspectives, which have a direct impact on the fulfillment of children's rights and gender justice. For example, Dewi Mahayogi, through the article “*Tantangan Pencegahan Perkawinan Anak melalui Implementasi Undang-Undang Nomor 16 Tahun 2019 di Indonesia.*” Through a qualitative approach based on literature studies with public policy analysis, she emphasized that the revision of the marriage age limit has not been fully effective due to the high number of marriage dispensations that seem to legitimize the practice legally, resulting in a serious gap between national regulations and local practices (Mahayogi et al., 2025). A deeper study of cultural construction, conducted by Daru Nugroho on “*Aspek Budaya dalam Perkawinan Bawah Umur di Kabupaten Garut: Perspektif Hukum Adat.*” In an article, a qualitative approach on juridical-normative and legal sociology showed how tradition, religious interpretation, and social constructions of family honor play a role in the production of this practice (Nugroho, 2025).

Meanwhile, Windya Puspasari in “*Kajian Literatur Faktor Penyebab Perkawinan Anak di Indonesia,*” a thematic approach that poverty, low education, gender inequality, and weak law enforcement, according to Puspasari, are intertwined as the main factors for the prevalence of child marriage in Indonesia (Puspasari, 2025). A more specific study related to the impact of this problem on health, gender perspective, and human rights was conducted by Dewi Mahayogi in “*Perkawinan Anak di Lombok: Analisis Gender dan Dampaknya Terhadap Hak Kesehatan Reproduksi Remaja.*” She highlights the health and psychological risks due to cultural legitimacy (Mahayogi et al, 2025). Meanwhile, a micro approach is offered by Sunsun Marwati Rohmah in “*Hubungan Pengetahuan tentang Dampak Pernikahan Dini pada Kesehatan Reproduksi dengan Minat Menikah Muda di SMAN 1 Banjaran.*” Through a quantitative cross-sectional design with cognitive theory,

this study proves that the level of reproductive health knowledge is also significantly related to the interest in young marriage (Rohmah et al., 2025). From this literature, it can be understood that preventing child marriage is not sufficient through legal reform alone, but requires cultural, educational, and gender justice-based interventions, including in the religious dimension.

The study of religious texts on child marriage is generally conducted through qualitative research based on a literature review, using normative, gender, and socio-historical approaches. Risma Cahya Nariti and Niken Amalina Setiyani, in “*Pernikahan Dini dalam Hukum Islam: Antara Tradisi dan Realitas*” use library research with a maslahah framework to show the debate between textualists and those who reject the permissibility of self-marriage based on biological considerations and the benefit of children (Nariti & Setiyani, 2024). Then, Fauziatu Shufiyah, through “*Pernikahan Dini Menurut Hadis dan Dampaknya*,” applies ḥadīth criticism in assessing the sanad of ḥadīth that legitimizes early marriage, while also emphasizing the mental, physical, and social impacts of the practice (Shufiyah, 2018). Meanwhile, Putri Rahyu and Ahmad Muzhaffar in “*Perempuan dan Pernikahan Anak dalam Perspektif Hukum Islam*” use a normative approach with gender theory to read the verses of the al-Qur'an and ḥadīth; they found a tension between the principle of spiritual equality and the practice of inequality in domestic relations that is detrimental to women (Rahyu & Muzhaffar, 2022). Meanwhile, Muhammad Fiqih Cholidi and Safiya Fadlulah, through “*Perkawinan Anak dalam al-Qur'an dan Implikasinya terhadap Hukum Keluarga di Indonesia*,” apply a socio-historical and legal-historical approach to interpret verses often considered to legitimize child marriage as a contextual response to Classical Arabian, and assess the reform of the marriage age in Law No. 16 of 2019 in Indonesia, in line with the concept of justice and maturity in the Qur'an (Cholidi & Fadlulah, 2025). However, this study has not yet attempted to make *qirā'ah mubādalah* a hermeneutic perspective in reading the relationship between men and women in child marriage.

Studies from the perspective of qirā'ah mubādalah in Islamic family studies generally use qualitative methods, drawing on both library and field research. Dede Al Mustaqim and Novi Fitriani, through “*A Qirā'ah Mubādalah and Maqāṣid Shariah Perspective on the Phenomenon of Marriage Postponement among Career Women*,” apply interpretive field research to interpret career women's marriage postponement as a valid ijtihad to protect the soul, mind, and offspring (*maqāṣid al-sharī'ah*) (al-Mustaqim & Fitriani, 2026). Ahmad Saerozi in “*Implementation of Qirā'ah Mubādalah on Verses and Ḥadīths on Family Issues and Its Contribution in Determining Public Policy*” uses library research with a philosophical approach and interviews to show that mubādalah shifts hierarchical interpretations towards equal relations and contributes directly to the transformation of family public policy in Indonesia (Saerozi et al., 2025). A similar approach was used by Dede Al Mustaqim and Nazula Alfirahmah in “*Tinjauan Qira'ah Mubadalah Faqihuddin Abdul Kodir dan Maqashid Syariah dalam Pemenuhan Hak Anak Pasca Perceraian*” through normative-sociological field research. He emphasized that fulfilling children's rights is a reciprocal responsibility (al-Mustaqim & Alfirahmah, 2025). Meanwhile, Shivi Mala Ghummiah in “*Qirā'ah Mubādalah Sebagai Dialektika Penafsiran Ayat-Ayat Nusyūz di Era Kontemporer*” uses gender-perspective library research for the principle of non-violence in household relations in the context of *nusyūs* (Ghummiyah, 2023). In the absence of *qirā'ah mubādalah* studies specifically directed at rereading religious texts directly related to the practice of child marriage

Based on the literature mapping, it can be concluded that these studies still tend to separate empirical analysis from the reading of religious texts and have not systematically used *qirā'ah mubādalāh* as a hermeneutical methodology in dissecting the normative legitimacy of child marriage. On the other hand, although *qirā'ah mubādalāh* has been widely applied in studies of family relations, children's rights, and public policy, its application to religious texts directly related to the practice of child marriage is still very limited. Therefore, this study will fill this gap by rereading religious texts on child marriage based on justice, humanism, reciprocity, and in line with the protection of children's rights.

3. METHODS

This study employs a qualitative approach using descriptive-analytical library research. (Creswell, 2004). This approach was chosen because the study focuses on reinterpreting the theological legitimacy of child marriage through the lens of the *Qirā'ah Mubādalāh* framework. The material object of this research is the phenomenon of child marriage in Indonesia, encompassing social realities, statistical data, and the construction of understandings of religious texts in society. The formal object of this research is the meaning of the *ḥadīth* on marriage (Huberman, 2014). The primary data sources in this study are a collection of *ḥadīth* on the recommendation of marriage for young men and the *ḥadīth* on the marriage of the Prophet Muhammad (peace be upon him) with Sayyida Ā'ishah, both narrated in Sahih al-Bukhari (*Ḥadīth* no. 5065 and 5134). Meanwhile, secondary data in this study consists of supporting literature, including books on *Qirā'ah Mubādalāh*, statistical data from the Indonesian Central Bureau of Statistics (BPS), UNICEF, and the National Commission on Violence Against Women in Indonesia (Komnas Perempuan) for the years 2020–2024.

Research data was collected by a literature review of relevant sources, as well as various studies and official reports from government agencies pertaining to the phenomenon of child marriage. The data analysis process was conducted systematically from the four stages in the *qirā'ah mubādalāh* framework by Faqihuddin Abdul Kodir: (1) identifying relevant *ḥadīth*, (2) discovering the text's basic meaning, (3) universalizing male and female subjects as equal subjects, (4) reviewing the meaning with the principles of dignity, justice, and benefit in the contemporary social context (Kodir, 2023). The validity of interpretation in this study was measured using two main instruments: theological validation, which examines the consistency of the interpretive results with the framework of *maqāṣid al-syarī'ah*, specifically the protection of life (*hifẓ al-naḥs*) and lineage (*hifẓ al-nasl*), as well as legal validation, which links the findings to the spirit of Law No. 16 of 2019 and PERMA No. 5 of 2019, which prioritize the principle of the best interests of the child.

4. RESULTS AND DISCUSSION

Reality of Child Marriage in Indonesia: Index and Impact

The Indonesian National Commission on Violence Against Women (Komnas Perempuan) stated that Indonesia has the highest absolute number of child marriages in Southeast Asia, with 55,000 cases as of 2022. This fact indicates that the practice of child marriage remains a serious issue that not only diminishes the noble meaning of marriage

but also has far-reaching impacts on all aspects of life (Handayani & Rofii, 2023). Mahayogi even stated that based on data from the United Nations Children's Fund (UNICEF), Indonesia ranks fourth in the world, with the number of cases of early marriage exceeding 25.53 million until 2023 (Mahayogi et al., 2025). Based on the results of a search of actual data from the Indonesian Central Statistics Agency, a decrease in the number of cases was found from 2022 to 2025 (BPS, 2025). The details are as follows:

Table 1: Marriage Data for Women Under 18 (BPS) from 2022 to 2025

Year	Percentage	Women 20-24 y/o	Estimated
2022	8,06%	10.937.300 People	≤ 881.546 children/ Year
2023	6,92%	10.871.100 People	≤ 752.280 children / Year
2024	5,90%	10.810.000 People	≤ 637.790 children / Year
2025	4,56%	10.760.000 People	≤ 490.656 children / Year

The data in Table 1 are estimated based on the population of women aged 20–24 years in Statistics Indonesia data from 2022 to 2025 (BPS, 2025a). Percentages are obtained from the accumulated proportion of women aged 20–24 years who were married before the age of 18 throughout 2022–2025 in each province (BPS, 2025b). This situation was exacerbated by the rate of marriage dispensation requests, which tripled between 2019 and 2020 (Mahayogi et al., 2025). In 2021, the Supreme Court of the Republic of Indonesia recorded 65,000 cases requesting marriage dispensation, which then decreased to 55,000 cases in 2022 (Ditjen Badilag, 2025b). Furthermore, a report from the National Commission on Violence Against Women (Komnas Perempuan) shows that since 2023, the number of marriage dispensation applications has decreased to 41,852. (Komnas Perempuan, 2024). Similar data was presented by the Supreme Court of the Republic of Indonesia, indicating a decline from 2024 to 2025 (Ditjen Badilag, 2025a). The details are as follows:

Table 2: Data on Marriage Dispensation Cases in Indonesia 2019-2025

Year	Rate of Cases	Fluctuation
2019	23.126 Cases	-
2020	64.211 Cases	+ 177,66 %
2021	65.000 Cases	+ 1,23 %
2022	55.000 Cases	- 15,38 %
2023	41.852 Cases	- 23,91 %
2024	32.400 Cases	- 22,58 %
2025	19.790 Cases	- 38,92 %

There are various complex factors influencing this issue. *Firstly*, Economic Factors. Financial constraints often drive parents to marry off their children in the hope of reducing the family burden. Girls, in particular, are viewed as an "economic burden," so early marriage is seen as a way to improve the family's financial situation (Tampubolon, 2021). This finding aligns with data from the 2018 National Socioeconomic Survey in Indonesia (Susenas), which showed that children from families with low economic status tend to have a higher risk of child marriage (Hakiki et al, 2020). In this case, geographic location also plays a role. Rohmah stated that early marriage in rural areas (12.6%) is higher than

in urban areas (8.06%) (Rohmah et al., 2025). Furthermore, Puspasari stated that women with low economic status in rural areas are twice as likely to experience early marriage as others (Puspasari, 2025).

Secondly, educational factors. A lack of understanding regarding the long-term consequences of such practices makes it more likely that children and parents with low educational levels will decide to marry off their children at a young age (Tampubolon, 2021). BPS and UNICEF have stated that one reason for the higher prevalence of child marriage in rural areas is the tendency of communities to prioritize education. Rural areas tend to downplay the importance of education. *Thirdly*, sociocultural factors. In some regions, marrying at a young age is considered normal, or even mandatory, especially for girls. This includes the practice of arranged marriages by parents. *Fourthly*, religious legitimization. This refers to religious texts that are taken literally and used to justify early marriage practices. Examples include the *hadīth* about the Prophet Muhammad's marriage to Sayyida Ā'ishah and the idea that puberty is a sign of maturity (Hakiki et al., 2020). Another factor explained by the Supreme Court of the Republic of Indonesia, particularly in marriage dispensation applications throughout 2024-2025, was dominated by reasons of avoiding adultery, with a percentage of 58%, and the origin of pregnancy outside of marriage, with a percentage of 33% (Ditjen Badilag, 2025a).

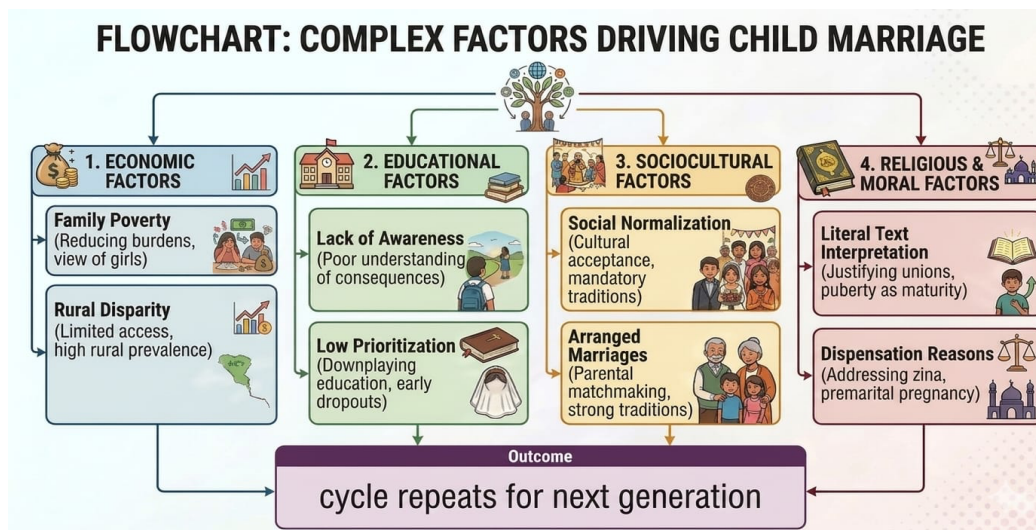


Figure 1: Marriage Dispensation and Child Marriage Factors

It can be concluded that the prevalence of child marriage in Indonesia is caused by a complex cycle of interconnected problems. Poverty and low public awareness of education make girls vulnerable to being seen as a burden on their families. This situation is then justified by socio-cultural norms and religious legitimacy, such as considering puberty a sign of maturity and viewing marriage to prevent promiscuity. Consequently, society tends to utilise legal channels, such as marriage dispensations through the courts. Based on literature studies, child marriage almost always has negative consequences, especially for girls. This is because the practice tends to be undertaken without preparation, whether physical, psychological, or economic. This has a knock-on effect on

the lives and future of the generations born from these marriages. Their capacity to understand and manage households is also inadequate. From a sexual and reproductive health perspective, girls who marry early often have no other option but to become housewives (Hakiki et al., 2020). This situation risks their lack of physical and psychological preparedness, particularly for pregnancy, childbirth, and childcare. In her research, Kartikawati even stated that some teenagers are more likely to have abortions, which is, in fact, dangerous for them (Kartikawati & Djamilah, 2014)

Mahayogi's findings suggest that 17-year-olds who become pregnant are at risk of experiencing complications during pregnancy. In Lombok, he found that 27% of pregnancies among women aged 15–19 resulted in medical complications. Furthermore, a study of adolescents married before the age of 18 showed that 80% reported experiencing mild to moderate psychological distress (Mahayogi et al, 2025). Fadlyana corroborates this data, stating that adolescents who become pregnant between the ages of 10 and 14 are five times more likely than those aged 20 to 24. The risk is even greater for those aged 15–19. This is based on maternal mortality rates for under-16 in Cameroon, Ethiopia, and Nigeria, which are up to six times higher (Fadlyana & Larasaty, 2009). From an anatomical perspective, a child's body is not ready for pregnancy and childbirth. Consequently, there is an increased risk of childbirth complications, obstetric fistula, including maternal and infant mortality, congenital birth defects, pregnancy-induced hypertension, premature birth, low birth weight, susceptibility to sexually transmitted infections, and postpartum depression. (Anjarwati, 2017; Yusnia et al., 2023). From a psychological perspective, child marriages can create mental barriers when it comes to adapting to changing household roles. Consequently, they may experience regret, miss out on adolescence, and find it difficult to continue their education. Child marriage also tends to lead to domestic violence, which ultimately causes psychological trauma (Kartikawati & Djamilah, 2014). Furthermore, from a labour market perspective, girls who marry at a young age tend to drop out of school and are burdened with household chores. This leaves them with fewer skills to enter the labour market, especially as they tend to shoulder the double burden of being a housewife. This means their bargaining power is weakened, forcing them to become low-income workers (ICRW & Girls Not Brides, 2016)

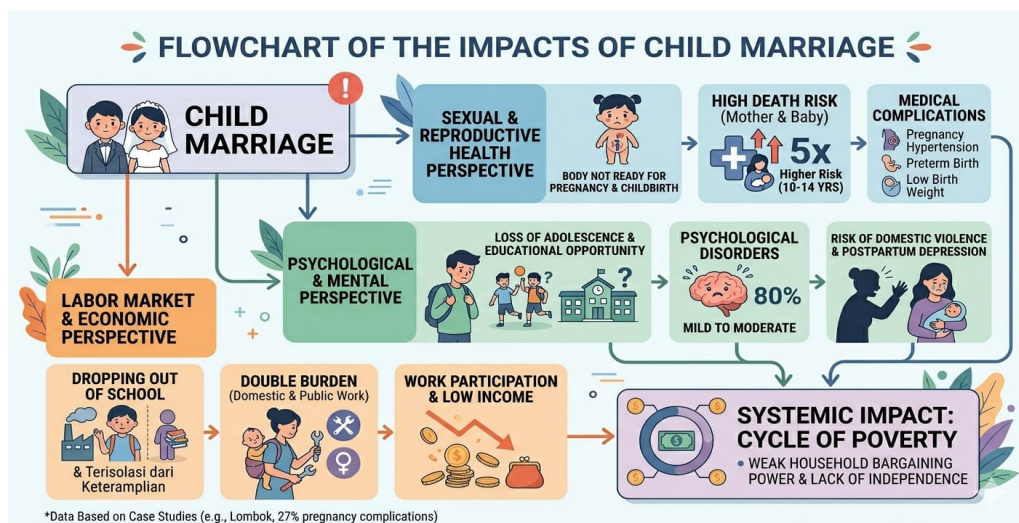


Figure 2. Impact of Child Marriage

***Qirā'ah Mubādalah* Framework from Faqihuddin Abdul Kodir**

Mubādalah comes from the Arabic: مبادلَة derived from the root “ب-د-ل,” which means to replace, change, and exchange. In the Qur'an, this root appears 44 times in various forms. Grammatically, *mubādalah* falls under the *mufā'alah* pattern which shows the meaning of reciprocal relations and cooperation between two parties (Kodir, 2023). The concept of *mubādalah* has evolved as a framework in thinking that emphasizes partnership, cooperation, reciprocity, and the principle of mutuality. Its application is not limited to marital relations, but extends to other social interactions, such as parent-child, teacher-student, and professor-student relationships. Nevertheless, its primary focus remains on the relationship between men and women. In this approach, both are viewed as equal subjects in the meaning of religious texts. Thus, *mubādalah* has two main dimensions: first, as a principle of reciprocity in gender relations; and second, as an interpretive method that affirms that Islamic texts apply fairly to both (Kodir, 2023).

The figure in Indonesia who developed this perspective is Faqihuddin Abdul Kodir, a Muslim scholar from Cirebon, who has consistently studied gender justice in Islam. In 2012, the term 'mubādalah' was introduced, as a direct correlation with the text of the Qur'an was identified. It was from this point that the concept of *mubādalah* emerged as a new hermeneutical approach to interpreting religious texts, emphasizing the principles of reciprocity, justice, and the protection of human dignity (Adib & Mujahidah, 2021). In the humanistic interpretive approach, *mubādalah* not only affirms the equality of men and women but also prioritizes the goal of the common good (*maṣlahah*) for all parties. It is this principle that ensures religious interpretation does not stop at the text, but can address real-life needs in social life, including child protection and gender justice (Kodir, 2022).

In the *qirā'ah mubādalah*, the relationship between men and women does not involve any hierarchy of superiority or inferiority. This concept is based on three main premises: Islam is intended for men and women on an equal footing; the ideal relationship between them is one of cooperation; and Islamic texts are always open to reinterpretation in a way that reflects these two premises (Adib & Mujahidah, 2021b). Faqihuddin Abdul Kadir argues that many texts of the Qur'an and ḥadīth literally negate women and have the potential to give rise to exclusive and biased interpretations. Through *qirā'ah mubādalah*, these texts are read with an emphasis on their core ideas so that they may be applied reciprocally to both genders, thereby making both equally ethical subjects within Islamic teachings (Hakim, 2020). Methodologically, *qirā'ah mubādalah* operates through three principles. First, identifying and establishing the universal foundational principles of Islamic teachings as the basis for interpretation. This includes both general and specific principles. For example, faith as the foundation of deeds, reward being gender-neutral, justice, the public good, and mercy are foundational principles. Second, identifying the main ideas recorded in the text, where the message must be detached from its connection to the subject and object, to understand the meaning in its entirety. Third, cross-referencing the text's ideas between the subject and object within the religious text regarding the relationship between men and women by examining the public interest (Kodir, 2022).

In this study, *qirā'ah mubādalah* will be used to examine ḥadīth related to marriage, in which men and women must be positioned equally and with dignity (*martabah*). This

relationship demands the responsibility of justice (*'adālah*), where the party with greater capacity is required to empower the less empowered party, while ensuring *maṣlahah* in the form of rights and obligations for both according to their respective needs. As emphasized by Faqihuddin Abdul Kodir, *mubādalāh* serves as a methodological approach to translate the vision of *rahmatan li al- ālamīn* and *akhlāq* in Islam. Thus, is not understood discriminatorily but serves as an ethical guide for relationships between men and women, whether personal, marital, familial, social, or even ecological, with an orientation toward the common good (*jalb al-maṣaliḥ*) or preventing harm (*dar' al-mafāsīd*).

Child Marriage from the *Qirā'ah Mubādalāh* Perspective

It is not uncommon for religious texts, whether the Qur'an or ḥadīth, to be interpreted literally and used as absolute justification for the practice of child marriage (Achrory & Iriani, 2018). This textual understanding then becomes entrenched in social norms, making it seem as though child marriage has a strong religious foundation. However, when viewed from the perspective of humanistic Islam, particularly through the *mubādalāh* approach, marriage should be directed toward achieving the common good, equality, and the protection of children's rights. One of the popular ḥadīths often cited as a reference and recommendation for marriage is this ḥadīth. The Arabic text, as narrated in his *Ṣaḥīḥ al-Bukhārī*, is as follows:

يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وِجَاءٌ

“O young men, whoever among you can marry, let him marry, for marriage subdues the gaze and protects against lust. Whoever is unable, let him fast, for fasting controls it (the gaze and lust)” (Ḥadīth, no. 5065) (al-Bukhārī, 2012)

From a *mubādalāh* perspective, the first step is to identify the fundamental meaning contained in the ḥadīth. After that, ensure meanings apply equally to men and women (*martabah*), after that derive benefit (*mashlahah*) and principle of justice (*'adalah*) from that meaning (Kodir, 2022). In the principle of *martabah*, this ḥadīth begins with the call “*yā ma'syaar asy-syabāb*,” which fundamentally addresses both men and women. This affirms that both are positioned as equal and dignified (*martabah*) subjects within the marital relationship. Therefore, the capacity, consent, and choice of each must not be disregarded. As human beings equally honored, men and women are entitled to fair benefits from the marital bond (Kodir, 2022). Furthermore, in the principle of justice (*'adālah*), the term *al-ba'ah* in this ḥadīth is understood as “capacity to marry,” whether from a biological, financial, or social perspective. In this framework, this capacity applies equally to both men and women, not just the prospective husband.

This is where the relevance of the issue of child marriage becomes clear. Biologically, girls are different from boys: they menstruate, conceive, give birth, go through postpartum, and breastfeed (Kodir, 2022). This requires physical and mental readiness that children who are still developing cannot handle. Psychologically, they are not yet mature enough to handle household responsibilities. Meanwhile, socio-economically, child marriage often cuts off access to education and exacerbates the cycle of poverty (Hakiki et al., 2020). If the principle of *al-ba'ah* were properly applied, child marriage would never occur. Forcing them into marriage would violate the principle of justice (*'adālah*) and undermine the greater good.

Based on the principle of public (*mashlahah*), the purpose of marriage in Islam is to bring benefits (*jalb al-maṣlahah*) and prevent harm (*dar' al-mafāsīd*). From this perspective, benefits should be equally felt by men and women, fairly and equally (Kodir, 2023). When linked to the issue of child marriage, social facts show that this practice causes more harm. Namely, increased risks to reproductive health, high maternal and infant mortality rates, hindered access to education, the emergence of domestic violence, and the loss of opportunities for children to develop optimally. These conditions clearly contradict the fundamental vision of Islamic law, which is oriented toward mercy and noble character. Deeply, the principles of *sakīnah*, *mawaddah*, and *rahmah* are generally defined in terms of biological factors, social status, economic circumstances, and lineage, which are, according to Faqihuddin Abdul Kodir, insufficient as a benchmark. This is because these four factors are highly variable in terms of both quality and quantity. The situation is different when complemented by moral commitment and spirituality, the full manifestation of which is noble behaviour and character (Adib & Mujahidah, 2021b). This means more than merely adhering to a single religion (*dīn*) in a formal and administrative sense, as emphasised in Surah al-Rūm [30]: 21. The purpose of marriage does not stop at fulfilling biological, reproductive, or social aspects, but also encompasses the moral-spiritual dimension (*dīn*), the protection of the soul and dignity, as well as the continued justice for both parties (Hakim, 2020).

He also stated that marriage in Islam is founded on five main pillars for achieving *sakīnah*, *mawaddah*, and *rahmah*. Firstly, *mitsāqan ghalīẓah* or a sacred commitment as contained in Surah al-Nisā' [4]: 21. That is, an agreement to build a family to find peace and unite the love and affection that applies to both parties, which must be remembered, upheld, and maintained together throughout married life. Second, *zawāj*, or an equal partnership, as explained in Surah al-Baqarah [2]: 187. Here, husband and wife are described as garments for one another, reminding us that their roles are to warm, cover, adorn, care for, complement, honour, and respect one another. Thirdly, *mu'āsyarah bil ma'rūf*, or treating one another with kindness, as explained in Surah al-Nisā' [4]: 19. Fourthly, *musyawarah*, or listening to and accepting one another's opinions, as also explained in Surah al-Baqarah [2]: 233. If in Islam one is commanded to consult with friends or family, then this is certainly even more important in domestic affairs, given the sacred nature of the agreement. Fifth, *tarāḍin*, or mutual willingness and comfort. This means that both must always support and sustain one another in all aspects of family life, willingly striving to achieve shared happiness (Kodir, 2023).

Table 3: Meaning Reconstruction of the Hadith

Term of hadith	Textual Interpretation	<i>Qir'ah Mubādalah</i> Perspective
Subject (<i>syabab</i>)	Focus on men	Men and women as autonomous subjects
Guidelines (<i>al-Ba'ah</i>)	Capabilities (financial and biological) for men	Holistic readiness and reproductive capacity
Marriage Purpose	Avoiding lust or adultery	Reciprocal well-being and protecting the dignity of men and women

Thus, an interpretation of the ḥadīth encouraging marriage through the *mubādalah* approach affirms that marriage in Islam is not a social norm that can be applied

indiscriminately, particularly to children. Rather, the ḥadīth presupposes the existence of capacity (*al-ba'ah*), the dignity of the subject (*martabah*), justice (*'adālah*), and public interest (*maslahah*), which must be fulfilled by both men and women. This framework aligns with the five pillars of marriage according to Faqihuddin Abdul Kodir, which is a *mitsāqan ghalīzan*, *zawāj*, *mu'āsyarah bil ma'rūf*, *musyawarah*, and *tarāḍin*, all of which are oriented towards the realisation of *al-sakīnah*, *al-mawaddah*, and *al-rahmah* based on moral-spiritual commitment (*dīn*), not merely on fragile and ever-changing biological, economic, or social status factors. Therefore, the practice of child marriage not only fails to meet the ḥadīth's prerequisites regarding the capacity to marry but also contradicts the ethical foundations of marriage. For it undermines human dignity, negates relational justice, and nullifies the noble purpose of marriage as a space for protection, honour, and the just continuation of humanity for both parties.

Another ḥadīth often cited as a reference for early marriage generally refers to the marriage of the Prophet Muhammad to Sayyida Ā'ishah, as an argument regarding the age of marriage in Islam (Adawiyah et al., 2022).

حَدَّثَنَا مُعَلَّى بْنُ أَسَدٍ، حَدَّثَنَا وَهَيْبٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَزَوَّجَهَا وَهِيَ بِنْتُ سِتِّ سِنِينَ، وَبَنَى بِهَا وَهِيَ بِنْتُ تِسْعِ سِنِينَ. قَالَ هِشَامٌ وَأُنْبِئْتُ أَنَّهَا كَانَتْ عِنْدَهُ تِسْعَ سِنِينَ.

"Mu'alla bin Asad has related to us Wuhaib, from Hisham bin Urwah, from his father, from Lady Sayyida Ā'ishah: "That the Prophet Muhammad married her when she was six years old and began consummating her when she was nine years old. Hisham said: And it has been reported to me that Sayyida Ā'ishah lived with the Prophet Muhammad for nine years." (Ḥadīth, no. 4739). (al-Bukhārī, 2012).

According to Ṣalāhuddīn al-Idlibī, although the ḥadīth is considered *ṣaḥīḥ* in *sanad*, it contains (*matan*) a defect (*illah*) in the form of an editorial error (*wahm*) in the narration. He also stated that the assertion that the *sanad* is singular is incorrect, as similar ḥadīth are found in both the Ṣaḥīḥ Muslim and the Musnad of Imam Ahmad through alternative transmission channels, such as Imam al-Zuhrī from Urwah and al-Aswad bin Yazīd al-Nakha'ī from Sayyida Ā'ishah (al-Idlibī, 2013). In terms of content, the ḥadīth contradicts other ḥadīths and the valid chronology of Islamic history. In Ṣaḥīḥ Bukhārī number 2297 narrated that Ā'ishah recognized and remembered that Abu Bakr ash-Shiddīq had embraced Islam before the Hijrah to Ethiopia. Additionally, in ḥadīth number 4876, also narrated that Ā'ishah once said that Surah al-Qamar verse 46 was revealed in Mecca when she was still a young girl (*الجارية*) (al-Bukhārī, 2012). These two narrations contradict the assertion that Sayyida Ā'ishah marriage occurred when she was six years old, or in the tenth or eleventh year after *Nubuwwah*. Meanwhile, historical records state that the Hijrah to Habashah occurred in the fifth year after *Nubuwwah*, and Surah al-Qamar verse 46 was revealed before the Badr War, around the eighth year after the *Nubuwwah* (al-Idlibī, 2013).

This means that if Sayyidah 'Sayyida Ā'ishah was married at the age of six, she was born in the fourth year after *Nubuwwah*. She was able to distinguish her father's religion by the age of two and a half and referred to herself as a young girl (*الجارية*) by the age of four. Therefore, al-Idlibi is inclined to support the view that Sayyidah 'Sayyida

Ā'ishah was married (*akd*) at the age of fourteen and consummated the marriage (*dukhu*) at the age of eighteen, or that she was born in the fourth year before *Nubuwwah*. This calculation aligns with other historical records: for instance, Ibn 'Asākir and Ibn Abī az-Zinād state that Sayyidah 'Sayyida Ā'ishah was 10 years older than her sister Asmā' bint Abī Bakr, who, according to Abū Nu'aim and Ibn al-Atsīr, was born 27 years before the Hijrah to Medina. It also aligns with the historical fact that Sayyidah 'Sayyida Ā'ishah was categorised by Ibn Ishāq as part of the first generation of Muslims in Mecca (*al-sābiqūn al-awwalūn*) (al-Idlibī, 2013). Therefore, this *ḥadīth* cannot be used as a basis for legalizing child marriage. Moreover, the meaning of the previous *ḥadīth* suggests that the ability to marry is quite complex and difficult for children to bear.

Synchronization of Findings with Positive Law in Indonesia

Permatasari states that legal regulations on marriage are essentially intended to minimize the failure of a marriage (Permatasari & Yudhantaka, 2025). Indonesian Law No. 16 of 2019 explicitly sets the minimum marriage age at 19 years for both men and women in Article 7, paragraph (2), as a measure to prevent early marriage. However, it also includes a dispensation mechanism that may be requested for urgent reasons based on the judge's discretion (Yafiie et al., 2026). In response to the increasing number of requests for marriage dispensations, the Indonesian Supreme Court issued Peraturan Mahkamah Agung (PERMA) No. 5 of 2019 on Guidelines for Adjudicating Requests for Marriage Dispensations. This regulation serves as a guideline for judges in examining, adjudicating, and deciding on requests for marriage dispensations by prioritizing the principle of the best interests of the child (Permatasari & Yudhantaka, 2025). The principle of the best interests of the child in PERMA is also adopted from the Convention on the Rights of the Child as incorporated in Presidential Decree No. 36 of 1990, particularly as reflected in Article 17. This principle requires judges to conduct a holistic assessment of the fulfillment of children's fundamental rights using concrete standards of review, including a long-term risk-based assessment of the child's life (Daulay & Evangelista, 2025).

As stipulated in Indonesian Law No. 35 of 2014, Article 9 on Child Protection, children as subjects must be protected from all forms of exploitation, including the practice of child marriage (Daulay & Evangelista, 2025). This principle is also stipulated in Article 28 B (2) of the 1945 Indonesian Law. In fact, in the criminal context, the judicial process is specifically regulated in Indonesian Law Number 11 of 2012 concerning the Sistem Peradilan Pidana Anak (SPPA) (Lubis & Putra, 2021). Thus, the principle of the child's best interest functions as a normative basis that requires every legal action to prioritize a rehabilitative and restorative justice approach that substantially prioritizes the protection of children's rights. Thus, from the perspective of Qirā'ah Mubādalāh, the practice of child marriage contradicts fundamental Islamic values. In this case, Qirā'ah Mubādalāh aligns with positive law in Indonesia, namely the principles of benefit and justice. More specifically, there is a correlation between the principle of benefit and the best interests of children, as well as between the principle of rehabilitation and guaranteeing children's rights and development opportunities.

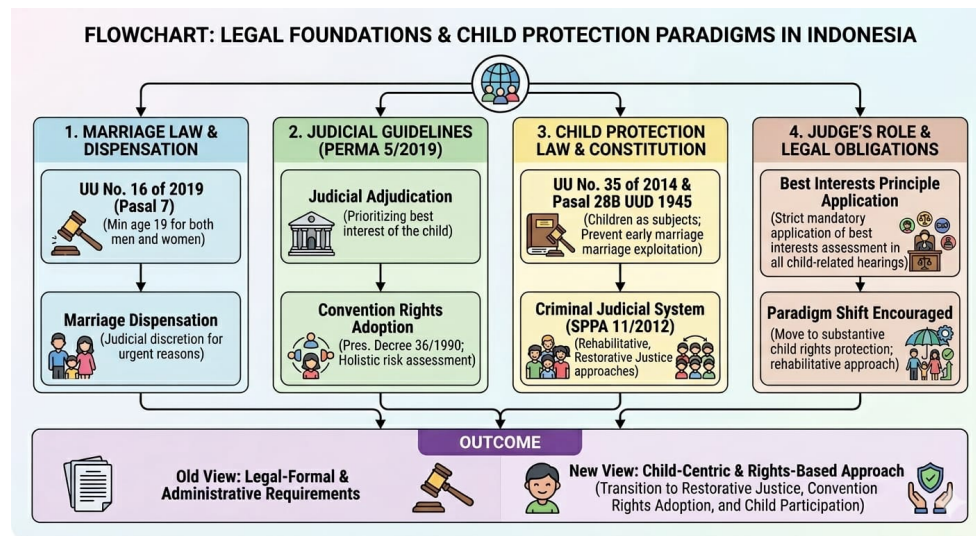


Figure 3. Legal Standard for Child Marriage in Indonesia

5. CONCLUSION

Qirā'ah mubādalāh rejects the religious legitimacy of hadiths on child marriage. Analysis shows that the text's primary message is the fulfilment of reciprocity, justice, and well-being, and that both parties must be ready to marry. Therefore, child marriage is incompatible with the purpose of marriage, as it is impossible to achieve *sakīnah*, *mawaddah*, and *rahmah* given the limitations inherent in children. This is also in line with Indonesia's positive legal framework. The contribution of this study is its application of *qirā'ah mubādalāh* to the issue of child marriage, a topic that has rarely been addressed in previous studies. By integrating the principles of reciprocity, *maqasid al-shari'ah*, and child protection, the study re-evaluates religious texts that are often used to justify child marriage. It also examines the relevance of *qirā'ah mubādalāh* to Indonesia's legal framework on child protection and marriage regulations. However, the study's reliance on textual and bibliographic analysis is a limitation. Further research could be conducted through empirical investigations into the acceptance and practical application of *qirā'ah mubādalāh*-based interpretations, particularly in the context of child marriage.

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