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The Judicial Interpretation of "Very Urgent Reasons": Child Protection, Family Morality, and Marriage Dispensation in Indonesia

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Abstract

Child marriage remains a complex socio-legal issue in Indonesia, particularly in marriage dispensation cases in which the statutory minimum marriageable age may be waived based on "very urgent reasons" (*alasan sangat mendesak*). This study examines how judges at the Gunung Sugih Islamic Court interpret and construct this open-textured legal category and how such interpretations shape the relationship between the best interests of the child and family morality. Employing a qualitative socio-legal approach, the study combines fieldwork and legal document analysis through focus group discussions, semi-structured interviews with six informants, and an in-depth analysis of 25 marriage dispensation decisions issued between 2021 and 2023. The findings demonstrate that judges construct "very urgent reasons" through four interacting forms of reasoning: juridical, theological, sociological, and psychological. This process produces a hierarchical construction of legal urgency, whereby social facts are selected, qualified, and weighted according to the immediacy of the circumstances, the objectivity of the evidence, and the risks associated with postponing marriage. Pregnancy resulting from sexual relations outside marriage is accorded the greatest legal weight, whereas risky dating relationships, economic circumstances, limited access to education, and local culture and traditions generally function as supporting or contextual factors. The study argues that judicial discretion operates not only to apply exceptions to the statutory minimum marriageable age but also to transform social facts into grounds that acquire legal legitimacy. Although the best interests of the child principle is present in judicial reasoning, its meaning is negotiated in relation to religious norms, family morality, social honor, and considerations of harm prevention. This study contributes to socio-legal and Islamic legal scholarship by demonstrating how judicial discretion mediates among state law, Islamic normative principles, and social realities in adjudicating child marriage cases.

[*Perkawinan anak merupakan persoalan sosio-legal yang kompleks di Indonesia, khususnya dalam perkara dispensasi kawin ketika batas usia minimum perkawinan dapat dikecualikan berdasarkan "alasan sangat mendesak". Penelitian ini menganalisis bagaimana hakim di Pengadilan Agama Gunung Sugih menginterpretasikan dan mengonstruksi kategori hukum terbuka tersebut serta*

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bagaimana interpretasi tersebut membentuk relasi antara kepentingan terbaik bagi anak dan moralitas keluarga. Penelitian ini menggunakan pendekatan sosio-legal kualitatif yang memadukan penelitian lapangan dan studi dokumen hukum melalui focus group discussion*, wawancara semi-terstruktur dengan enam informan, serta analisis mendalam terhadap 25 putusan dispensasi kawin yang diputus selama 2021-2023. Hasil penelitian menunjukkan bahwa para hakim agama mengonstruksi "alasan sangat mendesak" melalui empat bentuk argumentasi yang saling berinteraksi, yaitu yuridis, teologis, sosiologis, dan psikologis. Proses tersebut menghasilkan pembentukan hierarki tingkat urgensi hukum, di mana fakta sosial diseleksi, dikualifikasi, dan dibobot berdasarkan kondisi faktual kasus, objektivitas pembuktian, serta risiko apabila perkawinan ditunda. Kehamilan akibat hubungan seksual di luar perkawinan memperoleh bobot hukum paling kuat, sedangkan hubungan pacaran yang berisiko, kondisi ekonomi, keterbatasan pendidikan, serta budaya dan tradisi lokal umumnya berfungsi sebagai faktor pendukung atau kontekstual. Artikel ini berargumentasi bahwa diskresi yudisial tidak hanya berfungsi menerapkan pengecualian terhadap batas usia perkawinan, tetapi juga mengubah fakta sosial menjadi alasan yang memperoleh legitimasi hukum. Meskipun prinsip kepentingan terbaik bagi anak hadir dalam penalaran hakim, maknanya dinegosiasikan dengan norma agama, moralitas keluarga, kehormatan sosial, dan pertimbangan pencegahan kemudaratan. Penelitian ini berkontribusi pada kajian sosio-legal dan hukum Islam dengan menunjukkan bagaimana diskresi hakim memediasi hukum negara, prinsip normatif Islam, dan realitas sosial dalam pemeriksaan perkara perkawinan anak.*]

Keywords: Best Interests of the Child, Child Marriage, Family Morality, Judicial Discretion, Marriage Dispensation, Very Urgent Reasons.

Introduction

Child marriage remains one of the most complex issues in contemporary family law, particularly in societies characterized by plural legal systems in which state law, religious law, and prevailing social norms intersect in regulating marriage.[1] Although various international instruments, including the Convention on the Rights of the Child (CRC), establish the best interests of the child as a primary consideration in all decisions concerning children,[2] judicial practices across jurisdictions show that exceptions to minimum marriage-age requirements continue to be shaped by prevailing moral, religious, and cultural considerations.[3] This situation creates tension between the mandate to protect children's rights and the imperative to preserve family morality and social order,[4] particularly when judges encounter legal norms

1 Tasneem Kakal et al., "Intersecting Injustices: Child Marriage and the Law in Conflict-Affected Sudan," *International Journal for Equity in Health* 24, no. 1 (November 2025): 357; Hoko Horii, "Legal Reasoning for Legitimation of Child Marriage in West Java: Accommodation of Local Norms at Islamic Courts and the Paradox of Child Protection," *Journal of Human Rights Practice* 12, no. 3 (November 2020): 501–23; Mohsi Mohsi et al., "Harmonizing Legal Pluralism in Marriage Laws: Policy Challenges on Child Marriage in Madura," *Al-Ahkam: Jurnal Ilmu Syari'ah dan Hukum* 10, no. 2 (November 2025): 100–118.

2 John Mukum Mbaku, "International Law and Child Marriage in Africa," *Indonesian Journal of International and Comparative Law* 7, no. 2 (2020): 103–244; Ruth Gaffney-Rhys, "International Law as an Instrument to Combat Child Marriage," *The International Journal of Human Rights* 15, no. 3 (March 2011): 359–73.

3 Nur Insani et al., "Judicial Considerations in Child Marriage Dispensations: An Empirical Study of the Gorontalo Religious Court," *Jurnal Ilmiah Al-Syir'ah* 22, no. 1 (2024): 41–52; Very Julianto et al., "Judges' Perspectives on Changes in the Legal Minimum Age at Marriage in Indonesia," *Journal of Family Studies* 31, no. 1 (2025): 94–117; Muhammad Ishom, "The Loose Interpretation of Dominus Litis Principle in Marriage Dispensation for Underage Marriage in Banten," *AHKAM: Jurnal Ilmu Syariah* 23, no. 2 (2023): 329–50.

4 Michelle Scobie and Afiya France, "Child Marriage, Human Rights and International Norms: The Case of Legislative Reform in Trinidad and Tobago," *Third World Quarterly* 41, no. 10 (July 2020): 1687–706; Salim

framed in open-textured categories such as exceptional circumstances, compelling reasons, or urgent reasons. In such circumstances, judges do not merely apply pre-existing legal norms; they also interpret the meaning and legal significance of the factual circumstances presented by the parties. Judicial interpretation and discretion are, therefore, essential to understanding how the principle of child protection is translated into concrete decisions concerning child marriage.

Indonesia faces a similar challenge following the enactment of Law No. 16 of 2019, which amended Law No. 1 of 1974 on Marriage by equalizing the minimum marriageable age for men and women at 19 years. This amendment followed Constitutional Court Decision No. 22/PUU-XV/2017 and was intended to strengthen child protection and prevent child marriage.[5] Nevertheless, Article 7(2) continues to permit courts to grant marriage dispensations to prospective spouses who have not yet reached the statutory minimum age when there are "very urgent reasons" (Indonesian: *alasan sangat mendesak*). On one hand, this mechanism allows judges to consider the specific circumstances of individual cases.[6] On the other hand, the phrase "very urgent reasons" is not accompanied by a fully determinative operational definition specifying which circumstances satisfy the requisite threshold of urgency, thereby leaving considerable room for judicial interpretation.[7] Consequently, the effectiveness of child protection in marriage dispensation cases depends not only on raising the minimum marriageable age but also on how judges interpret, classify, and weigh the facts presented as grounds for an exception.[8] This issue is particularly evident at the Gunung Sugih Islamic Court. Case data indicate that between 2021 and 2023, 249 applications for marriage dispensation were filed; of these, 234 were granted, 11 were denied, and 4 were withdrawn by the applicants, resulting in an approval rate of approximately 94%.[9] This high approval rate raises a more substantive question: What facts and legal considerations do judges construct as "very urgent reasons" sufficient to justify exceptions to the statutory minimum marriageable age?

Previous studies on marriage dispensation in Indonesia can be broadly categorized into three main strands. First, studies adopting legal and policy perspectives have focused on the implementation of Law No. 16 of 2019 and the marriage dispensation mechanism. Findings from these studies indicate that, although raising the minimum marriageable age was intended to strengthen child protection, the availability of dispensations under the category

Bashir Magashi et al., "Child Marriage Law and Women Protection: Human Rights Lessons from India, China, and Indonesia," *Unnes Law Journal* 12, no. 1 (May 2026): 1–40.

5 Iwan et al., "Reconceptualizing the Marriage Age Limit in Indonesia: Efforts to Strengthen Family Resilience in North Sumatra," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (June 2024): 161–78.

6 Akmal Hakim BS et al., "Assessing Judges' Considerations of Urgent Grounds in Marriage Dispensation Decisions: A Case Study of the Jantho Sharia Court, Aceh, Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 8, no. 2 (December 2025): 1000–1020.

7 Taufiqur Rohman et al., "Preventing Violations of Religious and Social Norms: Judicial Interpretation of 'Urgent Reasons' in Marriage Dispensation at the Wonosari Religious Court, Indonesia," *Journal of Islamic Law* 4, no. 2 (August 2023): 218–36.

8 Sakirman Sakirman, Yulia Rizki Amanda, and Le Thi Thao, "Effectiveness of Marriage Age Limit According to Law Number 16 of 2019 in East Lampung," *MILRev: Metro Islamic Law Review* 1, no. 2 (December 2022): 164–75.

9 "Data Obtained from the Registrar of the Gunung Sugih Islamic Court," June 18, 2025.

of "very urgent reasons" continues to create opportunities for child marriage.[10] Several studies have also demonstrated that judicial practice places substantial emphasis on premarital pregnancy, family pressure, and considerations of *maṣlaḥah* (public interest), resulting in a complex interaction between child protection and social, cultural, and religious factors.[11] Second, studies adopting socio-cultural perspectives have conceptualized marriage dispensation as an arena in which formal law interacts with prevailing social norms. Local traditions, stigma surrounding adolescent pregnancy, concerns about *ẓinā* (sexual relations outside marriage), and efforts to preserve family honor have been identified as factors influencing both applications for marriage dispensation and judicial considerations.[12] Third, studies adopting health and psychosocial perspectives have shown that child marriage is associated with various risks to children's reproductive health, education, and psychosocial well-being, while judicial assessments of the psychological and health readiness of prospective spouses remain areas requiring further attention.[13]

Although this body of literature has enriched our understanding of the causes, consequences, and considerations underlying marriage dispensation, much of the existing scholarship treats the grounds advanced in applications and the outcomes of judicial decisions as the endpoint of analysis, without thoroughly examining the interpretive processes through which social facts are transformed into legal categories. Addressing this gap, this study aims to analyze how judges at the Gunung Sugih Islamic Court interpret the phrase "very urgent reasons" as an open-textured legal norm and how such interpretations shape judicial reasoning in balancing the best interests of the child with family morality. Drawing on perspectives of judicial discretion and legal interpretation, this study argues that judges do not simply apply the category of "very urgent reasons" as predetermined by state law. Instead, they engage in a process of selecting, qualifying, and weighing social facts to

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10 Wardatun Nabilah et al., "Between Protection and Permissiveness: A Fiqh Siyasah Reexamination of Marriage Dispensation in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (June 2025): 137–51; Nabil Fikri Palasenda, "The Problem of Marriage Dispensation Between Theory and Practice," *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (November 2025): 181–200.

11 Siti Kafidhoh et al., "Dynamics of Legal Politics Regarding Marriage Age Limits in Indonesia: Between Religious Norms and Social Change," *Jurnal Hukum Islam* 22, no. 2 (December 2024): 405–36; Darmawan Darmawan et al., "Marriage Dispensation and Family Resilience: A Case Study of the Bener Meriah Shariah Court, Aceh Province," *AHKAM: Jurnal Ilmu Syariah* 22, no. 2 (December 2022), 433–54; Ani Purwanti and Aga Natalis, "Law as Text, Culture as Context: The Semiotics of Marriage Dispensation and Judicial Considerations in Indonesia," *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique* 39, no. 2 (February 2026): 729–60.

12 Julianto et al., "Judges' Perspectives on Changes in the Legal Minimum Age at Marriage in Indonesia," 94–117; Dede Kania and Siti Nur Fatoni, "Protecting Children's Rights in Marriage Dispensation Cases: Evidence from Religious Courts in Indonesia," *Asy-Syari'ah* 25, no. 2 (January 2025): 79–98; Dwi Aprilianto et al., "Tarjīḥ Maqāṣidī Approach to Marriage Dispensation in Cases of Child Pregnancy in Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam* 20, no. 1 (April 2026): 43–64.

13 Rayinda Faizah, Dwi Susanti, and Fadillah Sandy, "Psychosocial Determinants of Early Marriage among Adolescents in Magelang Regency, Indonesia: A Qualitative Descriptive Study," *Multidisciplinary Science Journal* 8, no. 8 (2026): 2026527–2026527; Loveria Sekarrini, Sabarinah Prasetyo, and Agustin Kusumayati, "Child Marriage Dispensation from a Reproductive Health Perspective: Why Do Judges Grant or Reject Applications?," *International Journal of Adolescent Medicine and Health* 37, no. 6 (December 2025): 411–20; Ateng Ruhendi, Muhamad Kholid, and Agus Mailana, "Islamic and International Legal Perspectives on Early Child Marriage: A Bibliometric Analysis," *Khazanah Hukum* 8, no. 1 (February 2026): 16–37.

determine whether particular circumstances possess sufficient legal relevance and urgency. In this process, legal norms interact with principles of Islamic law, religious values, family circumstances, and conceptions of harm and family honor. This article argues that "very urgent reasons" constitute a legal category constructed through the exercise of judicial discretion, producing a hierarchy of urgency in which not all social facts have the same capacity to confer legal legitimacy. Consequently, although the principle of the best interests of the child is present in judicial examination and reasoning, in practice it interacts with religious norms, family morality, and considerations of harm prevention in determining which circumstances may legitimately justify the granting of a marriage dispensation.

Research Methodology

This study employs a qualitative research design using a socio-legal approach that combines fieldwork with legal document analysis. The fieldwork was conducted over three months, from June to August 2025, at the Gunung Sugih Islamic Court in Central Lampung Regency, Lampung Province, through Focus Group Discussions (FGDs) and interviews with judges who had adjudicated marriage dispensation cases. The court was selected because of its relatively high volume of marriage dispensation cases and the composition of its judicial panel, which included both male and female judges. The research site was chosen because the characteristics of the cases and the diversity of judicial perspectives provided a relevant empirical context for examining how the legal norm concerning "very urgent reasons" is interpreted and applied in judicial practice. The documentary component of the study involved an analysis of marriage dispensation decisions obtained directly from the court registrar. Combining these two forms of inquiry enabled the researchers not only to examine the legal reasoning articulated in judicial decisions but also to understand and corroborate the reasoning underlying judges' interpretations of the phrase "very urgent reasons."

Research data were collected using three techniques: FGDs, semi-structured interviews, and documentary analysis. The FGDs were conducted on June 12 and 14, 2025, while in-depth interviews were conducted on June 18 and 20, 2025, involving judges who had adjudicated marriage dispensation cases at the Gunung Sugih Islamic Court. Findings from the FGDs were further explored through semi-structured interviews with five Muslim judges who had handled the relevant cases, as well as one secretary of the Gunung Sugih Islamic Court. In total, six informants participated in the study (see Table 1). In addition to the FGD and interview data, the study analyzed 25 marriage dispensation decisions issued between 2021 and 2023. These decisions were purposively selected to represent the five judges recorded as having granted marriage dispensation applications during the study period. Of the eight Muslim judges serving at the time of the research, five had adjudicated marriage dispensation cases during the period under study. To ensure balanced representation, five decisions issued by each Muslim judge were selected for in-depth analysis. Accordingly, the 25 decisions were not intended to constitute a statistical sample of all cases but rather a case corpus for an in-depth qualitative analysis of patterns in the facts and judicial reasoning.

Table 1
Informant and Decision Data

Informant Code	Gender	Position	FGD and Interview Dates	Decisions Analyzed
L2	Male	Muslim Judge	June 12, 14, 18, and 20, 2025	512/Pdt.P/2022/PA.Gsg; 516/Pdt.P/2022/PA.Gsg; 517/Pdt.P/2022/PA.Gsg; 240/Pdt.P/2023/PA.Gsg; 305/Pdt.P/2023/PA.Gsg
L3	Male	Muslim Judge	June 12, 14, 18, and 20, 2025	505/Pdt.P/2022/PA.Gsg; 510/Pdt.P/2022/PA.Gsg; 196/Pdt.P/2023/PA.Gsg; 309/Pdt.P/2023/PA.Gsg; 23/Pdt.P/2023/PA.Gsg
L4	Male	Muslim Judge	June 12 and 14, 2025	135/Pdt.P/2023/PA.Gsg; 189/Pdt.P/2023/PA.Gsg; 195/Pdt.P/2023/PA.Gsg; 233/Pdt.P/2023/PA.Gsg; 320/Pdt.P/2023/PA.Gsg
P3	Female	Muslim Judge	June 12, 14, 18, and 20, 2025	511/Pdt.P/2022/PA.Gsg; 518/Pdt.P/2022/PA.Gsg; 525/Pdt.P/2022/PA.Gsg; 137/Pdt.P/2023/PA.Gsg; 19/Pdt.P/2023/PA.Gsg
P4	Female	Muslim Judge	June 12 and 14, 2025	323/Pdt.P/2023/PA.Gsg; 399/Pdt.P/2023/PA.Gsg; 324/Pdt.P/2023/PA.Gsg; 375/Pdt.P/2023/PA.Gsg; 408/Pdt.P/2023/PA.Gsg
L1	Male	Secretary of the Islamic Court	June 18, 2025	-

Source: Authors' compilation, 2025.

The data were analyzed using thematic and interpretive analysis conducted in successive stages. In the first stage, the researchers identified and coded the various circumstances invoked as "very urgent reasons" in the judicial decisions and then grouped them according to similar factual characteristics. In the second stage, the study examined the forms of legal reasoning employed by Muslim judges to connect these facts to the legal norms governing marriage dispensation. This process involved source triangulation by comparing the reasoning articulated in the judicial decisions with the judges' explanations during the FGDs and in-depth interviews. In the third stage, the factual categories and patterns of legal reasoning were interpreted to identify how judges selected, weighted, and qualified social facts as circumstances possessing legal relevance. This analysis draws on Aharon Barak's perspective on judicial discretion and legal interpretation,[14] treating the phrase "very urgent reasons" as an open legal norm whose meaning is not fully determined by the text but

[14] Aharon Barak, *Judicial Discretion*, trans. Yadin Kaufmann (Yale University Press, 1989), 3–44; Aharon Barak, *Purposive Interpretation in Law*, trans. Sari Bashi (Princeton University Press, 2005), 3–60.

acquires operational form through judicial reasoning as Muslim judges connect the legal norm to the facts established in the proceedings. The social construction theory developed by Peter Berger and Thomas Luckmann[15] is employed as a supporting framework to understand how legal meaning is constructed through the interaction of legal norms, judicial institutions, and social reality.

The Minimum Marriage Age and "Very Urgent Reasons" for Marriage Dispensation: A State Law Perspective

The regulation of the minimum marriageable age in Indonesia was initially governed by Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (*Kompilasi Hukum Islam*, KHI). Before the legislative amendment, Article 7(1) of the Marriage Law established a minimum marriageable age of 19 years for men and 16 years for women, while Article 15(1) of the KHI adopted the same age thresholds. These provisions were subsequently subjected to constitutional review through Constitutional Court Decision No. 22/PUU-XV/2017, which found that the disparity in minimum marriageable age had the potential to give rise to discrimination and failed to provide adequate protection for children's rights. Consequently, the Constitutional Court directed the legislature to amend the relevant provisions. In response, the Government and the House of Representatives (*Dewan Perwakilan Rakyat*, DPR) enacted Law No. 16 of 2019, which equalized the minimum marriageable age for men and women at 19 years.[16] This amendment signaled a shift in the orientation of legal policy from merely regulating eligibility for marriage toward strengthening the protection of children's rights.[17]

Although the minimum marriageable age was raised to 19 years, Law No. 16 of 2019 retained the marriage dispensation mechanism as an exception to this general rule.[18] Article 7(2) authorizes the parents of a prospective bride or groom to submit an application for a marriage dispensation to the court when there are "very urgent reasons" supported by sufficient evidence. This provision gives courts the power to consider the specific circumstances confronting the prospective spouses while simultaneously placing judges in a critical position in determining whether a particular circumstance satisfies the legally prescribed threshold of urgency.[19] During the examination of an application, judges are also required to hear the views of both prospective spouses and consider their circumstances in

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15 Peter Berger and Thomas Luckmann, "The Social Construction of Reality," in *Social Theory Re-Wired: New Connections to Classical and Contemporary Perspectives*, 2nd ed., ed. Wesley Longhofer and Daniel Winchester (New York: Routledge, 2016), 110–12.

16 Imron Rosyadi et al., "Gaps and Challenges in Child Marriage Regulation: An Indonesian and Australian Legal Perspective," *Justicia Islamica* 22, no. 2 (2025): 381–410; Arifki Budia Warman et al., "Reforming Marriage Registration Policies in Malaysia and Indonesia," *BESTUUR* 11, no. 1 (2023): 61–74.

17 Iwan et al., "Reconceptualizing the Marriage Age Limit in Indonesia," 161–78; Daud Rismana et al., "The Controversy on the Minimum Age for Marriage in Indonesia: Factors and Implications," *Journal of Sustainable Development and Regulatory Issues (JSDERI)* 2, no. 1 (January 2024): 53–66.

18 Kholifatun Nur Mustofa, "Adjudicating Underage Marriages at Religious Courts: A Progressive Collaboration between Judiciary and Health Authority," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 2 (December 2023): 342–63.

19 Salma Mursyid and Nasruddin Yusuf, "Changes in Marriage Age Limits and Marriage Dispensations: A Study of Causes and Impacts on the Religious Courts in North Sulawesi," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, no. 2 (December 2022): 975–96.

accordance with the guidelines governing the adjudication of marriage dispensation cases.[20] Marriage dispensation is, therefore, an exceptional legal mechanism because it permits a departure from the statutory minimum marriageable age through judicial proceedings. Its exceptional nature requires that a dispensation be granted not merely based on parental consent or the wishes of the prospective spouses, but on the basis of the judge's assessment of the specific circumstances, the available evidence, and the best interests of the child.

Within this framework, the phrase "very urgent reasons" constitutes the central point of inquiry in marriage dispensation proceedings. Although this phrase is expressly used in Law No. 16 of 2019, the statute does not provide an operational definition specifying in detail which circumstances qualify as very urgent. More concrete guidance is provided by Supreme Court Regulation No. 5 of 2019 on Guidelines for Adjudicating Applications for Marriage Dispensation, which defines an urgent circumstance as a condition supported by evidence demonstrating that the marriage must take place immediately to prevent greater harm.[21] In judicial practice, circumstances such as pregnancy, the risk of sexual relations outside marriage, and other conditions potentially detrimental to the prospective spouses may be considered in this assessment. The examination also addresses their psychological and health conditions, their wishes, and the best interests of the child.[22] Normatively, therefore, "very urgent reasons" should not be understood merely as a response to social or cultural pressure but rather as a legal category that must be assessed within a framework of child protection and harm prevention.

The state-law perspective both converges with and diverges from the construction of marriage law within the classical *fiqh* (Islamic jurisprudence) of the Sunnī tradition. In *fiqh*, the minimum marriageable age is generally not determined by a numerical threshold but is associated with the attainment of *bulūgh* (puberty) and the physical and psychological readiness of the prospective spouses.[23] The Ḥanafī, Mālikī, Shāfiʿī, and Ḥanbalī schools of law (*madhhab*) generally agree that a marriage contract may be concluded provided that the requisite pillars and conditions of marriage are fulfilled. The differences among these schools primarily concern the authority of a guardian (*walī*) to arrange the marriage of a minor and the assessment of *maṣlaḥah* that must be taken into consideration.[24] The Ḥanafī school grants relatively broad authority to a guardian to arrange the marriage of a minor.[25] In contrast, the Mālikī school places greater emphasis on considerations of *maṣlaḥah* and, under certain

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20 Rohmadi Rohmadi et al., "Judges' Considerations in Granting Marriage Dispensation Licenses in Indonesia: Islamic Family Law Perspective," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (June 2024): 326–45.

21 Muhammad Fauzinudin Faiz, Zezen Zainul Ali, and Muhammad Taufiq, "Underage Widows and Widowers before the Law: Problem, Contestation and Legal Certainty in Marriage Dispensation," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 2023): 223–34.

22 Lena Hanifah et al., "Child Marriage in Indonesia: How Communities Navigate Marriage Practices within Islamic, Adat, and State Norms," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 21, no. 1 (June 2026): 1–28.

23 M. Anwar Nawawi et al., "Harmonization of Islam and Human Rights: Judges' Legal Arguments in Rejecting Child Marriage Dispensation in Sukadana, Indonesia," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 1 (September 2022): 117–34.

24 Nasrulloh Nasrulloh et al., "Understanding of the Hadith, Marriage Age and the Islamic Law: Study of Regent's Regulations in Bojonegoro, East Java," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 2 (June 2024): 998–1022.

25 Muḥammad ibn Aḥmad al-Sarakhsī, *Al-Mabsūṭ*, Vol. 4 (Beirut: Dār al-Maʿrifah, n.d.), 212.

circumstances, the child's consent.[26] The Shāfiʿī and Ḥanbalī schools likewise recognize the validity of a marriage contract concluded before *bulūgh*, while emphasizing the importance of avoiding harm and considering the welfare of the child.[27] Thus, although classical *fiqh* does not prescribe a numerical minimum marriageable age, the principle of *maṣlaḥah* developed within this tradition allows for contemporary *ijtihād* (independent legal reasoning) supporting the establishment of a minimum marriageable age as part of implementing *maqāṣid al-sharīʿah* (the objectives of Islamic law) for the protection of children.

Unlike the minimum marriageable age, which is formulated numerically, the phrase "very urgent reasons" functions as an open-textured norm because it does not exhaustively specify the circumstances that satisfy the threshold of urgency. This characteristic means that determining whether an urgent circumstance exists cannot be undertaken mechanically based on statutory text alone. Rather, it requires judges to interpret the facts presented and established during the proceedings.[28] In this context, judges do not merely apply an existing norm but also give the norm operational meaning through their assessment of the facts, legal principles, social context, and purposes underlying the granting of marriage dispensations.[29] In other words, the principal issue in the practice of marriage dispensation lies not merely in the existence of a norm concerning "very urgent reasons," but in how that norm is interpreted, qualified, and operationalized through judicial proceedings.[30] The open-textured character of the norm likewise makes judicial discretion an important dimension of understanding marriage dispensation practice. Judges have the latitude to determine which facts are legally relevant and how much weight should be assigned to those facts in justifying an exception to the minimum marriageable age. Accordingly, the phrase "very urgent reasons" may be understood not merely as factual circumstances existing before the proceedings, but as a legal category whose meaning is constituted through judicial interpretation and the weighing of evidence.

Marriage Dispensation Applications at the Gunung Sugih Islamic Court

The Gunung Sugih Islamic Court is one of the Islamic courts serving Central Lampung Regency in Lampung Province. The court was established in 2002 pursuant to Presidential Decree of the Republic of Indonesia No. 62 of 2002. Before the establishment of the Gunung Sugih Islamic Court, residents of Central Lampung Regency filed their cases with the Metro Islamic Court.[31] For this study, the Gunung Sugih Islamic Court constitutes an

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26 Saḥnūn ibn Saʿīd, *Al-Mudawwanah al-Kubrā*, Vol. 2 (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1994), 218.

27 Muḥammad ibn Idrīs al-Shāfiʿī, *Al-Umm*, Vol. 5 (Beirut: Dār al-Maʿrifah, 1990), 18; Ibn Qudāmah, *Al-Mughnī*, Vol. 7 (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1994), 365.

28 Yasin Yetta, Ahmad Rajafi, and Syahrul Mubarak Subeitan, "Understanding the Implications of Marriage Law Amendments: Marriage Dispensation Cases in Indonesian Religious Courts," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 2024): 121–36.

29 Syufa'at, "Marriage Dispensation in Underage Marriage: A Case Study at the Purwokerto Religious Court," *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 1 (May 2022): 91–102.

30 M. Nurul Irfan, Maskur Rosyid, and Ali Imron, "Child Marriage and the Quest for Legal Protection: Integrating Islamic Family Law and Islamic Criminal Law," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 19, no. 1 (January 2026): 33–52.

31 Pengadilan Agama Gunung Sugih, "Sejarah Pengadilan," Lampung Tengah: Pengadilan Agama Gunung Sugih, July 18, 2026, https://pa-gunungsugih.go.id/profil-pengadilan/sejarah-pengadilan.html.

important research site for examining marriage dispensation practices because it handles a relatively high volume of such cases. Data obtained from the court registry indicate that, during the 2021-2023 period, 249 marriage dispensation applications were handled by the five judges included in the research corpus.[32] These data provide an empirical overview of patterns in the disposition of applications and offer important context for understanding how judges interpret "very urgent reasons" in individual cases.

Table 2

Marriage Dispensation Applications at the Gunung Sugih Islamic Court, 2021-2023

Judge Code	Gender	Granted	Denied	Withdrawn	Total
L2	Male	52	2	-	54
L3	Male	37	5	-	42
L4	Male	67	3	-	70
P3	Female	57	1	4	62
P4	Female	21	-	-	21
Total		234	11	4	249

Source: Data obtained from the Clerk of the Gunung Sugih Islamic Court, 2025.

As shown in Table 2, of the 249 marriage dispensation applications handled during the 2021-2023 period, 234 were granted, 11 were denied, and 4 were withdrawn by the applicants. Thus, approximately 94% of the applications resulted in decisions granting the requested dispensation. Among the eight judges serving at the time of the research, five adjudicated marriage dispensation cases during the study period: three male judges and two female judges. The number of cases handled by each judge varied, with L4 handling the largest number, at 70 cases, followed by P3 with 62 cases, L2 with 54 cases, L3 with 42 cases, and P4 with 21 cases. The high proportion of applications granted indicates that marriage dispensation is not merely a rarely invoked exception but constitutes a significant component of judicial practice at the Gunung Sugih Islamic Court.[33]

Based on an analysis of 25 marriage dispensation decisions, the grounds presented by applicants can be classified into three principal typologies: (1) premarital pregnancy, (2) a close relationship between the prospective spouses accompanied by concerns that it could lead to violations of religious norms, and (3) sexual relations outside of marriage that have already occurred. These three typologies reveal relatively consistent patterns, although the factual configuration of each case differs. This classification is not intended to obscure the distinctive features of individual cases but rather to identify patterns in the factual arguments advanced by applicants and subsequently assessed by judges. The three typologies also reveal different forms of urgency, ranging from circumstances that have already materialized and produced concrete consequences to circumstances that are preventive in nature because they are based on concerns about the possible occurrence of violations of religious norms.

[32] "Data Obtained from the Registrar of the Gunung Sugih Islamic Court."
[33] L1, "Interview with the Secretary of the Gunung Sugih Islamic Court," June 18, 2025.

Table 3
Applicants' "Very Urgent Reasons" in Marriage Dispensation Cases

Urgent Reason	Supporting Grounds	Case Characteristics	Decision Numbers
Premarital pregnancy	Parental consent and the prospective husband's ability to provide for his wife	Efforts to protect the mother and child from adverse legal and social consequences	512/Pdt.P/2022/PA.Gsg; 516/Pdt.P/2022/PA.Gsg; 517/Pdt.P/2022/PA.Gsg; 511/Pdt.P/2022/PA.Gsg; 518/Pdt.P/2022/PA.Gsg; 525/Pdt.P/2022/PA.Gsg; 137/Pdt.P/2023/PA.Gsg; 19/Pdt.P/2023/PA.Gsg; 305/Pdt.P/2023/PA.Gsg; 323/Pdt.P/2023/PA.Gsg; 324/Pdt.P/2023/PA.Gsg; 375/Pdt.P/2023/PA.Gsg; 399/Pdt.P/2023/PA.Gsg; 408/Pdt.P/2023/PA.Gsg
Concern about violation of religious norms	The relationship between the prospective spouses had continued for a considerable period	A preventive application intended to prevent *zinā*; the prospective wife was not pregnant	505/Pdt.P/2022/PA.Gsg; 510/Pdt.P/2022/PA.Gsg; 23/Pdt.P/2023/PA.Gsg; 135/Pdt.P/2023/PA.Gsg; 189/Pdt.P/2023/PA.Gsg; 195/Pdt.P/2023/PA.Gsg; 233/Pdt.P/2023/PA.Gsg; 320/Pdt.P/2023/PA.Gsg; 309/Pdt.P/2023/PA.Gsg
Sexual relations outside marriage had already occurred	Admissions by both prospective spouses that they had engaged in sexual relations outside marriage	Protection of the parties' honor and efforts to direct the relationship toward a lawful marriage	240/Pdt.P/2023/PA.Gsg; 196/Pdt.P/2023/PA.Gsg

Source: Authors' compilation and analysis, 2025.

The first typology is premarital pregnancy, which is the most dominant ground in the corpus of decisions analyzed. In this category, applicants asserted that the prospective female spouse was pregnant, generally supported by a health certificate or medical evidence, family consent, and the prospective husband's willingness to assume responsibility for the household. This pattern was identified in 14 marriage dispensation decisions at the Gunung Sugih Islamic Court (see Table 3). In their reasoning, judges did not treat pregnancy merely as a biological fact but also as a circumstance producing social and legal consequences that made it necessary for the marriage to take place promptly. For example, in Gunung Sugih Islamic Court Decision No. 517/Pdt.P/2022/PA.Gsg, the prospective bride's pregnancy was considered alongside the readiness of both prospective spouses to fulfill their respective obligations as husband and wife, as well as the support of their parents in establishing a

household.[34] A more explicit pattern appears in Gunung Sugih Islamic Court Decision No. 19/Pdt.P/2023/PA.Gsg, where the gestational age and concerns about the recurrence of conduct considered contrary to Islamic legal norms were used to reinforce the conclusion that the marriage needed to take place promptly.[35] These findings indicate that pregnancy functions as a relatively objective and actual indicator of urgency,[36] while the couple's readiness, family support, and concerns about recurrent sexual relations operate as factors reinforcing the construction of an urgent circumstance.

The second typology concerns a close relationship between prospective spouses that is considered sufficiently serious to raise concerns about potential violations of religious norms if the marriage is delayed. Applications in this category generally rely on a relationship that has continued for a considerable period, mutual affection, the consent of both families, and the prospective husband's readiness, demonstrated by his employment or income. These characteristics were identified in nine marriage dispensation decisions at the Gunung Sugih Islamic Court (see Table 3). Unlike cases involving pregnancy, the grounds in this typology are essentially preventive, as marriage is framed as a means of preventing the continuation of a relationship that could potentially violate religious norms and produce social consequences for the parties and their families. For example, in Gunung Sugih Islamic Court Decision No. 233/Pdt.P/2023/PA.Gsg, the closeness of the relationship between the prospective spouses and concerns about the recurrence of conduct prohibited under Islamic law formed part of the court's assessment of the urgency of the marriage.[37] A similar consideration appears in Gunung Sugih Islamic Court Decision No. 189/Pdt.P/2023/PA.Gsg, where the length of the prospective spouses' relationship was associated with concerns about the recurrence of conduct contrary to Islamic law and the potential embarrassment or shame it could cause both families.[38] Meanwhile, Gunung Sugih Islamic Court Decision No. 505/Pdt.P/2022/PA.Gsg demonstrates that the duration of the relationship, concerns about sexual relations outside marriage, and family consent were considered together.[39] Thus, within this typology, the closeness of the relationship does not automatically constitute sufficient grounds; rather, it acquires legal relevance when associated with concrete risks to religious norms, morality, and family order.

The third typology concerns sexual relations outside marriage that have already occurred, as identified in two Islamic court decisions. Unlike the second typology, which primarily addresses the potential occurrence of a violation of religious norms, this category involves sexual relations outside marriage that have already taken place and have been acknowledged by the prospective spouses. For example, in Gunung Sugih Islamic Court Decision No. 196/Pdt.P/2023/PA.Gsg, the judge considered that the proposed marriage could be regarded as consistent with the principle of the best interests of the child because the prospective spouses had been in a relationship for one year and admitted to engaging in

34 "Decision of the Gunung Sugih Islamic Court No. 517/Pdt.P/2022/PA.Gsg," 8.
35 "Decision of the Gunung Sugih Islamic Court No. 19/Pdt.P/2023/PA.Gsg," 10.
36 Aprilianto et al., "Tarjīḥ Maqāṣidī Approach to Marriage Dispensation in Cases of Child Pregnancy in Indonesia," 43–64.
37 "Decision of the Gunung Sugih Islamic Court No. 233/Pdt.P/2023/PA.Gsg," 3.
38 "Decision of the Gunung Sugih Islamic Court No. 189/Pdt.P/2023/PA.Gsg," 3.
39 "Decision of the Gunung Sugih Islamic Court No. 505/Pdt.P/2022/PA.Gsg," 3.

sexual relations outside marriage. The judge also took into account the parents' limited ability to supervise their child's relationship.[40] A similar consideration appears in Gunung Sugih Islamic Court Decision No. 240/Pdt.P/2023/PA.Gsg, where the parents' attempt to postpone the marriage until the prospective spouses reached the statutory minimum age was not upheld because the prospective spouses had already engaged in sexual relations and continued to wish to marry.[41] These two decisions, therefore, demonstrate that sexual relations outside marriage can constitute a concrete fact reinforcing the construction of an urgent circumstance. At this point, marriage is positioned not merely as a preventive instrument but also as a response to an existing situation, taking into account the interests of the child, the parents' limited capacity to supervise the relationship, and the need to direct the parties' relationship toward a legally recognized marriage.

Overall, the analysis of the 25 decisions reveals relatively consistent patterns in the judicial interpretation of "very urgent reasons." Premarital pregnancy occupies the most dominant position, while the closeness of the prospective spouses' relationship and sexual relations outside marriage represent forms of urgency that are, respectively, preventive and corrective in nature. Across all three typologies, Muslim judges considered not only the prospective spouses' ages but also a range of concrete factors, including pregnancy status, the duration of the relationship, the occurrence of sexual relations, the prospective spouses' readiness, the prospective husband's economic capacity, and family support.[42] This pattern demonstrates that "very urgent reasons" do not exist as a category wholly detached from social reality; rather, they are constructed through an assessment of the combination of facts presented and established during the proceedings.[43] The findings further indicate that the legitimizing force of individual facts in judicial proceedings is not uniform: pregnancy provides a more concrete indicator of urgency, whereas the closeness of the relationship and other social factors acquire legal relevance only when linked to a particular risk. Accordingly, the phrase "very urgent reasons" in judicial practice can be understood as the outcome of a judicial construction of social facts rather than simply as objective circumstances that automatically satisfy the legal norm.[44]

Muslim Judges' Legal Reasoning in Constructing "Very Urgent Reasons"

An analysis of the 25 marriage dispensation decisions granted by the Gunung Sugih Islamic Court demonstrates that judges did not base their decisions solely on the facts presented by the applicants. Rather, they constructed legal arguments to explain why those facts could

40 "Decision of the Gunung Sugih Islamic Court No. 196/Pdt.P/2023/PA.Gsg," 22.

41 "Decision of the Gunung Sugih Islamic Court No. 240/Pdt.P/2023/PA.Gsg," 6.

42 Ishom, "The Loose Interpretation of Dominus Litis Principle in Marriage Dispensation for Underage Marriage in Banten," 329–50.

43 Mursyid and Yusuf, "Changes in Marriage Age Limits and Marriage Dispensations," 975–96; Maimunah Maimunah et al., "Juridical and Sociological Considerations of Judges in Granting Marriage Dispensation after Enactment Law No. 16 of 2019," *Jurnal Ilmiah Al-Syir'ah* 19, no. 2 (December 2021): 136–48; Rohmadi et al., "Judges' Considerations in Granting Marriage Dispensation Licenses in Indonesia," 326–45.

44 Haniah Ilhami, Destri Budi Nugraheni, and Tata Wijayanta, "Child Protection Post the New Marriage Law: How Indonesian Religious Court Interpreting the Urgency in Child-Age Marriage," *Jurnal IUS Kajian Hukum dan Keadilan* 11, no. 1 (April 2023): 75–95; Hasyim Sofyan Lahilote et al., "Judge's Dilemma in Marriage Dispensation in the Religious Court," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 22, no. 1 (June 2022): 52–60.

satisfy the requirement of "very urgent reasons" contemplated by Article 7(2) of Law No. 16 of 2019. This reasoning was not developed through a single approach but through a combination of several complementary forms of legal reasoning. The study identifies four forms of argumentation that consistently appear in the decisions: juridical, theological, sociological, and psychological reasoning. Each serves a distinct function in judicial decision-making. Juridical reasoning establishes the legal basis for an exception to the minimum marriageable age; theological reasoning provides normative justification through considerations of *maṣlaḥah* and the prevention of *mafsadah* (harm); sociological reasoning connects legal norms to the concrete social circumstances of the parties; and psychological reasoning is used to assess the capacity and readiness of the prospective spouses. Accordingly, "very urgent reasons" are not constructed through the linear application of a single legal norm but through the combination of multiple sources of consideration that enable judges to connect legal texts with social facts, religious norms, and the individual circumstances of the child.[45]

Table 4

Muslim Judges' Legal Reasoning in Constructing "Very Urgent Reasons"

Legal Argument	Legal Considerations	Function in the Decision	Representative Decisions
Juridical argumentation	Article 7(1) and (2) of Law No. 16 of 2019; Supreme Court Regulation No. 5 of 2019 on Guidelines for Adjudicating Applications for Marriage Dispensation	Provides the legal basis and legitimacy for granting or denying a marriage dispensation	All 25 decisions analyzed
Theological argumentation	The Islamic legal maxims *darʾ al-mafāsid muqaddam ʿalā jalb al-maṣāliḥḥ* and *akhaf al-mafsadatayn*	Provides normative justification through considerations of *maṣlaḥah* and the prevention of harm	512/Pdt.P/2022/PA.Gsg; 305/Pdt.P/2023/PA.Gsg; 505/Pdt.P/2022/PA.Gsg
Sociological argumentation	Pregnancy, romantic relationships, sexual relations outside marriage, economic readiness, and family support	Connects legal provisions to the concrete social circumstances confronting the parties	505/Pdt.P/2022/PA.Gsg; 240/Pdt.P/2023/PA.Gsg; 309/Pdt.P/2023/PA.Gsg
Psychological argumentation	Free will, mental and emotional readiness, understanding of household responsibilities, and readiness to assume parental responsibilities	Assesses the individual capacity of the prospective spouses and operationalizes the best interests of the child principle	All 25 decisions analyzed

Source: Analysis of 25 decisions from the Gunung Sugih Islamic Court, 2025.

[45] Supriyadi and Siti Suriyati, "Judges' Legal Culture in Dealing with High Number of Applications for Child Marriage Dispensation during Covid-19 Pandemic at the Kudus Religious Court," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, no. 1 (2022): 136–61; Rohmadi et al., "Judges' Considerations in Granting Marriage Dispensation Licenses in Indonesia," 326–45.

As shown in Table 4, juridical argumentation constitutes the first layer and provides the foundation for all of the decisions analyzed. Judges first determine the legal position of the prospective spouses in light of the statutory minimum marriageable age and then assess whether the case meets the criteria for an exception through a marriage dispensation. The juridical reasoning in the 25 decisions reveals at least three stages of analysis. First, Article 7(1) of Law No. 16 of 2019 is invoked to establish 19 years as the minimum marriageable age for both men and women. Second, Article 7(2) provides the legal basis for an exception where "very urgent reasons" are supported by adequate evidence. Third, judges connect these provisions to the facts and evidence available in each case, including identity documents, letters of refusal issued by the Office of Religious Affairs (*Kantor Urusan Agama*, KUA), health certificates, and statements from the prospective spouses, their parents, and witnesses. For example, in Gunung Sugih Islamic Court Decision No. 305/Pdt.P/2023/PA.Gsg, the age of 19 was affirmed as the general statutory standard, while prospective spouses below that age were placed under an exceptional legal regime requiring judicial examination.[46] The Supreme Court Regulation No. 5 of 2019 was then invoked to guide the examination of the prospective spouses' circumstances and readiness.[47] Thus, juridical argumentation establishes the relationship among the general rule, the exception, and the evidentiary process, providing formal legitimacy for granting a marriage dispensation within the state-law framework.

Having established the juridical basis, judges develop theological arguments through principles of Islamic law, particularly when assessing the relationship between underage marriage and the potential harm that may arise if the marriage is postponed. Across the 25 decisions analyzed, considerations of *maṣlaḥah* and the prevention of *mafsadah* were employed to provide normative justification for exceptions to the minimum marriageable age. Two Islamic legal maxims (*qawāʿid al-fiqhiyyah*) were particularly prominent: "*akhaf al-mafsadatayn*" (choosing the lesser of two harms) and "*darʾ al-mafāsid muqaddam ʿalā jalb al-maṣāliḥ*" (preventing harm takes precedence over attaining benefit).[48] The first maxim was invoked when judges considered that both underage marriage and postponement entailed risks, requiring them to select the course of action deemed to involve the lesser harm. This pattern appears in Gunung Sugih Islamic Court Decision No. 505/Pdt.P/2022/PA.Gsg, where concerns about sexual relations outside marriage were weighed alongside the risks associated with marriage below the statutory minimum age.[49] The second maxim was used to reinforce the view that postponing marriage under particular circumstances could produce greater harm. In Gunung Sugih Islamic Court Decisions Nos. 512/Pdt.P/2022/PA.Gsg and 305/Pdt.P/2023/PA.Gsg, the prospective spouses' relationship, which was considered to

46 "Decision of the Gunung Sugih Islamic Court No. 305/Pdt.P/2023/PA.Gsg," 16.

47 "Decision of the Gunung Sugih Islamic Court No. 309/Pdt.P/2023/PA.Gsg," 12.

48 Fatlala Nur Azizah, Abu Yazid Adnan Quthny, and Nina Agus Hariati, "Between Welfare and Vulnerability: A Critique of Marriage Dispensation in the Probolinggo Religious Court Decree from the Perspective of Maqasid al-Shari'ah and Children's Rights," *Jurnal Mediasas: Media Ilmu Syari'ah dan Ahwal Al-Syakhsiyyah* 9, no. 2 (June 2026): 194–203; Sifa Mulya Nurani et al., "Preventing Harm or Securing Certainty? Disparities in Religious Court Rulings on Polygamy Permits Resulting from Pregnancy Out of Wedlock," *Ascarya: Journal of Islamic Science, Culture, and Social Studies* 6, no. 1 (July 2026): 90–107.

49 "Decision of the Gunung Sugih Islamic Court No. 505/Pdt.P/2022/PA.Gsg," 22.

have exceeded the boundaries of religious norms, and the circumstance of pregnancy were used to construct the conclusion that postponement could create greater risks.[50] Theological argumentation thus transforms concrete facts—particularly pregnancy, a very close relationship, and concerns about sexual relations outside marriage—into considerations of *maṣlaḥah* and *mafsadah*.[51] At this stage, Islamic law does not function merely as an additional source of norms but as an evaluative framework that assists Muslim judges in choosing between circumstances perceived to carry negative consequences.[52]

In addition to theological reasoning, judges develop sociological arguments by considering the social circumstances underlying the applications, including premarital pregnancy, the closeness of the prospective spouses' relationship, family support, the prospective husband's economic readiness, and the potential social consequences if the marriage is not solemnized promptly.[53] This form of reasoning demonstrates that "very urgent reasons" are assessed not only in terms of the individual circumstances of the prospective spouses but also within the context of their relationships with their families and social environment. For example, in Gunung Sugih Islamic Court Decision No. 240/Pdt.P/2023/PA.Gsg, the closeness of the prospective spouses' relationship, which had progressed to sexual relations, was considered alongside both families' willingness to assist, guide, and support the couple in establishing their household.[54] A similar consideration appears in Gunung Sugih Islamic Court Decision No. 505/Pdt.P/2022/PA.Gsg, where the duration of the relationship, concerns about sexual relations outside marriage, and the parents' limited ability to supervise the relationship formed part of the construction of an urgent circumstance.[55] Meanwhile, in Gunung Sugih Islamic Court Decision No. 309/Pdt.P/2023/PA.Gsg, the social considerations were broadened to include the parties' readiness to confront the economic, social, and health consequences of marriage, including the continuation of education and family support in establishing their household.[56] Sociological argumentation, therefore, serves to connect abstract legal norms with the concrete realities of the parties' lives.

These arguments are complemented by psychological considerations concerning the prospective spouses' mental and emotional readiness, their free will to marry, and their understanding of the rights and obligations associated with married life. In all 25 decisions

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50 "Decision of the Gunung Sugih Islamic Court No. 512/Pdt.P/2022/PA.Gsg," 14; "Decision of the Gunung Sugih Islamic Court No. 305/Pdt.P/2023/PA.Gsg," 17.

51 Azni Azni et al., "Pseudo-Maṣlaḥah and Epistemological Failure in Marriage Dispensation at Indonesian Religious Courts," *Jurnal Ilmiah Peuradeun* 13, no. 2 (May 2025): 1399–420; Y. Sonafist et al., "Contested Puberty: Judicial Discretion, Moral Regulation, and the Persistence of Child Marriage in Indonesia," *Nusantara: Journal of Law Studies* 5, no. 2 (July 2026): 825–48; Zunly Nadia and Niswatin Faoziah, "Gender Equality within Family in Islamic Perspective: Insights from The Hadiths of Ummul Mukminin," *Jurnal Studi Ilmu-Ilmu Al-Qur'an dan Hadis* 25, no. 1 (June 2024): 161–86.

52 Nawawi et al., "Harmonization of Islam and Human Rights," 117–33.

53 Supriyadi and Suriyati, "Judges' Legal Culture in Dealing with High Number of Applications for Child Marriage Dispensation during Covid-19 Pandemic at the Kudus Religious Court," 136–61; Ilhami, Nugraheni, and Wijayanta, "Child Protection Post the New Marriage Law," 75–95; Abdillah Afabih et al., "Educational Alimony for Wives: A Study of Jasser Auda's Maqāshid As-Syariah," *International Journal of Islamic Khazanah* 16, no. 1 (March 2026): 1–15.

54 "Decision of the Gunung Sugih Islamic Court No. 240/Pdt.P/2023/PA.Gsg," 15.

55 "Decision of the Gunung Sugih Islamic Court No. 505/Pdt.P/2022/PA.Gsg," 20.

56 "Decision of the Gunung Sugih Islamic Court No. 309/Pdt.P/2023/PA.Gsg," 13.

analyzed, Muslim judges examined whether the decision to marry reflected the prospective spouses' own wishes, whether they were subject to coercion or pressure from others, and whether they understood the consequences of marriage. The assessment also encompassed their readiness to assume the roles of husband or wife and, in certain cases, their preparedness to assume parental responsibilities. For example, in Gunung Sugih Islamic Court Decision No. 309/Pdt.P/2023/PA.Gsg, the judge referred to the examination guidelines in Supreme Court Regulation No. 5 of 2019 and evaluated the prospective spouses' wishes, psychological and physical readiness, and understanding of household responsibilities.[57] A similar consideration appears in Gunung Sugih Islamic Court Decision No. 323/Pdt.P/2023/PA.Gsg, where the prospective spouses were considered mentally mature and ready for marriage because the decision was made of their own free will and accompanied by a willingness to assume responsibility.[58] Psychological argumentation thus serves as a mechanism for assessing the individual capacity of the prospective spouses while also providing a basis for judges to connect the examination of the child's circumstances with the principle of the best interests of the child.

However, psychological examinations do not invariably result in acceptance of prospective spouses' claims of readiness. For example, in Gunung Sugih Islamic Court Decision No. 516/Pdt.P/2022/PA.Gsg, the Muslim judge initially advised the applicants to postpone the marriage until the prospective spouses reached the age of 19, considering their very young age, incomplete physical development, and psychological condition, which was deemed insufficiently mature. The judge also took into account the potential difficulties the prospective spouses might face in married life. Nevertheless, after the applicants stated that they had considered the consequences of marriage and remained committed to their application, the judge proceeded to examine the circumstances of the case as a whole.[59] This pattern demonstrates that psychological examination does not merely serve as a formality to fulfill the obligation to hear the child but also provides a space in which judges reassess whether the decision to marry can genuinely be regarded as responsible and sustainable.[60] The depth of such assessment, however, depends on the information available in the evidentiary record and the methods employed during the examination. Thus, a distinction exists between the formal recognition of the child's interests and a substantive assessment of the child's capacity—an issue that becomes particularly important when the best interests of the child principle is invoked as a legal basis for justifying an exception to the minimum marriageable age.

Taken together, these four forms of argumentation demonstrate that Muslim judges do not construct "very urgent reasons" through the application of a single norm but rather

57 "Decision of the Gunung Sugih Islamic Court No. 309/Pdt.P/2023/PA.Gsg," 13.
58 "Decision of the Gunung Sugih Islamic Court No. 323/Pdt.P/2023/PA.Gsg," 22.
59 "Decision of the Gunung Sugih Islamic Court No. 516/Pdt.P/2022/PA.Gsg," 10.
60 BS et al., "Assessing Judges' Considerations of Urgent Grounds in Marriage Dispensation Decisions," 1000–1020; Iswantoro Iswantoro and Faiq Tobroni, "Rationalization of Islamic Legal Considerations in Marriage Dispensation: A Lesson from Katingan, Central Kalimantan," *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 2 (November 2022): 301–14.

through an integrative and contextual form of legal reasoning.[61] Juridical argumentation establishes the normative boundaries concerning the minimum marriageable age and the scope of its exceptions; theological argumentation justifies considerations of *maṣlaḥah* and *mafsadah*; sociological argumentation highlights the concrete circumstances underlying the application; and psychological argumentation examines the prospective spouses' circumstances, wishes, and individual capacities. Together, these forms of reasoning constitute a chain of analysis connecting legal texts with socio-religious realities and the individual circumstances of the child. Accordingly, the meaning of "very urgent reasons" is not derived solely from Article 7(2) of Law No. 16 of 2019 but is constructed through the interpretation of relevant facts and values in each case. This finding illustrates the character of judicial discretion in marriage dispensation cases: judges have the latitude to determine which facts are legally relevant, how those facts should be classified, and which values should be invoked to legitimize an exception. In this context, theological and sociological reasoning are not merely supplementary to juridical reasoning; rather, they function as instruments through which social facts are translated into legal categories capable of justifying a marriage dispensation. This pattern aligns with scholarship indicating that judges in child marriage cases in Indonesia exercise discretion to reconcile state law with the religious and social norms embedded in the communities they serve.[62]

Muslim Judges' Interpretation of "Very Urgent Reasons"

Based on an analysis of 25 marriage dispensation decisions, FGDs, and semi-structured interviews with judges at the Gunung Sugih Islamic Court, this study finds that the phrase "very urgent reasons" is not interpreted uniformly. Judges interpret this phrase through several categories of factual circumstances arising in the proceedings: (1) pregnancy resulting from sexual relations outside marriage, (2) dating relationships posing a risk of violating religious and social norms, (3) family economic circumstances, (4) limited access to education, and (5) the influence of local culture and traditions. Although the judges operate within the same legal framework, these five categories do not receive equal legal weight. Pregnancy is consistently regarded as the circumstance carrying the greatest degree of urgency and, in some cases, may constitute the principal basis for granting a marriage dispensation. In contrast, dating relationships, economic circumstances, limited educational access, and local culture and traditions are generally treated as supporting factors that must be connected to other circumstances demonstrating a concrete risk. These findings indicate that judges' interpretation of "very urgent reasons" is hierarchical: judges do not merely identify facts but also select, qualify, and assign different legal weight to social facts before

61 Purwanti and Natalis, "Law as Text, Culture as Context," 729–60; Insani et al., "Judicial Considerations in Child Marriage Dispensations," 41–52; Ilhami, Nugraheni, and Wijayanta, "Child Protection Post the New Marriage Law," 75–95.

62 Mies Grijns and Hoko Horii, "Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns," *Asian Journal of Law and Society* 5, no. 2 (November 2018): 453–66; Horii, "Legal Reasoning for Legitimation of Child Marriage in West Java," 501–23.

determining whether those facts are sufficient to justify an exception to the statutory minimum marriageable age.[63]

Table 5
Categories of Judicial Interpretation of "Very Urgent Reasons"

Interpretive Category	Factual Indicators	Status in Judicial Interpretation	Informants
Pregnancy resulting from sexual relations outside marriage	Pregnancy established through the parties' admissions and/or medical evidence	May constitute the principal ground for granting a marriage dispensation	L2, L3, L4, P3, P4
Risky dating relationship	A very close relationship, frequent unsupervised meetings, or sexual relations that have already occurred	Requires additional facts demonstrating a concrete risk to religious and social norms	L3, L4, P3, P4
Family economic circumstances	Financial hardship, low parental income, or the burden of supporting the family	Insufficient on its own; primarily functions as a supporting factor	L3, P3, P4
Limited access to education	Dropping out of school, discontinuing education, or limited access to educational opportunities	Considered a social background factor rather than an independent legal ground	L2, P3
Local culture and traditions	Family pressure, customary practices, or the practice of marrying children at a young age	Functions as a social context rather than a principal legal ground	P4

Source: Authors' analysis of judicial decisions, FGDs, and interviews, 2025.

First, pregnancy resulting from sexual relations outside of marriage carries the greatest weight in judges' interpretation of urgency. This circumstance arises when a prospective bride who has not reached the statutory minimum marriageable age becomes pregnant as a result of premarital sexual relations.[64] Based on the FGDs and interviews, all judicial informants regarded pregnancy as a circumstance that generally satisfies the requirement of "very urgent reasons," particularly when supported by medical evidence and other relevant facts. This consideration relates to consequences viewed as actual and not readily postponable, including the protection of the mother and unborn child, certainty regarding the child's legal status, and the prevention of more serious social consequences for the parties and their families. Pregnancy also has a relatively concrete evidentiary character compared with grounds based solely on concerns or possibilities. As L2 stated, "*Once the pregnancy has been established, it generally satisfies the requirement of very urgent reasons because the situation can no longer be postponed.*"[65] Similarly, P3 explained, "*Pregnancy is the most objective indicator because it can be*

[63] Asmuni Asmuni and Rezha Nur Adikara Rezha Nur Adikara, "Application of Very Urgent Criteria in the Marriage Dispensation Norms for the Protection of Children: Analysis of Jasser Auda's Theory," *Jurnal Hukum Islam* 22, no. 1 (June 2024): 25–56; Lahilote et al., "Judge's Dilemma in Marriage Dispensation in the Religious Court," 52–60; Maimunah et al., "Juridical and Sociological Considerations of Judges in Granting Marriage Dispensation after Enactment Law No. 16 of 2019," 136–48.

[64] "Decision of the Gunung Sugih Islamic Court No. 240/Pdt.P/2023/PA.Gsg"; "Decision of the Gunung Sugih Islamic Court No. 517/Pdt.P/2022/PA.Gsg"; "Decision of the Gunung Sugih Islamic Court No. 516/Pdt.P/2022/PA.Gsg"; "Decision of the Gunung Sugih Islamic Court No. 305/Pdt.P/2023/PA.Gsg"; "Decision of the Gunung Sugih Islamic Court No. 135/Pdt.P/2023/PA.Gsg.

[65] L2, "Interview with Judge of the Gunung Sugih Islamic Court," June 2025.

established through medical documentation, so the judge is no longer relying solely on the parties' concerns."[66] Thus, pregnancy functions not merely as a biological fact but as a triggering fact of urgency capable of transforming a social circumstance into a legally relevant ground. This position helps explain why pregnancy carries greater legitimating force than other categories of grounds in the granting of marriage dispensations.[67]

Second, risky dating relationships occupy a lower position in the hierarchy of urgency. In several cases, applicants asserted that the prospective spouses had been dating for a long time, had developed a very close relationship, frequently met without supervision, or had even engaged in sexual relations before marriage. However, based on the analysis of decisions and interview findings, the existence of a dating relationship alone is not regarded as sufficient to satisfy the category of "very urgent reasons." Judges require additional facts demonstrating a concrete risk if the marriage is postponed, particularly the risk of recurring sexual relations or violations of religious and social norms.[68] Accordingly, the duration of the relationship, mutual affection, or the prospective spouses' desire to marry does not automatically acquire the status of a legal ground. Such facts acquire greater weight only when connected to other circumstances demonstrating that the risk is actual rather than merely hypothetical. L3 explained, "*If the only reason is that they have been dating for a long time or love each other, that is not enough. There must be facts showing that there is a real risk if the marriage is postponed*."[69] P4 expressed a similar view: "*A close relationship is certainly a consideration, but a judge cannot base a decision solely on the parents' concerns. There must be evidence or circumstances that genuinely demonstrate the urgency*."[70] This interpretation demonstrates that judges distinguish between circumstances that have already materialized and those that remain potential, placing risky dating relationships at a lower level of urgency than an established pregnancy.

Third, family economic circumstances are likewise not treated as an independent ground sufficient to meet the threshold of "very urgent reasons." In several cases, applicants cited financial hardship, low parental income, or the burden of meeting family needs as reasons for accelerating the child's marriage. Consequently, marriage was viewed as one possible means of reducing the family's economic burden, particularly when the prospective husband already had employment and an income.[71] However, Muslim judges generally did not regard poverty or financial hardship alone as a basis for justifying an exception to the statutory minimum marriageable age. Economic circumstances were more commonly considered in assessing the couple's readiness to establish a household, particularly the

66 P3, "Interview with Judge of the Gunung Sugih Islamic Court," June 2025.

67 Mulyadi Antori, Sukiati, and Imam Yazid, "Resolving Marriage Dispensation Cases for Pregnant Women Due to Adultery as Urgent Grounds: An Analysis of Practices in the Simalungun Religious Court," *Jurnal Ilmiah Mizani* 11, no. 2 (2024): 300–313; Nur Mohamad Kasim and Indra Saputra Daud, "Application of The Concept of Maslahah by Judges to Issuance of Marriage Dispensation Due to Pregnancy in Religious Courts," *Jambura Law Review* 4, no. 1 (February 2022): 122–38.

68 "Decision of the Gunung Sugih Islamic Court No. 23/Pdt.P/2023/PA.Gsg.; "Decision of the Gunung Sugih Islamic Court No. 196/Pdt.P/2023/PA.Gsg.; "Decision of the Gunung Sugih Islamic Court No. 309/Pdt.P/2023/PA.Gsg"; "Decision of the Gunung Sugih Islamic Court No. 324/Pdt.P/2023/PA.Gsg.

69 L3, "Interview with Judge of the Gunung Sugih Islamic Court," June 2025.

70 P4, "Interview with Judge of the Gunung Sugih Islamic Court," June 2025.

71 "Decision of the Gunung Sugih Islamic Court No. 505/Pdt.P/2022/PA.Gsg"; "Decision of the Gunung Sugih Islamic Court No. 189/Pdt.P/2023/PA.Gsg."

prospective husband's ability to fulfill his economic responsibilities, rather than as the principal basis for granting the dispensation. L3 emphasized this distinction, stating, "*Poverty is not a legal ground for granting a marriage dispensation. If the only reason is that the parents feel economically burdened, the application will not necessarily be granted. There must be another genuinely urgent circumstance.*"[72] Similarly, P3 explained, "*The prospective husband's economic capacity is more often considered as a supporting factor in assessing readiness to establish a household rather than as the principal ground for granting a dispensation.*"[73] Thus, economic circumstances acquire legal relevance primarily when they operate as supporting factors for another circumstance that has already satisfied the threshold of urgency. This pattern reveals a distinction between socially motivating factors and legally sufficient grounds in marriage dispensation cases.

Fourth, limited access to education is primarily positioned as a social context underlying the application rather than as an independent legal ground. In several cases, prospective spouses had dropped out of school or discontinued their education, leading parents to regard marriage as a preferable option to allowing their children to remain without educational or employment activities.[74] In Muslim judges' interpretation, however, discontinuing education does not, in itself, create an urgent circumstance warranting marriage. Instead, judges must still determine whether other concrete circumstances satisfy the legally prescribed threshold of urgency. This position is significant because it demonstrates that limited educational access is not automatically converted into a legal justification for child marriage. From a child-protection perspective, the circumstance may instead be understood differently: dropping out of school is a social and educational problem requiring intervention, rather than a reason that must itself be resolved through marriage. L2 emphasized, "*Dropping out of school merely explains the family's circumstances; it is not a legal ground for granting a dispensation. The judge must still determine whether there is a genuine urgent circumstance.*"[75] P3 reinforced this view, stating, "*A child not attending school does not mean that the child must be married immediately. Our focus is whether there is a genuinely urgent condition.*"[76] Thus, within the Muslim judges' construction, education functions primarily as an indicator of social context rather than as a legal trigger for granting a dispensation.

Fifth, local culture and traditions occupy the most contextual position in judges' interpretation. In some cases, applicants reported pressure from extended family members, community practices of marrying children at a young age, or concerns about gossip and social judgment if the child did not marry promptly.[77] These factors are closely associated with notions of family honor and the social acceptance of marriage. Judges, however, do not treat custom or tradition as a legal basis capable of overriding the statutory minimum marriageable age. Culture and tradition are understood as social realities that should be considered in understanding the context of a case, but they remain subject to the applicable legal norms. As P4 stated, "*We understand customary practices and community traditions as social realities, but they*

[72] L3, "Interview with Judge of the Gunung Sugih Islamic Court."
[73] P3, "Interview with Judge of the Gunung Sugih Islamic Court."
[74] "Decision of the Gunung Sugih Islamic Court No. 512/Pdt.P/2022/PA.Gsg"; "Decision of the Gunung Sugih Islamic Court No. 320/Pdt.P/2023/PA.Gsg.
[75] L2, "Interview with Judge of the Gunung Sugih Islamic Court."
[76] P3, "Interview with Judge of the Gunung Sugih Islamic Court."
[77] "Decision of the Gunung Sugih Islamic Court No. 323/Pdt.P/2023/PA.Gsg."

cannot serve as a basis for setting aside the requirements of the law."[78] Thus, culture is relevant for explaining the context of an application but does not automatically acquire legitimating force sufficient to justify a dispensation. This finding demonstrates that legal pluralism in practice does not mean that all social norms possess normative standing equal to that of state law. Rather, social and cultural norms must first be translated through the legal framework applied by judges before they can acquire relevance in a marriage dispensation decision.

These five categories demonstrate that judges construct a hierarchy of legal urgency based on at least three criteria: the actuality of the circumstance, the objectivity of the evidence, and the level of risk associated with postponing the marriage. Pregnancy occupies the highest position because it is an actual circumstance, relatively readily verifiable, and produces social and legal consequences regarded as incapable of being postponed. Risky dating relationships occupy the next level because they require evidence establishing a concrete risk. Economic circumstances, limited educational access, and local culture and traditions, meanwhile, are primarily treated as contextual or supporting factors. This pattern demonstrates that judges do not treat social facts as categories that automatically carry legal consequences. Instead, they engage in processes of selection, qualification, and weighting before recognizing a fact as a "very urgent reason." This study refers to this process as the hierarchical construction of legal urgency. The construction also reveals an ambivalent position regarding the best interests of the child principle. Although this principle is present in judicial examination, particularly through assessments of the child's circumstances, wishes, and future, its operationalization is not entirely autonomous.[79] The best interests of the child are interpreted through their interaction with religious norms, family morality, social risks, and considerations of harm prevention. Consequently, circumstances sociologically understood as matters of family morality, such as pregnancy or concerns about sexual relations outside marriage, may acquire stronger legal legitimacy than aspects of the child's best interests related to education and economic circumstances.[80] These findings demonstrate that judicial discretion in marriage dispensation cases does not merely determine whether a dispensation is granted; it also determines which social facts are considered sufficiently urgent to receive legal legitimacy in judicial decisions.

The Best Interests of the Child or Family Morality? Interpreting "Very Urgent Reasons" in Judicial Practice

The findings of this study demonstrate that "very urgent reasons" do not constitute a legal category with a fixed meaning but rather represent an open-textured norm whose

[78] P4, "Interview with Judge of the Gunung Sugih Islamic Court."

[79] John Eekelaar, "The Role of the Best Interests Principle in Decisions Affecting Children and Decisions about Children," *International Journal of Children's Rights* 23, no. 1 (2015): 3–26; Clara Chapdelaine-Feliciati, "Translating the Meaning- Intention behind the 'Best Interests of the Child' Principle in the Convention on the Rights of the Child," in *Intersemiotic Perspectives on Emotions: Translating across Signs, Bodies and Values*, ed. Susan Petrilli and Meng Ji (Taylor and Francis, 2022), 116–29.

[80] Linert Lirëza and Andon Kume, "The Dimensions of the Best Interest of the Child in Albania," *Interdisciplinary Journal of Research and Development* 10, no. 1 (2023): 23–29; Rohmawati Rohmawati and Syahril Siddik, "Legal Protection for Children Out of Wedlock: Ensuring the Best Interests of Children Through Judge Decisions," *Al-'Adalah* 19, no. 2 (December 2022): 315–38; Soledad Torrecuadrada García-Lozano, "The B Interest of the Child," *Anuario Mexicano de Derecho Internacional* 16 (2016): 131–57.

interpretation evolves through judicial discretion.[81] Although Law No. 16 of 2019 establishes 19 years as the minimum marriageable age for both men and women as the general rule,[82] the marriage dispensation mechanism allows Muslim judges to determine whether particular circumstances are sufficiently compelling to justify an exception. In the practice of the Gunung Sugih Islamic Court, this determination is made through a combination of juridical, theological, sociological, and psychological reasoning. The findings demonstrate that Muslim judges do not merely apply legal rules to pre-existing facts; they engage in an interpretive process to determine which facts are legally relevant, how those facts should be qualified, and the weight they should carry in justifying a marriage dispensation.[83] Thus, judicial discretion in marriage dispensation cases operates not only at the stage of deciding whether to grant or deny an application but also at the prior stage of constructing the meaning of "very urgent reasons" itself.

This process produces what this study terms the hierarchical construction of legal urgency: a process through which social facts are selected, qualified, and weighted according to their perceived legal significance. Pregnancy resulting from sexual relations outside of marriage occupies the strongest position because it is regarded as an actual circumstance, relatively objective in evidentiary terms, and capable of producing social and legal consequences that are considered incapable of being postponed. In contrast, a risky dating relationship requires additional evidence of potential violations of relevant norms, while economic circumstances, limited educational access, and local culture and traditions tend to be positioned as contextual or supporting factors. This hierarchy demonstrates that not every social problem contributing to child marriage automatically attains the status of a legal ground. Social facts must first undergo judicial assessment before they acquire relevance as circumstances deemed "very urgent." Judicial discretion, therefore, functions not merely as a mechanism for creating exceptions to the minimum marriageable age but also as a means of producing legal relevance, since judges determine which social facts can be transformed into grounds possessing legal legitimating force.[84]

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81 Antori, Sukiati, and Yazid, "Resolving Marriage Dispensation Cases for Pregnant Women Due to Adultery as Urgent Grounds," 300–313; Asmuni and Adikara, "Application of Very Urgent Criteria in The Marriage Dispensation Norms for the Protection of Children," 25–56.

82 Zaitun Abdullah and Putri Ayu Maharani, "Unveiling the Enigma: Exploring Regulated Marriage Age Limits from the Lens of Maslahah Mursalah," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 24, no. 1 (June 2024): 119–38; Nurillo Fayzullaevich Imomov et al., "Marriage Governance and Legal Pluralism in Central Asian Family Law Systems," *Journal of Human Rights, Culture and Legal System* 6, no. 1 (March 2026): 59–83; Anwarul Mu'minin, "Religious Court Legal Policy on Early Marriage Warning: An Analysis of the Implementation of Supreme Court Regulation Number 5 of 2019," *Santara: Journal of Islamic Law and Humanity* 1, no. 2 (2025): 118–30.

83 Rohmadi et al., "Judges' Considerations in Granting Marriage Dispensation Licenses in Indonesia," 326–45; Lahilote et al., "Judge's Dilemma in Marriage Dispensation in the Religious Court," 52–60.

84 Ilhami, Nugraheni, and Wijayanta, "Child Protection Post the New Marriage Law," 75–95; Ardian Kurniawan, Syarif Bin Muhammadromli Samae, and Hamida Arbi, "From Judicial Discretion to Maqasid Al-Shari'ah Reasoning: The Case of Marriage Dispensation at the Muara Bulian Religious Court, Indonesia," *Islamic Law and Social Issues in Society* 1, no. 1 (May 2025): 64–85; Irwan Zamroni Ali, Kizza Magufuli Magufuli, and Abdalla El Souwaim, "Early Marriage and Domestic Violence: The Dilemma of Granting Marriage Dissolution Permission at the Jember Religious Court," *Indonesian Journal of Islamic Law* 7, no. 1 (2024): 63–88.

The findings also reveal the complex role of the "best interests of the child" principle in marriage dispensation practices. Normatively, this principle has become a crucial component of the evaluative framework, as judges are required to hear the prospective spouses, consider their psychological and health conditions, and assess the potential consequences of marriage for the child. Substantively, however, the best interests of the child do not always function as a fully autonomous standard for determining case outcomes, since their application remains open-textured in practice.[85] Consequently, judges interpret the principle within a broader framework of values and risks, including religious norms, family morality, social honor, and considerations of harm prevention.[86] In several cases examined in this study, child marriage was regarded as potentially detrimental to the child's education, health, and development. In cases involving pregnancy or sexual relations outside marriage, however, marriage was instead viewed as a means of mitigating harm that had already occurred or was considered likely to occur.[87] Thus, the best interests of the child may be reduced to an interest in avoiding stigma and preserving family honor, rather than being assessed primarily in terms of the child's education, health, and development, thereby allowing the prevention of moral harm to become the dominant framework.

Accordingly, the central issue in marriage dispensation cases is not simply whether judges support or oppose child marriage but how they determine the circumstances under which child marriage can be legally justified. This study demonstrates that raising the minimum marriageable age to 19 years has not, by itself, produced a uniform standard of child protection because the effectiveness of the rule depends, in part, on how its exceptions are interpreted in practice. The principal contribution of this study lies in identifying this mechanism: judicial discretion enables judges to transform social facts into legal categories through a hierarchy of urgency, while the best interests of the child principle operates within this process through negotiation with religious norms, family morality, and considerations of harm.[88] Accordingly, strengthening child protection in marriage dispensation cases requires more than establishing a minimum age or imposing formal restrictions on dispensations; it also requires the development of more substantive interpretive standards concerning the best interests of the child.[89] Such standards should ensure that considerations of family morality

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85 Eekelaar, "The Role of the Best Interests Principle in Decisions Affecting Children and Decisions about Children," 3–26; Chapdelaine-Feliciati, "Translating the Meaning-Intention behind the 'Best Interests of the Child' Principle in the Convention on the Rights of the Child," 116–29.

86 Lirëza and Kume, "The Dimensions of the Best Interest of the Child in Albania," 23–29; Rohmawati and Siddik, "Legal Protection for Children Out of Wedlock," 315–38; Alfiyah Faizatul Arif, "Assessing Couples' Readiness and Child's Best Interests: A Comparative Analysis of Mojokerto Religious Court Decisions on Marriage Dispensation," *Al-Hukama': The Indonesian Journal of Islamic Family Law* 15, no. 1 (2025): 36–67.

87 Husnul Fatarib, Suci Hayati, and Agus Salim Ferliadi, "Between Legalization and Moral Hazard: A Maslahah-Mafsadah Analysis of Prenuptial Pregnancy Marriage (Kawin Hamil) in Indonesian Islamic Law," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 25, no. 2 (December 2025): 89–104.

88 Yusna Zaidah, "Judicial Discretion in Inheritance Case Resolution: Towards Progressive Legal Justice in Indonesia," *Syariah: Jurnal Hukum dan Pemikiran* 24, no. 1 (June 2024): 136–47; Bambang, "Ijtihad and the Dynamics of Islamic Legal Interpretation: An Epistemological Exploration in the Contemporary Context," *Nusantara: Journal of Law Studies* 3, no. 1 (July 2024): 56–67.

89 Asmuni and Adikara, "Application of Very Urgent Criteria in The Marriage Dispensation Norms for the Protection of Children," 25–56; Aristoni, "Quo Vadis Marriage Dispensation in Indonesia: Judge's Decision in Preventing Child Marriage at the Jepara Religious Court," *De Jure: Jurnal Hukum dan Syar'iah* 14, no. 2 (2022): 226–43; Shella Oetharry Gunawan and Syamsul Bahri, "Impacts of Early Childhood Marriage in

and the prevention of social stigma do not automatically displace assessments of the child's rights to health, education, development, autonomy, and prospects. From this perspective, the study demonstrates that the principal challenge in marriage dispensation law lies in determining who defines the meaning of the best interests of the child, which facts are used to establish those interests, and which values are prioritized in the process.[90]

Conclusion

This study demonstrates that the phrase "very urgent reasons" in marriage dispensation cases at the Gunung Sugih Islamic Court constitutes an open-textured legal norm whose meaning is constructed through judicial discretion and the interpretation of social facts presented in each case. Judges construct urgency through four interrelated forms of reasoning: juridical, theological, sociological, and psychological. This process produces a hierarchical construction of legal urgency, whereby social facts do not automatically possess equal legal relevance but are first selected, qualified, and weighted according to the extent to which the circumstances are actual, the evidence is objectively verifiable, and the risks associated with postponing the marriage are perceived as significant. Pregnancy resulting from sexual relations outside marriage carries the strongest legitimizing force as an urgent circumstance, whereas risky dating relationships, economic circumstances, limited educational access, and local culture and traditions tend to be treated as supporting or contextual factors. These findings demonstrate that the best interests of the child principle is present in judicial reasoning but does not operate as a fully autonomous standard. Rather, its meaning is constructed through interaction with religious norms, family morality, social honor, and considerations of harm prevention. The principal contribution of this study, therefore, lies in explaining the judicial mechanism through which social facts are transformed into legal categories and, simultaneously, determining which facts acquire legitimacy as matters of the child's legally relevant interests.

These findings have important implications for socio-legal and Islamic legal scholarship. Within the context of Islamic law, the study demonstrates that the principles of *maṣlaḥah* (public interest), *mafsadah* (harm), and harm prevention serve not only as sources of normative justification but also interact with state law and social realities in shaping judicial decisions concerning child marriage. Consequently, strengthening child protection requires more than merely establishing a statutory minimum marriageable age; it also necessitates the development of more substantive and consistent interpretive standards concerning the best interests of the child in marriage dispensation proceedings. Judges should ensure that considerations of family morality, social stigma, or the prevention of violations of religious norms do not automatically override the child's rights to health, education, development,

Indonesia Viewed from Child Protection Laws Perspectives," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (December 2023): 362–80.

90 BS et al., "Assessing Judges' Considerations of Urgent Grounds in Marriage Dispensation Decisions," 1000–1020; Hannah Ingber, "Between the Law and Itself: An Examination of the Best Interests of the Child Standard in the New York City Family Court," *International Journal of Applied Psychoanalytic Studies* 20, no. 3 (2023): 481–94; Made Sinthia Sukmayanti and AAA Ngurah Tini Rusmini Gorda, "Implementation of Substantive Justice in Juvenile Serious Crime Cases in Indonesia," *Journal of Sustainable Development and Regulatory Issues (JSDERI)* 4, no. 2 (June 2026): 715–44.

autonomy, and prospects. This study is limited to a single court and a corpus of 25 decisions examined in depth through focus group discussions and interviews; therefore, its findings are not intended to be statistically generalized to all Islamic courts in Indonesia. Future research could broaden the scope by comparing several Islamic courts in regions with different socio-religious characteristics, conducting comparative analyses of both granted and denied applications, and incorporating children's perspectives as primary subjects of inquiry to assess the extent to which judicial constructions of the best interests of the child genuinely reflect children's experiences, needs, and aspirations.

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Bibliography

Abdullah, Zaitun, and Putri Ayu Maharani. "Unveiling the Enigma: Exploring Regulated Marriage Age Limits from the Lens of Maslahah Mursalah." *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 24, no. 1 (June 2024): 119–38. https://doi.org/10.19109/nurani.v24i1.22370.

Afabih, Abdillah, Imam Annas Mushlihin, Yayan Musthofa, M. Rizki Syahrul Ramadhan, and Muhammad Alamudin. "Educational Alimony for Wives: A Study of Jasser Auda's Maqāshid As-Syariah." *International Journal of Islamic Khazanah* 16, no. 1 (March 2026): 1–15. https://doi.org/10.15575/ijik.v16i1.44497.

Ali, Irwan Zamroni, Kizza Magufuli Magufuli, and Abdalla El Souwaim. "Early Marriage and Domestic Violence: The Dilemma of Granting Marriage Dissolution Permission at the Jember Religious Court." *Indonesian Journal of Islamic Law* 7, no. 1 (2024): 63–88. https://doi.org/10.35719/rjj68b87.

Antori, Mulyadi, Sukiati, and Imam Yazid. "Resolving Marriage Dispensation Cases for Pregnant Women Due to Adultery as Urgent Grounds: An Analysis of Practices in the Simalungun Religious Court." *Jurnal Ilmiah Mizani* 11, no. 2 (2024): 300–313. https://doi.org/10.29300/mzn.v11i2.5117.

Aprilianto, Dwi, Enik Isnaini, Ja'far Shodiq, Adindah Filzah Ukhtu Dihya, and Siti Marpuah. "Tarjīḥ Maqāṣidī Approach to Marriage Dispensation in Cases of Child Pregnancy in Indonesia." *Al-Manahij: Jurnal Kajian Hukum Islam* 20, no. 1 (April 2026): 43–64. https://doi.org/10.24090/mnh.v20i1.15882.

Arif, Alfiyah Faizatul. "Assessing Couples' Readiness and Child's Best Interests: A Comparative Analysis of Mojokerto Religious Court Decisions on Marriage Dispensation." *Al-Hukama': The Indonesian Journal of Islamic Family Law* 15, no. 1 (June 2025): 36–67. https://doi.org/10.15642/alhukama.2025.15.1.36-67.

Aristoni. "Quo Vadis Marriage Dispensation in Indonesia: Judge's Decision in Preventing Child Marriage at the Jepara Religious Court." *De Jure: Jurnal Hukum dan Syar'iah* 14, no. 2 (2022): 226–43. https://doi.org/10.18860/j-fsh.v14i2.17408.

Asmuni, Asmuni, and Rezha Nur Adikara Rezha Nur Adikara. "Application of Very Urgent Criteria in the Marriage Dispensation Norms for the Protection of Children: Analysis of Jasser Auda's Theory." *Jurnal Hukum Islam* 22, no. 1 (June 2024): 25–56. https://doi.org/10.28918/jhi_v22i1_2.

Azizah, Fatlala Nur, Abu Yazid Adnan Quthny, and Nina Agus Hariati. "Between Welfare and Vulnerability: A Critique of Marriage Dispensation in the Probolinggo Religious Court Decree from the Perspective of Maqasid al-Shari'ah and Children's Rights." *Jurnal Mediasas: Media Ilmu Syari'ah dan Ahwal Al-Syakhsiyyah* 9, no. 2 (June 2026): 194–203. https://doi.org/10.58824/mediasas.v9i2.594.

Azni, Azni, Muhammad Hafis, Asril Amirul Zakariah, Adi Harmanto, Miftahuddin Miftahuddin, and M. Ihsan. "Pseudo-Maṣlaḥah and Epistemological Failure in Marriage Dispensation at Indonesian Religious Courts." *Jurnal Ilmiah Peuradeun* 13, no. 2 (May 2025): 1399–420. https://doi.org/10.26811/peuradeun.v13i2.2047.

Bambang. "Ijtihad and the Dynamics of Islamic Legal Interpretation: An Epistemological Exploration in the Contemporary Context." *Nusantara: Journal of Law Studies* 3, no. 1 (July 2024): 56–67. https://doi.org/10.5281/zenodo.17373912.

Barak, Aharon. *Judicial Discretion*. Translated by Yadin Kaufmann. Yale University Press, 1989. https://doi.org/10.2307/j.ctt211qxt8.

———. *Purposive Interpretation in Law*. Translated by Sari Bashi. Princeton University Press, 2005. https://www.jstor.org/stable/j.ctt7pg5z.

Berger, Peter, and Thomas Luckmann. "The Social Construction of Reality." In *Social Theory Re-Wired: New Connections to Classical and Contemporary Perspectives*, 2nd ed., edited by Wesley Longhofer and Daniel Winchester. New York: Routledge, 2016. https://doi.org/10.4324/9781315775357.

Bs, Akmal Hakim, Muslim Zainuddin, Muhammad Iqbal, Muhammad Yusuf, and Erha Saufan Hadana. "Assessing Judges' Considerations of Urgent Grounds in Marriage Dispensation Decisions: A Case Study of the Jantho Sharia Court, Aceh, Indonesia." *El-Usrah: Jurnal Hukum Keluarga* 8, no. 2 (December 2025): 1000–1020. https://doi.org/10.22373/ujhk.v8i2.27101.

Chapdelaine-Feliciati, Clara. "Translating the Meaning- Intention behind the 'Best Interests of the Child' Principle in the Convention on the Rights of the Child." In *Intersemiotic Perspectives on Emotions: Translating across Signs, Bodies and Values*, edited by Susan Petrilli and Meng Ji, 116–29. Taylor and Francis, 2022. https://doi.org/10.4324/9781003056652-9.

Darmawan, Darmawan, Asmaul Husna, Mirza Rahmatillah, and Helmi Imran. "Marriage Dispensation and Family Resilience: A Case Study of the Bener Meriah Shariah Court, Aceh Province." *AHKAM: Jurnal Ilmu Syariah* 22, no. 2 (December 2022): 433–54. https://doi.org/10.15408/ajis.v22i2.28827.

Eekelaar, John. "The Role of the Best Interests Principle in Decisions Affecting Children and Decisions about Children." *International Journal of Children's Rights* 23, no. 1 (2015): 3–26. https://doi.org/10.1163/15718182-02301003.

Faiz, Muhammad Fauzinudin, Zezen Zainul Ali, and Muhammad Taufiq. "Underage Widows and Widowers before the Law: Problem, Contestation and Legal Certainty in Marriage Dispensation." *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 2023): 223–34. https://doi.org/10.31958/juris.v22i2.9097.

Faizah, Rayinda, Dwi Susanti, and Fadillah Sandy. "Psychosocial Determinants of Early Marriage among Adolescents in Magelang Regency, Indonesia: A Qualitative Descriptive Study." *Multidisciplinary Science Journal* 8, no. 8 (February 2026): 2026527–2026527. https://doi.org/10.31893/multiscience.2026527.

Fatarib, Husnul, Suci Hayati, and Agus Salim Ferliadi. "Between Legalization and Moral Hazard: A Maslahah-Mafsadah Analysis of Prenuptial Pregnancy Marriage (Kawin Hamil) in Indonesian Islamic Law." *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 25, no. 2 (December 2025): 89–104. https://doi.org/10.30631/alrisalah.v25i2.2016.

Gaffney-Rhys, Ruth. "International Law as an Instrument to Combat Child Marriage." *The International Journal of Human Rights* 15, no. 3 (March 2011): 359–73. https://doi.org/10.1080/13642980903315398.

Grijns, Mies, and Hoko Horii. "Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns." *Asian Journal of Law and Society* 5, no. 2 (November 2018): 453–66. https://doi.org/10.1017/als.2018.9.

Gunawan, Shella Oetharry, and Syamsul Bahri. "Impacts of Early Childhood Marriage in Indonesia Viewed from Child Protection Laws Perspectives." *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (December 2023): 362–80. https://doi.org/10.22373/ujhk.v6i2.20262.

Hanifah, Lena, Tavinayati, Varinia Pura Damaiyanti, and Nor Ismah. "Child Marriage in Indonesia: How Communities Navigate Marriage Practices within Islamic, Adat, and State Norms." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 21, no. 1 (June 2026): 1–28. https://doi.org/10.19105/al-lhkam.v21i1.21163.

Horii, Hoko. "Legal Reasoning for Legitimation of Child Marriage in West Java: Accommodation of Local Norms at Islamic Courts and the Paradox of Child Protection." *Journal of Human Rights Practice* 12, no. 3 (November 2020): 501–23. https://doi.org/10.1093/jhuman/huaa041.

Ilhami, Haniah, Destri Budi Nugraheni, and Tata Wijayanta. "Child Protection Post the New Marriage Law: How Indonesian Religious Court Interpreting the Urgency in Child-Age Marriage." *Jurnal IUS Kajian Hukum dan Keadilan* 11, no. 1 (April 2023): 75–95. https://doi.org/10.29303/ius.v11i1.1054.

Imomov, Nurillo Fayzullaevich, Umida Muminovna Makhmudkhodjayeva, Zavkiddin Aminovich Amonov, Duysenbay Tolybaevich Saparov, and Azimjon Abdumumin Ugli Ibrokhimov. "Marriage Governance and Legal Pluralism in Central Asian Family Law Systems." *Journal of Human Rights, Culture and Legal System* 6, no. 1 (March 2026): 59–83. https://doi.org/10.53955/jhcls.v6i1.895.

Ingber, Hannah. "Between the Law and Itself: An Examination of the Best Interests of the Child Standard in the New York City Family Court." *International Journal of Applied Psychoanalytic Studies* 20, no. 3 (2023): 481–94. https://doi.org/10.1002/aps.1833.

Insani, Nur, Sumiyati Beddu, Rahmawati Rahman, Arpin Arpin, and Mohd Al Adib Samuri. "Judicial Considerations in Child Marriage Dispensations: An Empirical Study of the Gorontalo Religious Court." *Jurnal Ilmiah Al-Syir'ah* 22, no. 1 (June 2024): 41–52. https://doi.org/10.30984/jis.v22i1.2066.

Irfan, M. Nurul, Maskur Rosyid, and Ali Imron. "Child Marriage and the Quest for Legal Protection: Integrating Islamic Family Law and Islamic Criminal Law." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 19, no. 1 (January 2026): 33–52. https://doi.org/10.14421/ahwal.2025.19102.

Ishom, Muhammad. "The Loose Interpretation of Dominus Litis Principle in Marriage Dispensation for Underage Marriage in Banten." *AHKAM: Jurnal Ilmu Syariah* 23, no. 2 (December 2023): 329–50. https://doi.org/10.15408/ajis.v23i2.29881.

Iswantoro, Iswantoro, and Faiq Tobroni. "Rationalization of Islamic Legal Considerations in Marriage Dispensation: A Lesson from Katingan, Central Kalimantan." *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 2 (November 2022): 301–14. https://doi.org/10.24090/mnh.v16i2.7074.

Iwan, Fatimah, Usman Betawi, and Muhammad Iqbal Hanafi Nasution. "Reconceptualizing the Marriage Age Limit in Indonesia: Efforts to Strengthen Family Resilience in North Sumatra." *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (June 2024): 161–78. https://doi.org/10.24090/mnh.v18i1.11090.

Julianto, Very, Raydinda Laili Shofa, Kamsi, Arini Haq, and Andrian Liem. "Judges' Perspectives on Changes in the Legal Minimum Age at Marriage in Indonesia." *Journal of Family Studies* 31, no. 1 (January 2025): 94–117. https://doi.org/10.1080/13229400.2024.2419870.

Kafidhoh, Siti, Nadzif Ali Asyari, Ali Mutakin Ali Mutakin, and Iqbal Saujan. "Dynamics of Legal Politics Regarding Marriage Age Limits in Indonesia: Between Religious Norms and Social Change." *Jurnal Hukum Islam* 22, no. 2 (December 2024): 405–36. Indonesia. https://doi.org/10.28918/jhi.v22i2.06.

Kakal, Tasneem, Asha Khalil Abdalla Elkarib, Lincie Kusters, and Maryse Kok. "Intersecting Injustices: Child Marriage and the Law in Conflict-Affected Sudan." *International Journal for Equity in Health* 24, no. 1 (November 2025): 357. https://doi.org/10.1186/s12939-025-02706-w.

Kania, Dede, and Siti Nur Fatoni. "Protecting Children's Rights in Marriage Dispensation Cases: Evidence from Religious Courts in Indonesia." *Asy-Syari'ah* 25, no. 2 (January 2025): 79–98. https://doi.org/10.15575/as.v25i2.43846.

Kasim, Nur Mohamad, and Indra Saputra Daud. "Application of The Concept of Maslahah by Judges to Issuance of Marriage Dispensation Due to Pregnancy in Religious Courts." *Jambura Law Review* 4, no. 1 (February 2022): 122–38. https://doi.org/10.33756/jlr.v4i1.10999.

Kurniawan, Ardian, Syarif Bin Muhammadromli Samae, and Hamida Arbi. "From Judicial Discretion to Maqasid Al-Shari'ah Reasoning: The Case of Marriage Dispensation at the Muara Bulian Religious Court, Indonesia." *Islamic Law and Social Issues in Society* 1, no. 1 (May 2025): 64–85. https://doi.org/10.64929/ilsiis.v1i1.11.

Lahilote, Hasyim Sofyan, A. A. Miftah, Yuliatin Yuliatin, and Rahmi Hidayati. "Judge's Dilemma in Marriage Dispensation in the Religious Court." *Al-Risalah: Forum Kajian*

Hukum dan Sosial Kemasyarakatan 22, no. 1 (June 2022): 52–60. https://doi.org/10.30631/alrisalah.v22i1.979.

Lirëza, Linert, and Andon Kume. "The Dimensions of the Best Interest of the Child in Albania." *Interdisciplinary Journal of Research and Development* 10, no. 1 (2023): 23–29. https://doi.org/10.56345/ijrdv10n104.

Magashi, Salim Bashir, Uche Nnawulezi, Septhian Eka Adiyatma, and Oluwatobiloba Ifedolapo Ajayi. "Child Marriage Law and Women Protection: Human Rights Lessons from India, China, and Indonesia." *Unnes Law Journal* 12, no. 1 (May 2026): 1–40. https://doi.org/10.15294/ulj.v12i1.46184.

Maimunah, Maimunah, Abdul Helim, Noor Aina, and Rabiatul Adawiyah. "Juridical and Sociological Considerations of Judges in Granting Marriage Dispensation after Enactment Law No. 16 of 2019." *Jurnal Ilmiah Al-Syir'ah* 19, no. 2 (December 2021): 136–48. https://doi.org/10.30984/jis.v19i2.1460.

Mbaku, John Mukum. "International Law and Child Marriage in Africa." *Indonesian Journal of International and Comparative Law* 7, no. 2 (2020): 103–244.

Mohsi, Mohsi, Muhammad Romli, Soni Zakaria, and Moh Fudholi. "Harmonizing Legal Pluralism in Marriage Laws: Policy Challenges on Child Marriage in Madura." *Al-Ahkam: Jurnal Ilmu Syari'ah dan Hukum* 10, no. 2 (November 2025): 100–118. https://doi.org/10.22515/alahkam.v10i2.11048.

Mu'minin, Anwarul. "Religious Court Legal Policy on Early Marriage Warning: An Analysis of the Implementation of Supreme Court Regulation Number 5 of 2019." *Santara: Journal of Islamic Law and Humanity* 1, no. 2 (2025): 118–30. https://doi.org/10.59373/santara.v1i2.259.

Mursyid, Salma, and Nasruddin Yusuf. "Changes in Marriage Age Limits and Marriage Dispensations: A Study of Causes and Impacts on the Religious Courts in North Sulawesi." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, no. 2 (December 2022): 975–96. https://doi.org/10.22373/sjhk.v6i2.12439.

Mustofa, Kholifatun Nur. "Adjudicating Underage Marriages at Religious Courts: A Progressive Collaboration between Judiciary and Health Authority." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 2 (December 2023): 342–63. https://doi.org/10.14421/ahwal.2023.16208.

Nabilah, Wardatun, Rido Putra, Fakhriyah Annisa Afroo, Nurjanah Nurjanah, and Etri Wahyuni. "Between Protection and Permissiveness: A Fiqh Siyasah Reexamination of Marriage Dispensation in Indonesia." *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (June 2025): 137–51. https://doi.org/10.31958/juris.v24i1.11882.

Nadia, Zunly, and Niswatin Faoziah. "Gender Equality within Family in Islamic Perspective: Insights from The Hadiths of Ummul Mukminin." *Jurnal Studi Ilmu-Ilmu Al-Qur'an dan Hadis* 25, no. 1 (June 2024): 161–86. https://doi.org/10.14421/qh.v25i1.5260.

Nasrulloh, Nasrulloh, Ahmad Nur Fauzi, Amien Mubarak, Muhammad Sandika Suriyanto, and Ahmad Muhammad Sa'dul Kholqi. "Understanding of the Hadith, Marriage Age and the Islamic Law: Study of Regent's Regulations in Bojonegoro, East Java." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 2 (June 2024): 998–1022. https://doi.org/10.22373/sjhk.v8i2.19567.

Nawawi, M. Anwar, Sulastri, Relit Nur Edi, and Agus Setiawan. "Harmonization of Islam and Human Rights: Judges' Legal Arguments in Rejecting Child Marriage Dispensation in Sukadana, Indonesia." *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 1 (2022): 117–33. https://doi.org/10.18326/ijtihad.v22i1.117-133.

Nurani, Sifa Mulya, Oyo Sunaryo Mukhlas, Siah Khosyi'ah, Ramdani Wahyu Sururie, and Rohmad Nurhuda. "Preventing Harm or Securing Certainty? Disparities in Religious Court Rulings on Polygamy Permits Resulting from Pregnancy Out of Wedlock." *Ascarya: Journal of Islamic Science, Culture, and Social Studies* 6, no. 1 (July 2026): 90–107. https://doi.org/10.53754/iscs.v6i1.862.

Palasenda, Nabil Fikri. "The Problem of Marriage Dispensation Between Theory and Practice." *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (November 2025): 181–200. https://doi.org/10.52496/mjhki.v3i2.14.

Pengadilan Agama Gunung Sugih. "Sejarah Pengadilan." Lampung Tengah: Pengadilan Agama Gunung Sugih, July 18, 2026. https://pa-gunungsugih.go.id/profil-pengadilan/sejarah-pengadilan.html.

Purwanti, Ani, and Aga Natalis. "Law as Text, Culture as Context: The Semiotics of Marriage Dispensation and Judicial Considerations in Indonesia." *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique* 39, no. 2 (February 2026): 729–60. https://doi.org/10.1007/s11196-025-10370-0.

Qudāmah, Ibn. *Al-Mughnī*. Vol. 7. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1994.

Rismana, Daud, Hariyanto Hariyanto, Mabarroh Azizah, Ninik Zakiyah, and Abdul Rahim Hakimi. "The Controversy on the Minimum Age for Marriage in Indonesia: Factors and Implications." *Journal of Sustainable Development and Regulatory Issues (JSDERI)* 2, no. 1 (January 2024): 53–66. https://doi.org/10.53955/jsderi.v2i1.21.

Rohmadi, Rohmadi, Zezen Zainul Ali, Fajar Apriani, Helena Octavianne, and Cindera Permata. "Judges' Considerations in Granting Marriage Dispensation Licenses in Indonesia: Islamic Family Law Perspective." *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (June 2024): 326–45. https://doi.org/10.22373/ujhk.v7i1.22597.

Rohman, Taufiqur, Muhammad Mahsus, Muhammad Abduh, and Gioia Arnone. "Preventing Violations of Religious and Social Norms: Judicial Interpretation of 'Urgent Reasons' in Marriage Dispensation at the Wonosari Religious Court, Indonesia." *Journal of Islamic Law* 4, no. 2 (August 2023): 218–36. https://doi.org/10.24260/jil.v4i2.1535.

Rohmawati, Rohmawati, and Syahril Siddik. "Legal Protection for Children Out of Wedlock: Ensuring the Best Interests of Children Through Judge Decisions." *Al-'Adalah* 19, no. 2 (December 2022): 315–38. https://doi.org/10.24042/adalah.v19i2.11761.

Rosyadi, Imron, Muchlis Muchlis, Tajul Arifin, Ahmad Fathoni, and Fahadil Amin Al Hasan. "Gaps and Challenges in Child Marriage Regulation: An Indonesian and Australian Legal Perspective." *Justicia Islamica* 22, no. 2 (November 2025): 381–410. https://doi.org/10.21154/justicia.v22i2.11780.

Ruhendi, Ateng, Muhamad Kholid, and Agus Mailana. "Islamic and International Legal Perspectives on Early Child Marriage: A Bibliometric Analysis." *Khazanah Hukum* 8, no. 1 (February 2026): 16–37. https://doi.org/10.15575/kh.v8i1.49075.

Saʿīd, Saḥnūn ibn. *Al-Mudawwanah al-Kubrā*. Vol. 2. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1994.

Sakirman, Sakirman, Yulia Rizki Amanda, and Le Thi Thao. "Effectiveness of Marriage Age Limit According to Law Number 16 of 2019 in East Lampung." *MILRev: Metro Islamic Law Review* 1, no. 2 (December 2022): 164–75. https://doi.org/10.32332/milrev.v1i2.6206.

Sarakhsī, Muḥammad ibn Aḥmad. *Al-Mabsūṭ*. Vol. 4. Beirut: Dār al-Maʿrifah, n.d.

Scobie, Michelle, and Afiya France. "Child Marriage, Human Rights and International Norms: The Case of Legislative Reform in Trinidad and Tobago." *Third World Quarterly* 41, no. 10 (July 2020): 1687–706. https://doi.org/10.1080/01436597.2020.1780908.

Sekarrini, Loveria, Sabarinah Prasetyo, and Agustin Kusumayati. "Child Marriage Dispensation from a Reproductive Health Perspective: Why Do Judges Grant or Reject Applications?" *International Journal of Adolescent Medicine and Health* 37, no. 6 (December 2025): 411–20. https://doi.org/10.1515/ijamh-2025-0108.

Sonafist, Y., Azhar, Syukrawati, Nurjanah Nurjanah, and Wail Abouabaid. "Contested Puberty: Judicial Discretion, Moral Regulation, and the Persistence of Child Marriage in Indonesia." *Nusantara: Journal of Law Studies* 5, no. 2 (July 2026): 825–48. https://doi.org/10.66325/nusantaralaw.v5i2.278.

Sukmayanti, Made Sinthia, and AAA Ngurah Tini Rusmini Gorda. "Implementation of Substantive Justice in Juvenile Serious Crime Cases in Indonesia." *Journal of Sustainable Development and Regulatory Issues (JSDERI)* 4, no. 2 (June 2026): 715–44. https://doi.org/10.53955/jsderi.v4i2.372.

Supriyadi, and Siti Suriyati. "Judges' Legal Culture in Dealing with High Number of Applications for Child Marriage Dispensation during Covid-19 Pandemic at the Kudus Religious Court." *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, no. 1 (2022): 136–61. https://doi.org/10.19105/AL-LHKAM.V17I1.6060.

Shāfiʿī, Muḥammad ibn Idrīs. *Al-Umm*. Vol. 5. Beirut: Dār al-Maʿrifah, 1990.

Syufa'at. "Marriage Dispensation in Underage Marriage: A Case Study at the Purwokerto Religious Court." *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 1 (May 2022): 91–102. https://doi.org/10.24090/mnh.v16i1.4229.

Torrecuadrada García-Lozano, Soledad. "The Best Interest of the Child." *Anuario Mexicano de Derecho Internacional* 16 (2016): 131–57. https://doi.org/10.22201/iij.24487872e.2016.16.523.

Warman, Arifki Budia, Wahyu Abdul Jafar, Musda Asmara, Arwansyah bin Kirin, and Sheikh Adnan Ahmed Usmani. "Reforming Marriage Registration Policies in Malaysia and Indonesia." *BESTUUR* 11, no. 1 (August 2023): 61–74. https://doi.org/10.20961/bestuur.v11i1.66320.

Yetta, Yasin, Ahmad Rajafi, and Syahrul Mubarak Subeitan. "Understanding the Implications of Marriage Law Amendments: Marriage Dispensation Cases in Indonesian Religious Courts." *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 2024): 121–36. https://doi.org/10.29240/jhi.v9i1.8979.

Zaidah, Yusna. "Judicial Discretion in Inheritance Case Resolution: Towards Progressive Legal Justice in Indonesia." *Syariah: Jurnal Hukum dan Pemikiran* 24, no. 1 (June 2024): 136–47. https://doi.org/10.18592/sjhp.v24i1.13012.