

Adaptive Discretion in Child Marriage Prevention: Street-Level Bureaucracy in Indonesia's Islamic Marriage Administration

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Abstract

The increase in the minimum age of marriage through Law No. 16 of 2019 represents a landmark reform in Islamic family law in Indonesia. However, the high number of marriage dispensation cases suggests that this statutory change has not automatically resulted in effective child protection. This article argues that preventing child marriage depends less on legislative reform and more on the discretionary practices of religious bureaucrats at the street level. Employing a socio-legal approach and a mixed-methods design, the study integrates a Knowledge, Attitudes, and Practices (KAP) survey, field observations, in-depth interviews, and focus group discussions conducted at four Offices of Religious Affairs (KUA) in the Special Region of Yogyakarta and Central Java. The findings reveal a pattern of normative ambivalence in defining maturity—between the legal age threshold and the *fiqh* (Islamic jurisprudence) concepts of *‘āqil* (intellect) and *bāligh* (puberty)—reflecting a broader configuration of legal pluralism among state law, *fiqh*, and local norms. Nevertheless, most KUA officials demonstrate a substantive commitment to child protection through practices of adaptive discretion, normative mediation, and legal counseling in their roles as street-level bureaucrats. This article advances legal pluralism theory by demonstrating that normative negotiation occurs not only in society but also within state bureaucratic institutions, where Islamic family law is actively produced and operationalized as law in action. Ultimately, child protection in a plural legal order hinges on how institutional discretion is governed, embedded in, and negotiated through shifting configurations of authority among the state, religious actors, and local communities.

[*Kenaiakan batas usia minimum perkawinan melalui Undang-Undang No. 16 Tahun 2019 merupakan tonggak penting dalam reformasi hukum keluarga Islam di Indonesia. Namun, tingginya jumlah permohonan dispensasi kawin menunjukkan bahwa perubahan normatif tersebut belum secara otomatis bertransformasi menjadi perlindungan anak yang efektif. Artikel ini berargumentasi bahwa pencegahan perkawinan anak lebih ditentukan oleh praktik diskresi birokrasi keagamaan di tingkat garis depan dibandingkan oleh reformasi legislasi semata. Dengan menggunakan pendekatan socio-legal dan desain metode campuran, penelitian ini mengintegrasikan survei Pengetahuan, Sikap, dan Praktik (KAP), observasi lapangan, wawancara mendalam, serta diskusi kelompok terfokus yang dilaksanakan di empat Kantor Urusan Agama (KUA) di Daerah Istimewa Yogyakarta dan Jawa Tengah. Temuan penelitian mengungkap pola ambivalensi normatif dalam memaknai kedewasaan—antara ambang batas usia legal dan konsep fikih tentang ‘āqil (kemampuan intelektual) dan bāligh (pubertas)—yang merefleksikan konfigurasi pluralisme hukum antara hukum negara, fikih, dan norma sosial lokal. Meskipun demikian, sebagian besar*

pejabat KUA menunjukkan komitmen substantif terhadap perlindungan anak melalui praktik diskresi adaptif, mediasi normatif, dan konseling hukum dalam perannya sebagai birokrat tingkat jalaran. Artikel ini memperluas teori pluralisme hukum dengan menunjukkan bahwa negosiasi normatif tidak hanya berlangsung di ranah sosial, tetapi juga di dalam institusi birokrasi negara, tempat hukum keluarga Islam secara aktif diproduksi dan dioperasionalkan sebagai hukum dalam praktik. Pada akhirnya, efektivitas perlindungan anak dalam tatanan hukum plural sangat bergantung pada bagaimana diskresi institusional diatur, ditanamkan, dan dinegosiasikan dalam konfigurasi otoritas yang terus berubah antara negara, aktor keagamaan, dan komunitas lokal.]

Keywords: Adaptive Discretion, Child Marriage; Legal Pluralism, Marriage Administration, Office of Religious Affairs, Street-Level Bureaucracy.

Introduction

Globally, violations of children's rights reveal a fundamental paradox within contemporary legal governance: despite the expansion of regulatory frameworks and international commitments to child protection, millions of children remain deprived of their fundamental rights to live with dignity,¹ access adequate education,² be free from exploitation,³ and receive protection from violence.⁴ As Geraldine van Bueren has emphasized, the failure to uphold these basic rights prevents children from achieving their full potential.⁵ A tangible example of such violations is the practice of child marriage. In numerous countries, including Muslim-majority societies,⁶ child marriage is not solely a socio-economic issue; it also reflects the complex interplay among global human rights norms, religious interpretations, and local customary practices.⁷ These interactions result in diverse regulatory approaches regarding the minimum legal age of marriage. In several Middle Eastern and North African countries,

¹ Babatope Matthew Ajiboye, "Evicted from Home, Unaccommodated in the Street: The Castigatory Experience of *Skolombo* Boys and *Lakasera* Girls of Calabar in the Light of UNCRC," *Journal of Asian and African Studies* 60, no. 7 (November 2025): 4505–20; Jameson Garland and Santa Slokenberga, "Protecting the Rights of Children with Intersex Conditions from Nonconsensual Gender-Conforming Medical Interventions: The View from Europe," *Medical Law Review* 27, no. 3 (August 2019): 482–508.

² S. Deb, "Introduction—Child Safety, Welfare, and Well-Being: Need of the Hour," in *Child Safety, Welfare and Well-Being: Issues and Challenges, Second Edition* (2022): 1–6; Alemayehu Tekelemariam Haye, "The Move Towards Inclusive Education in Ethiopia," in *The Wiley International Handbook of Educational Foundations*, 1st ed., ed. Alan S. Canestrari and Bruce A. Marlowe (Wiley, 2018), 123–40; Jeremy McBride, "The Violation of Economic, Social and Cultural Rights as Torture or Cruel, Inhuman or Degrading Treatment," in *Childhood Abused: Protecting Children Against Torture, Cruel, Inhuman and Degrading Treatment and Punishment* (London: Routledge, 2019): 53–58.

³ Julia M. Kobulsky, Howard Dubowitz, and Yanfeng Xu, "The Global Challenge of the Neglect of Children," *Child Abuse & Neglect* 110 (December 2020): 104296.

⁴ Mariucha Ramella Marcon Nemer, Bruna de Souza Nogueira, et al., "Violation of Children's and Adolescents' Rights – the Profile of a Southern State in Brazil," *Acta Scientiarum. Health Sciences* 42 (March 2020): e44453; Symphorosa Rembe and Kola Odeku, "Violation of Children's Rights by Traditional and Cultural Practices and the Responses by States in Eastern and Southern Africa," *Journal of Psychology in Africa* 19, no. 1 (January 2009): 63–9.

⁵ Geraldine van Bueren, "The International Law on the Rights of the Child," in *The International Law on the Rights of the Child* (Boston: Brill Nijhoff, 2021), 117–30.

⁶ Alexia Sabbe et al., "Determinants of Child and Forced Marriage in Morocco: Stakeholder Perspectives on Health, Policies and Human Rights," *BMC International Health and Human Rights* 13, no. 1 (December 2013): 43.

⁷ Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2006): 1–9.

national legislation establishes 18 as the minimum age of marriage for both men and women.⁸ Pakistan and Egypt similarly set the minimum age at 18.⁹ In Indonesia, Law No. 16 of 2019, which amends Marriage Law No. 1 of 1974, raised the minimum age of marriage to 19 for both men and women. This reform—particularly significant for women, whose previous minimum age was 16—represents a proactive child protection policy and reaffirms Indonesia’s commitment to the Convention on the Rights of the Child (UNCRC), ratified through Law No. 35 of 2014 on Child Protection.¹⁰

Despite the progressive nature of this legal reform, its effective implementation remains inadequate. Significant challenges persist, particularly in regions with limited access to education, healthcare, and social protection systems—conditions that structurally perpetuate the practice of child marriage.¹¹ National data indicate that in 2020, approximately 16 percent of child marriages involved girls.¹² In 2022, the Ministry of Women’s Empowerment and Child Protection recorded around 55,000 applications for dispensations permitting underage marriage.¹³ In the Special Region of Yogyakarta, 632 cases of child marriage were reported in the same year,¹⁴ including 71 cases in the City of Yogyakarta, 40 of which involved children under 18 years of age.¹⁵ These statistics suggest that formal regulation alone has been insufficient to prevent child marriage. Furthermore, the dispensation mechanism—intended normatively as an exceptional legal remedy—risks becoming an institutionalized channel through which the practice is normalized. The discrepancy between formal legal norms and social practices highlights the multidimensional nature of child marriage, which cannot be addressed solely through regulatory reform but requires comprehensive institutional intervention and cross-sectoral collaboration.¹⁶ In this regard, the Office of Religious Affairs (*Kantor Urusan Agama*, KUA) occupies a strategic position as a state institution operating at the intersection of Islamic law, state law, and social norms in marriage administration. The role of the KUA extends beyond administrative duties to include normative and educational functions, particularly in the prevention of child marriage. Given the social, cultural, and moral pressures that often encourage early marriage,

⁸ Megan Arthur et al., “Child Marriage Laws around the World: Minimum Marriage Age, Legal Exceptions, and Gender Disparities,” *Journal of Women, Politics & Policy* 39, no. 1 (January 2018): 51–74.

⁹ A. Hashfi Luthfi et al., “Examining the Impact of Early Marriage Hadith on Marriage Laws in Indonesia,” *Ay-Syir’ab: Jurnal Ilmu Syari’ah dan Hukum* 57, no. 1 (June 2023): 164–84.

¹⁰ “Law No. 16 of 2019 on the Amendments to Marriage Law No. 1 of 1974,” October 15, 2019, <http://peraturan.bpk.go.id/Details/122740/uu-no-16-tahun-2019>.

¹¹ UNICEF, *UNICEF Indonesia Annual Report 2024, An Overview of UNICEF’s Work in Indonesia* (UNICEF, 2024), <https://www.unicef.org/indonesia/reports/unicef-indonesia-annual-report-2024>.

¹² Dirlsnotbrides, “Child Marriage Atlas Indonesia,” *Dirlsnotbrides*, 2020, <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/indonesia/>.

¹³ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, *Statistik Dispensasi Pernikahan Anak 2021–2022* (Jakarta: Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2023): 23–7.

¹⁴ Admin, “PP ‘Aisyiah Soroti Tingginya Angka Perkawinan Anak dan Pengasuhan Tak Layak,” *Harian Jogja*, November 14, 2024, <https://jogjapolitan.harianjogja.com/read/2023/11/14/510/1155007/pp-aisyiah-soroti-tingginya-angka-perkawinan-anak-dan-pengasuhan-tak-layak>.

¹⁵ Admin, “Tercatat 71 Kasus Pernikahan Usia Anak di Yogyakarta, Dipicu Hamil Di Luar Nikah,” *Kompas*, December 18, 2023, <https://yogyakarta.kompas.com/read/2023/06/18/205545878/tercatat-71-kasus-pernikahan-usia-anak-di-yogyakarta-dipicu-hamil-di-luar?page=all>.

¹⁶ Rachel Hodgkin and Peter Newell, *Implementation Handbook for the Convention on the Rights of the Child* (UNICEF, 1998): 37–45.

the discretionary authority exercised by KUA officials constitutes a critical arena for negotiating normative demands and social realities to safeguard the best interests of the child.

Prior academic investigations into children's rights within Islamic contexts identify at least three predominant approaches. The first is a normative-doctrinal approach that emphasizes the theological foundations of children's rights as articulated in classical *fiqh* (Islamic jurisprudence). While this approach is crucial for establishing normative legitimacy within the framework of sharia, it tends to be less responsive to evolving social dynamics and institutional changes.¹⁷ The second approach involves comparative studies that explore points of convergence and potential harmonization between Islamic law and international human rights norms. Although this scholarship broadens interpretive frameworks and encourages progressive readings of religious texts, it often presupposes normative compatibility without critically assessing the implementation of these norms within bureaucratic practices.¹⁸ The third approach is grounded in the framework of *maqāṣid al-sharī'ah* (the objectives of Islamic law), which conceptualizes child protection as integral to the fundamental aims of sharia. Despite providing robust juridical justification, this approach remains primarily evaluative and normative, with limited integration of empirical analyses concerning institutional practices in the realization of children's rights.¹⁹ Collectively, these strands have significantly enriched scholarly discourse; however, most remain largely theoretical and have yet to adequately consider state institutions, such as the KUA, as concrete sites where *fiqh*, state law, and local social practices intersect and are negotiated.

This study addresses a significant gap by investigating two primary questions. First, how do KUA officials exercise bureaucratic discretion in interpreting and implementing child protection policies, particularly regarding the prevention of child marriage? Second, how do KUA officials navigate the interactions among state law, Islamic law, and local socio-cultural norms in their efforts to prevent child marriage? By focusing on the KUA as the central site of analysis, this article contributes to socio-legal scholarship by illustrating how law functions in practice through the agency of state actors at the grassroots level. Furthermore, it advances the field of child protection policy studies by conceptualizing KUA officials as street-level bureaucrats who not only carry out administrative duties but also engage in normative mediation within a pluralistic legal framework. Within the context of Indonesia's legal

¹⁷ Iman Jauhari et al., "The Qur'an and Islamic Legal Perspectives on Child Protection," *Pharos Journal of Theology* 104, no. 4 (August 2023): 1–13; Azizah Mohd, BadruddinHj Ibrahim, and Alhaji Umar Alkali, "An Overview of the Protection of Children Rights Under Islamic Law," *Advanced Science Letters* 23, no. 4 (April 2017): 3251–54; Abdul Rahim Abdul Rahim et al., "Minimum Marriage Age in the Compilation of Islamic Law: A Progressive Ijtihad Based on Maslahah Fardiyyah and 'A'liyyah," *Jurnal Hukum Islam* 23, no. 2 (December 2025): 381–410.

¹⁸ M. Nasikhul Umam Al-Mabruri, Wahyu Fahrul Rizki, and Abdul Rahim Hakimi, "Children Born Out of Wedlock Inherit the Lineage of Their Biological Father: Auda's Maqāṣid asy-Syarī'a Perspective," *Ayy-Syir'ab: Jurnal Ilmu Syari'ah dan Hukum* 55, no. 2 (December 2021): 415–38; Erfaniah Zuhriah et al., "Dimensions of the Islamic Law and Human Rights in the Protection of Children from Convicted Parents," *De Jure: Jurnal Hukum dan Syari'ah* 16, no. 2 (December 2024): 432–55.

¹⁹ Siti Nurjanah et al., "Children's Rights in Islamic Law: A Contemporary Study of Family Practices," *MILRev: Metro Islamic Law Review* 4, no. 2 (July 2025): 933–53; M. Ali, "Child Sexual Abuse: Can the Doctrines of al-Maqasid al-Shariah and Maslahah Assist in Challenging the Honour Ideology?," *International Journal of Human Rights* 18, nos. 4–5 (2014): 508–26; Roslina Che Soh and Nora Abdul Hak, "Application of Maslahah (Interest) in Deciding the Right of Hadanah (Custody) of a Child: The Practice in the Syariah Court of Malaysia," *Journal of Applied Sciences Research* 7, no. 13 (2011): 2182–8.

pluralism, this article argues that governance of child protection in marriage is shaped not solely by statutory reforms but also by the discretionary practices of religious bureaucrats who navigate state law, *fiqh*, and social norms within the institutional setting of the KUA.

Research Methodology

This study was conducted in four KUA offices: three located in the Special Region of Yogyakarta—KUA of Banguntapan, KUA of Umbulharjo, and KUA of Sewon—and one comparative site in Central Java, namely KUA of Karanganom. These four KUAs were purposively selected because they represent areas with relatively heterogeneous socio-religious dynamics and have empirical experience in managing marriage dispensation cases and preventing child marriage. The selection was based on the assumption that bureaucratic discretion within a context of legal pluralism becomes more evident in settings characterized by intense interactions among state law, Islamic law, and local social practices. This research employs a socio-legal approach using a sequential explanatory mixed-methods design, which integrates quantitative and qualitative methods in a complementary and phased manner. This design was chosen to facilitate the identification of general patterns through quantitative data while enabling a more in-depth exploration of meanings and institutional dynamics through qualitative analysis.

Table 1
Research Informants

Initials	Position	Gender
AA	Head of KUA Umbulharjo	Male
PU	Official at KUA Umbulharjo	Female
SG	Official at KUA Karanganom	Male
HR	Official at KUA Umbulharjo	Female
MD	Official at KUA Umbulharjo	Male
MZ	Mediator at Yogyakarta Islamic Court	Male
KS	<i>Penghulu</i> at KUA Umbulharjo	Female
LT	<i>Penghulu</i> at KUA Umbulharjo	Female
KH	Member of the Regional Leadership of Muslimat NU (Nahdlatul Ulama), Special Region of Yogyakarta	Female
SS	Official at KUA Banguntapan	Female
RH	Official at KUA Banguntapan	Male
MA	Official at KUA Sewon	Male
IB	Official at KUA Sewon	Male

Source: Compiled by the authors.

The study was conducted over a seven-month period, from January to July 2024, utilizing multiple data collection methods, including surveys, field observations, in-depth interviews, and focus group discussions (FGDs). Between January and April 2024, the research team administered a Knowledge, Attitudes, and Practices (KAP) survey to 21 respondents, comprising KUA officials, religious leaders, and community representatives. The survey aimed to assess respondents' knowledge, attitudes, and practices regarding child protection, with a particular focus on preventing child marriage at the local level. The quantitative results subsequently informed the development of a more detailed qualitative

inquiry. From May to June 2024, field observations were conducted at three KUA offices, alongside in-depth interviews with key informants, including heads of KUA offices and other officials. Informants were selected through purposive sampling based on their direct involvement in marriage administration and their experience managing child marriage cases and marriage dispensation applications. Subsequently, FGDs were held with 13 participants, including heads and officials of KUA offices, *pengbdlus* (marriage registrars), a mediator from the Islamic court (Indonesian: *pengadilan agama*), and representatives of religious and community organizations (see Table 1). These discussions aimed to deepen the analysis of discretionary mechanisms, normative negotiation processes, and institutional dynamics involved in the practice of child marriage prevention.

All qualitative data were subjected to thematic analysis to identify discursive patterns, institutional practices, and forms of discretionary application within the context of child marriage prevention. This analytical approach aimed to elucidate, deepen, and contextualize the quantitative findings, thereby facilitating a more comprehensive mapping of child protection practices at the institutional level. Data validity was ensured through methodological, source, and temporal triangulation by integrating findings from surveys, observations, interviews, and FGDs. All research procedures conformed to established principles of socio-religious research ethics, including the protection of informant and case anonymity, the exclusion of children as direct respondents, and the adoption of a sensitive, human-centered interview methodology to mitigate ethical risks. Theoretically, the data analysis was informed by Michael Lipsky's Street-Level Bureaucracy framework²⁰ to investigate how KUA officials exercise discretion in decision-making, policy adaptation, and nonformal interventions in child protection. Additionally, John Griffiths' legal pluralism framework²¹ was employed to analyze the interactions and negotiations among state law, Islamic law, and social norms in child marriage practices. By integrating these theoretical perspectives, the study's findings transcend mere empirical description and are coherently situated within a theoretical framework that explicates the dynamics of child protection implementation within a context of legal pluralism at the level of religious bureaucracy.

Between State Law and *Fiqh*: Dynamics in Determining the Minimum Marriage Age

Over recent decades, Muslim-majority countries have progressively implemented reforms in family law,²² notably by increasing the minimum age of marriage to protect the best interests of the child. These reforms reflect broader efforts to reconcile Islamic law, as codified within national legal frameworks, with international human rights standards. In Indonesia, this development was realized through Law No. 16 of 2019, which amended Marriage Law No.

²⁰ Michael Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services* (New York: Russell Sage Foundation, 1980): 13–35.

²¹ John Griffiths, "What Is Legal Pluralism?," *The Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (January 1986): 1–55.

²² Ahmad Ropei et al., "Managing Baligh in Four Muslim Countries: Egypt, Tunisia, Pakistan, and Indonesia on the Minimum Age for Marriage," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 1 (June 2023): 112–40; Ibnu Radwan Siddik Turnip, Zainul Fuad, and Nurhayati Nurhayati, "The Current Development of Marriage Age Provisions in Indonesia and Malaysia: A Socio-Historical Approach," *Jurnal Ilmiah Al-Syir'ah* 20, no. 1 (June 2022): 105–22.

1 of 1974 by increasing the minimum marriage age for women to 19 and enhancing the authority of Islamic courts in marriage dispensation cases.²³ This normative transformation was motivated not only by Indonesia's commitment to international instruments such as the 1989 Convention on the Rights of the Child (CRC) and the strengthening of the child protection framework under Law No. 35 of 2014 on Child Protection, but also by empirical evidence demonstrating the negative impacts of child marriage on reproductive health, educational attainment, and children's socio-economic vulnerability. Consequently, this reform marks a significant normative shift in Indonesian Islamic family law toward a child protection paradigm.²⁴

Legal reform does not occur in a socially neutral context. The increase in the minimum age of marriage has generated tensions between progressive state law norms and religious doctrines, local cultural values, and economic pressures within families that continue to perceive child marriage as a solution to certain social challenges.²⁵ These tensions render state law a site of normative contestation and negotiation, where compliance is not merely formal but is shaped through everyday institutional practices. Within this framework, the KUA functions as a strategic locus of interaction among state law, religious norms, and social practices in the administration of marriage, including cases involving child marriage.²⁶ Although formal authority to grant marriage dispensations resides with the Islamic courts, the KUA serves as the primary institutional gateway through which state regulations are interpreted and mediated via premarital guidance, administrative verification, recommendations, and educational engagement with prospective couples.²⁷ In various regions, the KUA also administers marriage guidance programs that may serve as preventive mechanisms against child marriage; however, their effectiveness depends on the interplay of cultural norms, economic pressures, and diverse local dynamics.²⁸

²³ 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.

²⁴ 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; Asep Saepullah et al., "A Contemporary Socio-Legal Evaluation of Indonesia's Post-Reformation Child Marriage Policies," *MILRev: Metro Islamic Law Review* 4, no. 2 (December 2025): 1393–426; Muhammad Al-Ghazalli Abdol Malek and Mohd Al Adib Samuri, "Child Marriage in Malaysia and the Proposed Legal Reform: Views of Muslim Stakeholders and Religious Officials," *El-Ushrah: Jurnal Hukum Keluarga* 8, no. 1 (June 2025): 313–43.

²⁵ Kasjim Salenda, "Abuse of Islamic Law and Child Marriage in South-Sulawesi Indonesia," *Al-Jami'ah: Journal of Islamic Studies* 54, no. 1 (June 2016): 95–121; Muhammad Jazil Rifqi et al., "Child Marriage in Villages: Misuse of Ijbār, Structural Discrimination, and Best Interest of the Child Dismissal," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 20, no. 1 (July 2025): 168–95.

²⁶ Dri Santoso, Zezen Zainul Ali, and Siti Wahyuni, "Avoiding Covert Polygamy at the Office of Religious Affairs: Authority and Family Law Reform in the Prohibition of Marriage During a Wife's 'Iddah Period,'" *Al-'Adalah* 22, no. 2 (December 2025): 347–80.

²⁷ Ahmad Hirzan Anwari, Zaenul Mahmudi, and Moh Toriquddin, "Prevention of Child Marriage by the KUA of Kraksaan District through Partnership: A Perspective of Lawrence Meir Friedman's Legal System Theory," *Borneo International Journal of Islamic Studies* 6, no. 2 (November 2024): 1–22.

²⁸ Nur Qadriyana Tahir et al., "Influence of Education and Parental Income of Parents on Early Marriage for Young Women the Village Baranti Districts Baranti Regency Sidenreng Rappang," *Open Access Macedonian Journal of Medical Sciences* 8, no. T2 (January 2020): 127–30.

From a normative religious perspective, classical Islamic legal literature does not explicitly prescribe a specific minimum age for marriage. Several Qur’anic verses do not advocate early marriage; rather, they emphasize the significance of *al-rushd*, understood as intellectual maturity and the capacity to act responsibly.²⁹ In classical *fiqh*, readiness for marriage is generally linked to the attainment of *bulūgh* (puberty), which serves as an indicator of biological maturity and legal capacity (*abliyyah*), although juristic schools differ in their interpretations of its signs and legal consequences.³⁰ The Shāfi‘ī and Ḥanbalī schools (*madhhab*) typically consider puberty the primary criterion for legal capacity, whereas the Ḥanafī school adopts a more flexible approach by incorporating considerations of rationality and social welfare. Nonetheless, biological maturity does not necessarily correspond to psychological and social readiness. In juristic discussions regarding the concept of *mumayyiz*—a child capable of discerning right and wrong—legal competence is more closely associated with cognitive capacity and moral awareness than with biological development alone.³¹ Therefore, within the framework of Islamic law, marital eligibility is determined not solely by the attainment of *bulūgh* but also requires the condition of *tamyiz*, which reflects mental preparedness and social responsibility.

In the context of a modern nation-state such as Indonesia, religious interpretations interact directly with positive law, which prescribes a fixed minimum age for marriage. This interaction is institutionally embodied within the KUA, serving as a tangible site of legal pluralism where state law, Islamic law, and social norms are concurrently negotiated. Officials at the KUA do not adhere solely to a literal interpretation of statutory provisions or *fiqh* doctrines; instead, they exercise bureaucratic discretion to navigate emerging normative tensions. During an FGD, the Head of KUA Umbulharjo emphasized the significance of psychological maturity and readiness to assume marital responsibilities as substantive considerations, even when administrative age requirements have been met.³² This practice illustrates how *fiqh* concepts such as *al-rushd* and *tamyiz* are reinterpreted within the framework of state policy and everyday bureaucratic practice, aligning with contemporary Muslim scholarship that situates these concepts within child protection discourse and the *maqāṣid al-sharī‘ah*, particularly the preservation of life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-‘aql*), and lineage (*ḥifẓ al-nasl*).³³ Consequently, debates regarding the minimum age of marriage extend beyond theological or doctrinal disputes, representing an ongoing process of interaction between normative pluralism and street-level bureaucratic practice. Within this context, KUA officials, as street-level bureaucrats, play a crucial role in determining whether the principle of the child’s best interests is substantively upheld or renegotiated under social and cultural pressures. Therefore, the reform of marriage age policy should be understood as a continuously negotiated process within KUA institutional practice,³⁴ wherein the

²⁹ Ibn Rushd, *Bidāyat al-Mujtabid wa Nihāyat al-Muqtaṣid*, vol. 2 (Beirut: Dār al-Ma‘rifah, n.d.): 3–10.

³⁰ Ibn Qudāmah, *Al-Mughnī*, vol. 4 (Cairo: Maktabah al-Qāhirah, n.d.): 430–60.

³¹ Wahbah al-Zuhaylī, *Al-Fiqh al-Islāmī wa Adillatuh*, vol. 4 (Beirut: Dār al-Fikr, 1989): 2645–55.

³² AA, “Interview with the Head of the KUA Umbulharjo,” 2024.

³³ Faqih Abdul Kodir and Lies M. Marcoes-Natsir, *Fikih Hak Anak: Menimbang Pandangan al-Qur’an, Hadis, dan Konvensi Internasional untuk Perbaikan Hak-Hak Anak* (Jakarta: Yayasan Rumah Kita Bersama, 2022): 35–52.

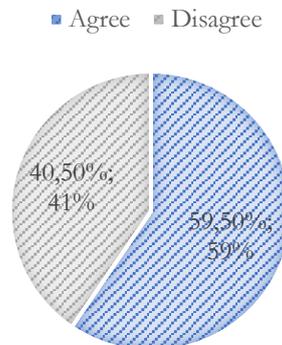
³⁴ Husnul Fatarib, Suci Hayati, and Agus Salim Ferliadi, “Between Legalization and Moral Hazard: A Maslahah-Mafsadah Analysis of Prenuptial Pregnancy Marriage (Kawin Hamil) in Indonesian Islamic Law,”

effectiveness of child protection is significantly contingent upon the institution’s capacity to manage tensions among legal reform, religious interpretation, and local social realities.

Ambivalence Among KUA Officials About Maturity in Child Marriage Cases

Based on empirical interviews, officials of the KUA exhibit ambivalence in defining the criteria for maturity among prospective spouses. This ambivalence should not be interpreted as personal inconsistency but rather as a structural consequence of their role as marriage officials functioning as street-level bureaucrats. Grassroots bureaucrats often occupy complex positions shaped by the tension between formal regulatory requirements and prevailing social norms.³⁵ Within this framework, KUA officials navigate the intersection between the legal obligation to enforce the minimum age of marriage mandated by state law and socio-religious expectations that continue to regard early marriage as a solution to certain moral or social issues.³⁶ Interview data reveal that the majority of KUA officials consider prospective spouses being both *‘āqil* (possessing intellectual capacity) and *bāligh* (having reached puberty) as essential indicators of marital readiness. Approximately 59.5 percent of respondents interpret *bāligh* as denoting physical and psychological maturity sufficient to undertake significant responsibilities, including marriage and other legal acts.³⁷

Figure 1
‘Āqil, Bāligh, and Maturity as Prerequisites for Prospective Spouses



Source: Authors’ own processing.

Figure 1 illustrates that the majority of respondents consider the *fiqh*-based concepts of *‘āqil* and *bāligh* to be essential criteria for assessing readiness for marriage. This viewpoint reflects the profound internalization of religious values among KUA officials, who prioritize

Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan 25, no. 2 (December 2025): 89–104; Syahrudin Hidayat, Abdul Ghofur, and Ummul Baroroh, “The Norm of Marriage Age Limit and Cultural Contestation of Child Marriage Law in Rural Communities,” *Jurnal Hukum Islam* 21, no. 1 (June 2023): 55–82.

³⁵ 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; Imron Rosyadi et al., “Gaps and Challenges in Child Marriage Regulation: An Indonesian and Australian Legal Perspective,” *Justicia Islamica* 22, no. 2 (November 2025): 381–410.

³⁶ 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 (February 2021): 501–23.

³⁷ A. Huzaimah et al., “Controversy of Early Marriage Between Religious Doctrine and Customs in Minority Areas in Indonesia,” *Jurnal Ilmiah Al-Syir’ab* 22, no. 2 (2024): 139–51.

moral and biological maturity over chronological age alone. In classical *fiqh*, the onset of puberty signifies the transition to moral and legal responsibility (*taklif*) and thus serves as a fundamental reference for determining *abliyyah*.³⁸ This perspective is exemplified by a statement from AA, Head of KUA Umbulharjo: “*A person who has reached ‘āqil and bāligh possesses both physical and mental capacity and is therefore better prepared to undertake marital life, including responsibilities as a spouse and parent.*”³⁹ Nonetheless, KUA officials also acknowledge that biological maturity does not necessarily equate to psychosocial readiness.⁴⁰ They emphasize that the concepts of ‘*āqil* and *bāligh* should not be regarded as absolute or purely categorical standards but must be linked to more quantifiable indicators, including age, to prevent the legitimization of child marriage practices that may result in social and legal complications.⁴¹ MZ, a mediator at the Yogyakarta Islamic Court, explained:

*“I conceptualize ‘āqil and bāligh as preliminary indicators that an individual has begun independent reasoning and exhibits early signs of maturity. However, these concepts require precise definition. Specifically, they should not be interpreted solely in broad or abstract terms but must be defined using quantifiable criteria, including chronological age. In many cases we encounter, it is assumed that a child is already bāligh, leading to early marriage and subsequent complications. Therefore, I argue that the notions of ‘āqil and bāligh should have explicit boundaries. Establishing clear limits is essential to ensure legal certainty when determining an individual’s eligibility for marriage.”*⁴²

The data presented above indicate that, although many KUA officials continue to adhere to classical *fiqh* interpretations of ‘*āqil* and *bāligh*, they simultaneously emphasize the necessity of establishing clear age thresholds to ensure legal certainty for the public. A clearly defined minimum marriage age must consider biological maturity alongside broader socio-cultural developments.⁴³ Consequently, there is growing impetus to reconceptualize ‘*āqil* and *bāligh* so that these concepts are not solely grounded in biological indicators or cultural traditions but are supplemented by objective criteria that enhance legal certainty. Establishing more explicit boundaries is deemed essential both to prevent the normalization of early marriage and to provide normative legitimacy for KUA officials in executing their administrative responsibilities. Such conceptual clarity not only advances child protection and welfare⁴⁴ but also reinforces the institutional foundation of religious bureaucratic actors, who bear both normative and social responsibilities in delivering frontline public services.

Although some KUA officials continue to regard ‘*āqil* and *bāligh* as normative religious references, they also acknowledge that the framework of state law requires a clearly defined minimum age to protect the best interests of the child. Within the national legal system, the

³⁸ Ibn Qudāmah, *Al-Mughnī*, 430–460.

³⁹ AA, “Interview with the Head of the KUA Umbulharjo,” 2024.

⁴⁰ PU, “Interview with the Official at the KUA Umbulharjo,” 2024.

⁴¹ SS, “Interview with the Official at the KUA Banguntapan,” 2024.

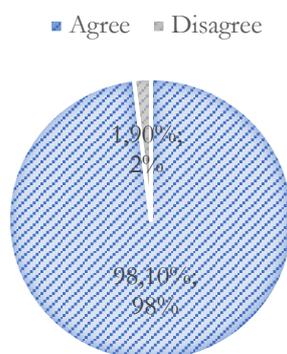
⁴² MZ, “Interview with Mediator of Yogyakarta Islamic Court,” 2024.

⁴³ Gandi Liyorba Indra, M. Yasin Al Arif, and Abdul Qodir Zaelani, “The Ideal Age for Marriage in the Compilation of Islamic Law (KHI) and Psychology,” *Al-Adalah* 20, no. 1 (June 2023): 1–18; Turnip, Fuad, and Nurhayati, “The Current Development of Marriage Age Provisions in Indonesia and Malaysia,” 105–22.

⁴⁴ Ropei et al., “Managing Baligh in Four Muslim Countries,” 112–40; Ismail Ismail et al., “Legal Age Equality in Marriage According to Indonesian Positive Law in the Studies of Gender and Maqāṣid al-Sharia,” *De Jure: Jurnal Hukum dan Syar’iah* 15, no. 1 (July 2023): 67–81.

age of 19 for both men and women is established as the threshold of legal adulthood⁴⁵—signifying the point at which individuals are presumed to possess sufficient rational and psychosocial capacity to make long-term decisions, including those related to marriage.⁴⁶ As illustrated in Figure 2, 98.1 percent of KUA officials accept the statutory minimum age requirement. Nonetheless, this acceptance does not entirely negate their religious normative orientation; rather, it reflects a selective internalization of state law within the context of religious bureaucratic practice.

Figure 2
Legal Age of Marriage as a Prerequisite for Marriage



Source: Authors’ own processing.

The analysis of the survey results presented in Figures 1 and 2 reveals a pattern of ambivalence among KUA officials regarding the concept of maturity in cases of child marriage. Although the majority of officials base their understanding of maturity on the *fiqh*-derived concepts of *‘āqil* and *bāligh*, they simultaneously acknowledge the statutory minimum age requirements established by state law. This finding suggests the existence of a normative compromise within routine KUA practices, wherein officials neither entirely reject state law nor wholly abandon *fiqh* as a source of moral authority. This situation aligns with Euis Nurlaelawati’s findings that *penghulus* in Indonesia frequently operate under dual legal frameworks: state law as the formal administrative structure and Islamic law as a source of socio-religious legitimacy.⁴⁷ Within this context, acceptance of the statutory minimum age does not necessarily indicate full substantive internalization of the child protection paradigm; rather, it may reflect institutional compliance aimed at avoiding administrative sanctions and legal disputes.

Nevertheless, this ambivalence often creates challenges for KUA officials when they encounter religious beliefs or community traditions that regard early marriage as a moral imperative or as a remedy for premarital pregnancy.⁴⁸ According to normative marriage law,

⁴⁵ 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.

⁴⁶ A. H. Abdullah et al., “Effectiveness of Islamic Law in Protecting the Rights of the Child,” *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 330–54.

⁴⁷ Euis Nurlaelawati, *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practices in the Indonesian Religious Courts* (Amsterdam: Amsterdam University Press, 2010), 150–165.

⁴⁸ H. H. Setiawan et al., “Child Marriage in Indonesia: Exploring Social Culture and Gender Inequality,” in *Social, Political, and Health Implications of Early Marriage* (IGI Global, 2024), 93–114.

the minimum age for marriage is set at 19 for both men and women; marriages involving individuals below this age require parental consent and a dispensation from the Islamic court.⁴⁹ The situation becomes increasingly complex when local communities invoke religious justifications to obtain marriage dispensations,⁵⁰ thereby positioning state law as an administrative barrier rather than as a mechanism for child protection.⁵¹ This dynamic is exemplified in the statement of SG, an official at the KUA Karanganom:

“In our daily work related to children’s rights, the most prevalent issue we encounter is early marriage. We are often troubled by situations in which children below the legal minimum age are forced to marry due to pregnancy. Even more concerning are cases where pregnancy is deliberately induced to obtain a marriage dispensation and secure court approval.”⁵²

The ambivalence observed in KUA officials’ interpretations of maturity in cases of child marriage reflects ongoing processes of coexistence and negotiation within a framework of legal pluralism, wherein two normative systems with equal claims to legitimacy operate concurrently.⁵³ State law prioritizes the protection of children’s rights by establishing a fixed minimum age, while socio-religious norms emphasize biological and moral maturity. Consequently, the stance of KUA officials should not be attributed solely to personal ambivalence; rather, it embodies broader structural dynamics involved in the transformation of legal and religious knowledge. Through bureaucratic discretion, these officials continuously negotiate the concept of maturity across *fiqh*, state law, and social realities. Therefore, this ambivalence should be understood as an expression of legal pluralism in institutional practice, rather than merely as individual inconsistency in addressing child marriage cases.⁵⁴

KUA as Street-Level Bureaucrats in Preventing Child Marriage

KUA officials have implemented various interventions to fulfill their strategic role in mitigating child marriage. First, they engage in legal outreach and public education programs, acting as educational agents who raise awareness about the social, psychological, and legal consequences of early marriage through informal religious and community forums.⁵⁵ Second, during the marriage registration process, *penghulus* conduct thorough administrative verification to ensure compliance with legal requirements while simultaneously providing counseling to prospective spouses and their families. Thus, their role extends beyond administrative duties to encompass mediatory and educational functions. Third, KUA officials participate in advocacy and policy-strengthening efforts, particularly through cross-

⁴⁹ MA, “Interview with the Official at the KUA Sewon,” 2024.

⁵⁰ Grijns and Horii, “Child Marriage in a Village in West Java (Indonesia),” 453–66.

⁵¹ RH, “Interview with the Official at the KUA Banguntapan,” 2024.

⁵² SG, “Interview with the Official at the KUA Karanganom,” 2024.

⁵³ Griffiths, “What Is Legal Pluralism?,” 1–55.

⁵⁴ Jumarim, Ilyya Muhsin, and Muhammad Chairul Huda, “The Interplay of Fiqh, Adat, and State Marriage Law: Shaping Legal Consciousness of Sasak Women,” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 1 (June 2024): 27–52; Asep Saepullah et al., “A Contemporary Socio-Legal Evaluation of Indonesia’s Post-Reformation Child Marriage Policies,” 1393–426; Abd Kadir Ahmad et al., “Lolo Bangko: Child Marriage & Family Resilience in Island Communities in South Sulawesi,” *AHKAM: Jurnal Ilmu Syariah* 25, no. 2 (December 2025): 285–300.

⁵⁵ HR, “Interview with the Official at the KUA Umbulharjo,” 2024.

sectoral collaboration aimed at tightening mechanisms for granting dispensations for underage marriage.⁵⁶ These practices demonstrate that the KUA, as a street-level bureaucracy, not only enforces state regulations but also interprets and guides policy implementation in alignment with local social dynamics.⁵⁷

The persistence of child marriage demonstrates that policy implementation is influenced not only by formal regulatory frameworks but also by frontline actors who engage directly with local communities.⁵⁸ In various regions of Indonesia, early marriage remains socially acceptable and is, in some cases, actively encouraged due to religious, customary, and economic factors.⁵⁹ Within the scope of this study, economic hardship is one contributing factor, though it is not the sole determinant. Child marriage is also shaped by adolescent relationships, religious interpretations, and cultural constructs that conflate the best interests of the child with the socio-economic interests of the family. KS, a *penghulu* at KUA Umbulharjo, articulated:

“Based on my experience, many parents arrange marriages for their children while they are still minors due to economic hardship and the inability to continue funding their education. When children begin dating, such relationships are often perceived as inevitably leading to marriage. Additionally, customary practices, such as the tradition of balang gawe (traditional marriage celebration), play a significant role. Parental contributions to community ceremonies are regarded as ‘investments’ expected to be reciprocated. Consequently, children who have not yet reached full maturity are often married off so that parents can promptly recover the ‘investment’ made in wedding celebrations.”⁶⁰

This statement highlights that poverty, entrenched social customs, and economic rationalities rooted in local traditions significantly influence parental decisions to arrange marriages before children reach legal adulthood.⁶¹ In such contexts, KUA officials encounter social justifications that normalize child marriage. Consequently, their decisions are not purely administrative but are deeply shaped by socio-cultural and moral considerations.⁶² This perspective underscores the distinctive role of street-level bureaucrats who operate at the

⁵⁶ MD, “Interview with the Official at the KUA Umbulharjo,” 2024.

⁵⁷ Lars Tummers and Victor Bekkers, “Policy Implementation, Street-Level Bureaucracy, and the Importance of Discretion,” *Public Management Review* 16, no. 4 (May 2014): 527–47.

⁵⁸ Sérgio Nhassengo et al., “Frontline Practitioners’ Perspective of the Implementation of Child Protection Laws and Prevention of Violence Against Children in Maputo, Mozambique,” *Global Health Action* 19, no. 1 (December 2026): 2609403; Noverman Duadji and Novita Tresiana, “Analysis of Child Marriage and Related Policies in Indonesia: Sustainable Development Issue,” *Problemy Ekorożwoju* 17, no. 1 (January 2022): 101–13; Samuel Logoniga Gariba and Mette Rømer, “The Irony of Child Protection: A Qualitative Analysis of Social Workers and Police Officers’ Challenges in Supporting the Rights of Victims of Child Marriage,” *Social Work and Social Sciences Review* 25, no. 2 (2024): 63–84.

⁵⁹ UNICEF, *UNICEF Indonesia Annual Report 2024, An Overview of UNICEF’s Work in Indonesia*. See also: Rifqi et al., “Child Marriage in Villages,” 168–95; Nina Nurmila and Wiwin Windiana, “Understanding the Complexities of Child Marriage and Promoting Education to Prevent Child Marriage in Indramayu, West Java,” *Ulumuna* 27, no. 2 (December 2023): 823–53; Basar Dikuraisyin et al., “Economic Underpinnings of Early Marriage: The Tengka Tradition among the Madurese,” *Al-Abwal: Jurnal Hukum Keluarga Islam* 17, no. 1 (June 2024): 93–106.

⁶⁰ KS, “Interview with the *Penghulu* at the KUA Umbulharjo,” 2024.

⁶¹ E. Fitriahadi et al., “Strategies for Child Marriage Prevention in Indonesia: A Case Study,” *Kemas* 21, no. 1 (2025): 156–65.

⁶² Salenda, “Abuse of Islamic Law and Child Marriage in South-Sulawesi Indonesia,” 95–121; Fitriyani Fitriyani, Abd Basir, and Arman Budiman, “Building Family Resilience Among Early Marriage Practitioners in North Bogor, Indonesia,” *El-Ushrah: Jurnal Hukum Keluarga* 8, no. 2 (December 2025): 835–52.

intersection of state law, religious norms, and social practices. As Lipsky has argued, public policy during the implementation phase is effectively shaped by the discretionary decisions of frontline actors working under conditions of limited resources and complex social pressures.⁶³

During the implementation phase, KUA officials frequently encounter discrepancies between regulatory requirements and the practical limitations of available resources and societal expectations. These officials engage directly with prospective spouses, their families, and community members, yet they have limited discretion in enforcing regulations that may conflict with community preferences. Most child marriage cases they address involve junior and senior high school students engaged in premarital sexual relationships.⁶⁴ Consequently, KUA officials are compelled to devise adaptive strategies for case resolution, including offering legal counseling that encourages families to submit marriage dispensation applications to the Islamic court as a prerequisite for legalizing the marriage.⁶⁵ Although not all dispensation requests are approved, the majority are granted in cases involving premarital pregnancy.⁶⁶ This practice exemplifies the dual role of KUA officials as both legal officers and counselors—professionals who provide procedural solutions to facilitate the lawful continuation of marriages within the framework of state law.

In addition to providing legal counseling, KUA officials engage in religious outreach and premarital guidance as preventive strategies. Premarital guidance is an administrative requirement that prospective spouses must complete before registering their marriage.⁶⁷ Through this process, the KUA serves not only as a marriage registrar but also as an agent working to reduce the social and psychological risks associated with child marriage. This role reflects an institutional recognition of the importance of protecting the best interests of the child, particularly regarding mental preparedness and psychosocial development.⁶⁸ As one informant observed:

“The KUA serves as a fundamental institution within the community, playing a key role in nearly all issues related to children’s rights through its penghulu. Additionally, the KUA contributes to protecting children’s health. Beyond health concerns, it addresses various aspects of child vulnerability, including child labor and neglect. Therefore, the KUA holds a critically important position in matters concerning children’s rights.”⁶⁹

The role of the KUA in delivering religious understanding through counseling, guidance, and family dialogue enhances officials’ professional discretion by granting social legitimacy, which enables them to influence the decisions of prospective spouses and their families. However, this discretion is simultaneously constrained by strong social relationships that impose moral pressures and community expectations, encouraging compromise.

⁶³ Lipsky, *Street-Level Bureaucracy*, 3–13.

⁶⁴ KS, “Interview with the *Penghulu* at the KUA Umbulharjo.”

⁶⁵ HR, “Interview with the Official at the KUA Umbulharjo.”

⁶⁶ IB, “Interview with the Official at the KUA Sewon,” 2024.

⁶⁷ Muhammad Lutfi Hakim et al., “Implementasi, Kendala dan Efektifitas Kursus Pranikah di KUA Kecamatan Pontianak Tenggara,” *Al-Istinbath: Jurnal Hukum Islam* 5, no. 2 (November 2020): 311–28.

⁶⁸ D. Jayawardana, “Happily Ever After? Mental Health Effects of Early Marriage in Indonesia,” *Feminist Economics* 28, no. 4 (2022): 112–36.

⁶⁹ KH, “Interview with the Regional Leadership of Muslimat NU (Nahdlatul Ulama) in the Special Region of Yogyakarta Province,” 2024.

Consequently, the discretion exercised by KUA officials is never entirely autonomous but is continuously negotiated within the power dynamics among the state, religious authorities, and local social practices.⁷⁰

Despite efforts to address the issue, KUA officials operate within social environments where child marriage is sometimes perceived as a strategy to protect families from social stigma, particularly in cases of premarital pregnancy.⁷¹ In these contexts, officials are expected to provide solutions as representatives of both the state and religious authorities at the local level. This dynamic requires complex negotiations among religious doctrine, state law, and social imperatives, resulting in coping strategies such as moral rationalization, the establishment of “unwritten rules,” and procedural adaptations tailored to local circumstances.⁷² Consequently, the discretion exercised by KUA officials serves not only as a response to regulatory ambiguity but also as a means of preserving social legitimacy and ensuring the continued delivery of public services.⁷³

These findings highlight the dual role of KUA officials in shaping child protection practices, functioning both as marriage administrators and as legal counselors who promote public legal awareness. At the institutional level, the strengthening of child protection agendas within national policy has prompted the KUA to expand its role beyond administrative duties to include legal counseling and advisory functions. However, differences in educational backgrounds and religious experiences among KUA officials lead to varied interpretations of maturity and marital responsibility, resulting in forms of adaptive discretion. In practice, KUA officials navigate cultural norms that view child marriage as a social solution alongside state laws designed to protect children’s rights.⁷⁴ The discretion exercised by these officials extends beyond mere textual compliance with regulations, reflecting efforts to balance legal adherence with social stability. This finding corroborates the results of Mark Cammack et al., who observed that *penghulus* in Indonesia frequently exercise procedural flexibility to balance formal legal requirements with social legitimacy.⁷⁵

⁷⁰ Muhajir HM et al., “The Role of Religious Affairs Office (KUA) of Makassar City in Preventing Marriage Violation under the *Maṣlaḥah Mursalah* Principle,” *Al-’Adalah* 21, no. 1 (June 2024): 125–48; Asfa Widiyanto, Siti Zumrotun, and Heru Saputra, “The Prevention of Underage Marriage in Indonesia: State, Religious Authority and Human Rights,” *Justicia Islamica* 21, no. 2 (October 2024): 401–22; Muhammad Ishom El-Saha, “Penghulu and Marriage Problematics of Boundary Society in Entikong and Sekayam West Kalimantan,” *AHKAM: Jurnal Ilmu Syariah* 19, no. 2 (December 2019): 391–410.

⁷¹ LT, “Interview with the *Penghulu* at the KUA Umbulharjo,” 2024; MD, “Interview with the Official at the KUA Umbulharjo”; RH, “Interview with the Official at the KUA Banguntapan”; MA, “Interview with the Official at the KUA Sewon.”

⁷² Tummers and Bekkers, “Policy Implementation, Street-Level Bureaucracy, and the Importance of Discretion,” 527–47.

⁷³ Tony Evans, “Street-Level Bureaucrats: Discretion and Compliance in Policy Implementation,” in *Oxford Research Encyclopedia of Politics*, by Tony Evans (Oxford University Press, 2020): 4–9.

⁷⁴ Kafidhoh et al., “Dynamics of Legal Politics Regarding Marriage Age Limits in Indonesia,” 405–36; Horii, “Legal Reasoning for Legitimation of Child Marriage in West Java,” 501–23; Achmad Najib, Sakirman, and Husnul Fatarib, “Resolving the Problems of Early Marriage in the Religious Courts: An Analysis of the Assessment of the Institute for the Protection of Women and Children,” *Legitima: Jurnal Hukum Keluarga Islam* 6, no. 2 (June 2024): 26–45.

⁷⁵ Mark Cammack, Lawrence A. Young, and Tim Heaton, “Legislating Social Change in an Islamic Society—Indonesia’s Marriage Law,” *American Journal of Comparative Law* 44, no. 1 (1996): 45–73.

The KUA and Child Marriage Cases: Bridging State Law, *Fiqh*, and Local Norms

Child marriage in Indonesia cannot be fully understood through a solely normative-doctrinal perspective. Empirical evidence reveals a complex interplay among state law, religious norms, and local cultural practices, which together form a framework of legal pluralism governing marriage. The interactions among these three normative systems are not always harmonious; they may manifest as coexistence, competition, or even overt conflict. To examine these dynamics—particularly the role of KUA officials in both preventing and facilitating child marriage—the theoretical framework of legal pluralism offers a relevant analytical lens. Following Griffiths, law should be understood not as a singular, monolithic system but as a constellation of normative orders that coexist and function concurrently within society.⁷⁶ In pluralistic societies, although state law holds formal authority, religious and customary norms often exert substantial normative influence in everyday social practices.⁷⁷ The findings of this study reveal that the KUA occupies this normative intersection: it is simultaneously tasked with the administrative responsibility to enforce the statutory minimum marriage age and confronted with socio-cultural pressures that position child marriage as a response to perceived moral challenges.

In this study, legal pluralism is conceptualized not as an abstract concept but is operationalized through three empirical analytical stages observable within the institutional practices of the KUA. The first stage involves identifying and mapping norms, particularly where state regulations establishing a minimum marriage age intersect with *fiqh*-based norms that consider *‘āqil* and *bāligh* as indicators of marital competence. This incongruity, reflected in the ambivalence of KUA officials when defining maturity in cases of child marriage, results in overlapping normative frameworks. Under these circumstances, social actors engage in pragmatic legal navigation shaped by their interests and contextual constraints, including the strategic use of marriage dispensation mechanisms as available legal avenues.⁷⁸ Consequently, legal pluralism manifests not merely as normative diversity but as a strategic domain in which norms are selected, prioritized, or negotiated.⁷⁹

The second stage involves normative negotiation, during which KUA officials actively seek to reconcile their administrative responsibilities as state representatives with religious interpretations and local cultural expectations. This negotiation occurs through various means, including premarital counseling, family persuasion, delayed registration, or the provision of legal guidance encouraging families to pursue marriage dispensation from the Islamic court. The findings suggest that this process may result in three potential outcomes: (1) enhanced law enforcement through refusal of registration; (2) normative compromise by

⁷⁶ Griffiths, “What Is Legal Pluralism?,” 1–55.

⁷⁷ Iman Fadhilah Iman et al., “Exploring the Monogamy Principle in the Samin Community’s Customary Marriages in Kudus: Harmonisation of Tradition and State Law,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 23, no. 2 (January 2024): 281–304; Lulu Ul Jannah, Inna Fauziatal Ngazizah, and Abdurrohman Kasdi, “Social Legitimacy versus State Legal Certainty: The Dialectics of Kiai Marriages as Living Law in Dusun Pondok Asem, Kertasemaya, Indramayu,” *Al-Maḥāhib: Jurnal Perbandingan Hukum* 13, no. 2 (December 2025): 173–98.

⁷⁸ Rohman et al., “Preventing Violations of Religious and Social Norms,” 218–36; 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.

⁷⁹ Sally Engle Merry, “Legal Pluralism,” *Law & Society Review* 22, no. 5 (1988): 869–96.

directing applicants toward the dispensation process; or (3) pragmatic tolerance of child marriage in cases framed as emergency situations. In this regard, Bowen's analysis of the dialogue between state law and *fiqh* is particularly pertinent, highlighting that normative negotiation necessitates deliberate engagement between formal legal authorities and religious leaders to develop interpretations responsive to contemporary social realities.⁸⁰ Similarly, Saeed emphasizes the importance of orienting Islamic law toward *maṣlaḥah* (public interest) and avoiding practices that cause harm (*ḍarar*).⁸¹ Accordingly, the critical reinterpretation of *fiqh* concepts such as *'āqil* and *bāliḡh*, *al-rushd*, and *tamyīz* becomes integral to constructing a progressive legal pluralism, wherein religious norms are not applied literally but are aligned with child protection principles and the *maqāṣid al-sharī'ah*.⁸²

The third stage involves the assimilation of legal practice, wherein normative decisions are operationalized into administrative and advocacy activities at the institutional level. As an institution operating under the Ministry of Religious Affairs, the KUA not only performs the function of marriage registration but also provides legal guidance through family counseling, premarital education, and child protection advocacy.⁸³ The findings reveal the dual role of KUA officials as both administrators and legal advisors, who exercise adaptive discretion in response to social pressures and structural constraints. In practice, coping strategies such as moral rationalization and procedural flexibility are frequently employed to balance legal compliance with social stability. At this stage, legal pluralism transcends the normative domain and is manifested in concrete administrative practices that directly impact the lives of children and families.⁸⁴

Negotiation among state law, *fiqh*, and local cultural norms in the context of child marriage creates opportunities to integrate human rights principles, particularly the best interests of the child.⁸⁵ *Fiqh* provides a theological foundation for embedding religious norms within Muslim moral frameworks, thereby framing child protection not only as a legal requirement but also as an ethical and religious obligation. Nonetheless, legal pluralism does not operate neutrally in practice. KUA officials often acquire discretionary authority and social legitimacy, while children frequently remain vulnerable, especially when marriage

⁸⁰ John R. Bowen, *On British Islam: Religion, Law, and Everyday Practice in Shari'a Councils*, 1st ed. (Princeton University Press, 2016): 1–18.

⁸¹ Abdullah Saeed, *Islamic Thought: An Introduction* (New York: Routledge, 2006): 142–50.

⁸² Ebrahim Moosa, "Children's Rights in Modern Islamic and International Law: Changes in Muslim Moral Imaginaries," in *Adults, and Shared Responsibilities: Jewish, Christian and Muslim Perspectives* (Cambridge: Cambridge University Press, 2012): 172–8; RR Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *AHKAM: Jurnal Ilmu Syariah* 23, no. 1 (June 2023): 25–48.

⁸³ HM et al., "The Role of Religious Affairs Office (KUA) of Makassar City in Preventing Marriage Violation under the Maṣlaḥah Mursalah Principle," 125–48.

⁸⁴ Sonia Berber and Samira Blanc, "Intimate Jurisprudence: Islamic Family Law Between Global Human Rights and French Republican Values," *Indonesian Journal of Islamic Law* 7, no. 2 (December 2024): 64–82; Jannah, Ngazizah, and Kasdi, "Social Legitimacy versus State Legal Certainty," 173–98.

⁸⁵ Kafidhoh et al., "Dynamics of Legal Politics Regarding Marriage Age Limits in Indonesia," 405–36; Horii, "Legal Reasoning for Legitimation of Child Marriage in West Java," 501–23; Ahmad Najib Afandi et al., "Protection of Children's Rights to Sufficiency and Maintenance: A Normative Legal Analysis of Government Policy in Indonesia," *Usrotuna: Journal of Islamic Family Law* 2, no. 2 (December 2025): 106–21.

dispensation mechanisms are extensively employed.⁸⁶ This dynamic illustrates that negotiation among normative orders can perpetuate power asymmetries in the absence of robust accountability mechanisms. Consequently, the effectiveness of child protection within the KUA depends not only on normative harmonization but also on the institution's capacity and the integrity of its officials to ensure that legal pluralism does not serve as a justification for the continuation of child marriage practices.

Conclusion

The findings of this study indicate that child protection in the context of marriage prevention within various Offices of Religious Affairs (*Kantor Urusan Agama*, KUA) should not be understood merely as the straightforward implementation of state regulations. Instead, it represents an institutional process of negotiation situated within a framework of legal pluralism. State law, *fiqh* (Islamic jurisprudence), and social practices interact dynamically within the religious bureaucratic arena, influencing the discretionary practices of KUA officials as street-level bureaucrats. Despite the normative ambivalence surrounding the concept of maturity—specifically, the tension between the statutory minimum age of marriage and the categories of *'āqil* (intellect) and *bāliḡh* (puberty)—most KUA officials demonstrate a reflective awareness of the moral and social implications of child marriage. Their exercise of discretion is informed not only by structural constraints but also by ethical-religious considerations and a professional commitment to protecting the best interests of the child. Consequently, KUA officials fulfill a dual role: they function not only as administrative officers but also as legal counselors and mediators who actively shape legal consciousness at the frontline between state and society.

This study theoretically demonstrates that legal pluralism in the context of child marriage constitutes a contested arena of authority and meaning-making concerning maturity and child protection. Legal pluralism does not operate impartially; rather, it reflects power dynamics among the state, religious authorities, and society. The state derives legitimacy through administrative compliance, whereas the KUA attains discretionary authority and social legitimacy. Within this framework, children are often positioned as the most vulnerable stakeholders, particularly when the marriage dispensation mechanism serves as a conduit for normative compromise. Consequently, KUA discretion may function as a protective measure when aimed at enhancing child protection, but it may also perpetuate harmful practices in the absence of clear accountability and evaluative criteria. The primary contribution of this article to Islamic legal studies and socio-legal scholarship lies in demonstrating that the institutional implementation of Islamic family law is influenced not only by normative texts but also by discretionary practices that constitute “law in action” within the everyday legal practices of Muslim communities.

⁸⁶ Rohman et al., “Preventing Violations of Religious and Social Norms,” 218–36; 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-Ushrah: Jurnal Hukum Keluarga* 8, no. 2 (December 2025): 1000–1020; Rina Shahriyani Shahrullah et al., “Dilemmas Faced by Judges When Granting Marriage Dispensations for Child Marriages in West Java, Indonesia,” *International Journal of Law, Policy and The Family* 37, no. 1 (January 2023): ebad035.

Based on these findings, the study recommends several policy priorities. First, it is imperative to reform the marriage dispensation mechanism by strengthening the role of the KUA as the primary institution for initial assessments and by clearly defining the criteria for “emergency” circumstances to prevent their misuse as social or religious justifications. Second, the development of standardized indicators of marital maturity is necessary, incorporating religious, biological, psychological, social, and health dimensions within a comprehensive framework. Third, enhanced cross-sectoral collaboration in child protection is crucial to ensure that protective measures do not rely solely on the personal commitment of individual KUA officials. This study is limited to a specific regional context and does not examine variations across regions with differing socio-religious characteristics. Therefore, future research should investigate the dynamics of bureaucratic discretion in broader regional contexts and evaluate the long-term effects of dispensation policies on children’s well-being. Ultimately, child protection within the KUA should be conceptualized as an institutionalized legal and social endeavor—anchored in religious ethics while remaining responsive to the complexities of legal pluralism in contemporary Indonesian society.

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