

MARRIAGE DISPENSATION IN INDONESIA: ANALYSIS OF LEGAL PLURALISM IN THE RELIGIOUS COURTS FROM THE PERSPECTIVE OF ISLAMIC FAMILY LAW

Asman

Universitas Sultan Muhammad Syafiuddin Sambas
asmanarwan@gmail.com

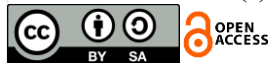
Article History:

Submitted : June 12, 2025
Accepted : November 11, 2025
Published : December 10, 2025

Correspondence Author :

Asman ||
asmanarwan@gmail.com

© 2025 The Author(s).



This is an open-access article under the [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license

Copyright (c) 2025
EL-AHLI : JURNAL HUKUM KELUARGA ISLAM

Vol.6 No 2 December 2025



<https://doi.org/10.56874/el-ahli.v6i2.2420>

Keywords:

Dispensation, Legal Pluralism, Religious Courts, Islamic Family Law, Maqashid Sharia.

Kata kunci:

Dispensasi Perkawinan, Pluralisme Hukum, Pengadilan Agama, Hukum Keluarga Islam, Maqashid Syariah.

Abstract : The dispensation of underage marriage is an important issue in the legal and child protection system in Indonesia. Although Law Number 16 of 2019 has set the minimum age of marriage for men and women to 19 years, the practice of granting dispensation is still rampant. This dispensation is filed through religious courts for Muslims and state courts for non-Muslims on urgent grounds such as out-of-wedlock pregnancies or socio-cultural pressures. This study uses a normative-comparative approach by analyzing national regulations and principles of Islamic Family Law, including references to the Compilation of Islamic Law (KHI), fiqh nikah, and sharia maqashid. The results showed that the majority of dispensation requests were due to unplanned pregnancies and family pressure, which impacted the child's reproductive health, psychological condition, and education. From the perspective of sharia maqashid, this practice is often contrary to the goals of the protection of the soul (hifz al-nafs), heredity (hifz al-nasl), and reason (hifz al-'aql). This study identified a research gap in the form of a lack of harmonization between the application of Islamic law and national law in the protection of children from the practice of early marriage. Academically, this research contributes to the development of the study of Islamic Family Law by offering a more integrative child protection paradigm, based on sharia maqashid, and in line with national legal policies. This research contributes to understanding the harmonization of Islamic Family Law and

national law in protecting minors, emphasizing the urgency of holistic approaches through education, legal enforcement, and community awareness to prevent early marriage.

Abstrak : Dispensasi pernikahan di bawah umur merupakan isu penting dalam sistem hukum dan perlindungan anak di Indonesia. Meskipun Undang-Undang Nomor 16 Tahun 2019 telah menetapkan usia minimal pernikahan bagi laki-laki dan perempuan menjadi 19 tahun, praktik pemberian dispensasi tetap marak terjadi. Dispensasi ini diajukan melalui pengadilan agama bagi Muslim dan pengadilan negeri bagi non-Muslim dengan alasan mendesak seperti kehamilan di luar nikah atau tekanan sosial-budaya. Penelitian ini menggunakan pendekatan normatif-komparatif dengan menganalisis regulasi nasional dan prinsip Hukum Keluarga Islam, termasuk rujukan pada Kompilasi Hukum Islam (KHI), fiqh nikah, dan maqashid syariah. Hasil penelitian menunjukkan bahwa mayoritas permohonan dispensasi disebabkan oleh kehamilan yang tidak direncanakan dan tekanan keluarga, yang berdampak pada kesehatan reproduksi, kondisi psikologis, dan pendidikan anak. Dari perspektif maqashid syariah, praktik ini sering kali bertentangan dengan tujuan perlindungan jiwa (hifz al-nafs), keturunan (hifz al-nasl), dan akal (hifz al-'aql). Penelitian ini mengidentifikasi research gap berupa kurangnya harmonisasi antara penerapan hukum Islam dan hukum nasional dalam perlindungan anak dari praktik pernikahan dini. Secara akademik, penelitian ini berkontribusi terhadap pengembangan kajian Hukum Keluarga Islam dengan menawarkan paradigma perlindungan anak yang lebih integratif, berbasis maqashid syariah, dan selaras dengan kebijakan hukum nasional. Penelitian ini berkontribusi dalam memahami harmonisasi Hukum Keluarga Islam dan hukum nasional dalam melindungi anak di bawah umur, dengan menekankan urgensi pendekatan holistik melalui pendidikan, penegakan hukum, dan kesadaran masyarakat untuk mencegah perkawinan dini.

INTRODUCTION

Marriage is one of the basic elements in human life that has a crucial role in building a social structure. From an Islamic perspective, marriage is seen not just as a contract between two people, but as a sacred institution governed by sharia law. (Hilmy & Toriqirrama, 2020). In this context, Islam emphasizes the importance of physical and mental preparation for couples who are going to get married, as well as setting a minimum age limit to ensure their well-being. Although the law sets an age limit for marriage, in practice there are situations where the bride-to-be does not meet the age requirement but is forced to hold the marriage for various reasons. To deal with this situation, there is a mechanism called marriage dispensation. This dispensation is a special permission granted by a religious institution or court to allow marriage under a specified age, with certain conditions.

In the context of marriage, to achieve legal validity, there are a number of

conditions that must be met. One of these requirements is the minimum age limit for brides-to-be. According to Article 7 paragraph (1) of Law No. 1 of 1974 and Article 15 of the Compilation of Islamic Law, it is stated that "Marriage is only allowed if the man has reached the age of 19 years and the woman has reached the age of 16." (Nastangin, 2020). According to Law No. 16 of 2019 amendment to Law No. 1 of 1974 Article 7 paragraph (1), the minimum age of marriage for men and women is 19 years. In Indonesia, the phenomenon of underage marriage through the marriage dispensation process at the Religious Court shows an increasing trend from year to year. This is reflected in the Annual Report of the Religious Justice Body of the Supreme Court of the Republic of Indonesia, where in 2021 there were 13,612 cases of marriage dispensation applications, followed by 13,103 cases in 2022, and increased to 13,822 cases in 2023. Applications for marriage dispensation rank fourth as the most type of cases filed in the Religious Court, after lawsuit divorce, talaq divorce, and marriage itsbat cases. (Hardayanti et al., 2023). The statement indicates that it is important to pay more attention to the court process regarding the Marriage Dispensation case.

Islamic civil law stipulates that marriage dispensation must be carefully regulated in order to protect the interests and welfare of prospective spouses. The Word of Allah in QS. An-Nahl [16]: 90 Meaning: "Indeed, Allah has commanded (you) to be just and to do good, to give to the relatives, and Allah forbids from evil deeds, iniquity, and enmity. He teaches you so that you can learn." The process of applying for a dispensation requires a strong reason and must go through a series of rigorous examinations by religious courts. (Rohman, 2023). This step is taken to ensure that the dispensation granted does not contradict the principles of sharia and does not cause negative impacts on society. The words of Allah swt in QS. An-Nisā' [4]: 6 Meaning: "And test the orphans until they reach the age of marriage (puberty). Then if you have known that there is maturity of reason (rusd) in them, then give them their possessions". Usually, the application for marriage dispensation is submitted by the guardian of the bride-to-be or by the bride-to-be directly. (Al Hasan & Yusup, 2021). The stages in this process include the collection of relevant evidence to support the application, evaluation by the court, and the making of a final decision based on a comprehensive assessment of

the circumstances. Often, religious courts act as regulators of the balance between personal needs and public interests.

This study formulates the problem of how the implementation of marriage dispensation in Indonesia reflects the practice of legal pluralism between state law, customary law, and Islamic law in the religious justice environment. This study aims to analyze the basis of judges' considerations in granting marriage dispensation, assess its conformity with Islamic family law principles, and identify the extent to which the plurality of laws plays a role in protecting the rights of children, women, and family resilience in Indonesia. The purpose of this study is to analyze the legal aspects that govern the marriage dispensation for prospective brides in Indonesia. By conducting a study of various existing cases and procedures, this study is expected to provide a deeper understanding of how Islamic civil law addresses issues related to marriage dispensation, as well as its impact on the well-being of individuals and society as a whole.

RESEARCH METHODS

This research was conducted with a normative-juridical approach, namely examining and interpreting the applicable legal norms in Islamic law and positive laws related to the phenomenon of dispensation of child marriage in Indonesia. This study does not only examine social facts, but focuses on the analysis of the legal norms that regulate the age limit for marriage, dispensation requirements, and juridical considerations of judges in religious courts. This approach is used to understand the extent to which marriage dispensation policies reflect the principles of justice, welfare, and child protection as emphasized in Islamic law and national laws and regulations. Primary legal sources in this study include the Qur'an, hadith, the Compilation of Islamic Law (KHI), fatwa of the National Sharia Council-Indonesian Ulema Council (DSN-MUI), and Supreme Court Regulation (PERMA) No. 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation Applications. All of these sources are analyzed to find common ground and differences of views between Islamic law and positive law in regulating the minimum age of marriage and the basis for granting dispensation.

Research data were obtained from secondary literature in the form of law books, scientific articles, institutional reports (such as UNICEF and Komnas

Perlindungan Anak), as well as relevant national and international regulations. Data sources are collected through academic databases such as Google Scholar, JSTOR, and the Garuda Portal, as well as the official websites of government agencies and civil society organizations. The data analysis method used is comparative analysis, which compares the principles of Islamic law with positive Indonesian law to assess the suitability, disharmony, and opportunities for harmonization of the two. The analysis was carried out thematically to identify the factors causing dispensation, social and legal impact, and policy effectiveness. The results are expected to provide a comprehensive and critical understanding of the practice of child marriage dispensation from the perspective of Islamic family law in Indonesia.

DISCUSSION/RESULTS AND DISCUSSION

A. The Essence of the Marriage Dispensation

Dispensation can be interpreted as an exception or deviation from an existing regulation. Based on Law Number 16 of 2019, it is determined that the minimum age for marriage for men and women is 19 years old. However, marriage dispensation can be granted to prospective spouses who are not yet 19 years old, provided that their parents apply for a dispensation to the Religious Court. (Abdawiyah et al., 2023). An application for dispensation to marry can be submitted by the groom-to-be who has not reached the age of 19, the bride-to-be who is also not yet 19 years old, and/or the parents of the bride-to-be to the Religious Court in the area where the bride-to-be and/or their parents live.

The groom-to-be and/or the bride-to-be may apply for a marriage dispensation at the same time to the Religious Court located within the jurisdiction of their residence. The Religious Court will consider granting a marriage dispensation after receiving information from the parents, immediate family, or guardians concerned. (Ahmad Rifai & Kartini, 2023). The marriage dispensation was proposed voluntarily and the result was in the form of determination. If the Applicant is not satisfied with the determination, the Applicant can file an appeal as a next step.

To obtain a dispensation, the parents or guardians of the prospective bride and groom who are not yet old enough must apply to the court. This submission

process requires complete document requirements and clear reasons that are acceptable to the judge. The judge will consider various aspects, including emotional maturity, mental readiness, and environmental and family factors. This process aims to ensure that the decisions taken do not negatively impact the future of the child in question. (Ismail et al., 2020).

The most common reason put forward in a marriage dispensation application is due to an out-of-wedlock pregnancy. In addition, economic reasons, customary traditions, and security factors are also often considered. (Sukardi & Yonnawati, 2022). In some cases, dispensations were granted to protect women from the social stigma that might arise. Nevertheless, judges still need to be careful in considering these reasons so that the marriage dispensation is not abused and remains in line with the best interests of the child concerned. (Anwar H, 2019).

Although granted for specific reasons, marriage dispensation often has a significant impact on those involved, especially on minors. From a psychological perspective, early marriage can be stressful, especially when the couple is not mentally and emotionally ready. Another impact is reduced opportunities to continue education and develop personally. (Aris & Sabir, 2020). From a social perspective, early marriage can strengthen the cycle of poverty and gender inequality, which has an impact on children's future well-being.

The granting of marriage dispensation in Indonesia is strictly regulated through laws to protect children's rights. With the enactment of the Child Protection Law and other regulations, the court is expected to be more selective in granting this permit. The government also encourages the public to better understand the importance of child protection and the long-term impact of early marriage. (Yusiyaka & Safitri, 2020). This step is expected to reduce the number of child marriages and ensure that dispensation is only granted in very urgent circumstances.

Various efforts have been made by the government and social organizations to reduce the number of marriage dispensations and encourage people to understand the importance of the minimum age of marriage. Education programs and awareness campaigns involving the community, schools, and families are

important steps in reducing the rate of early marriage. In addition, increasing access to education and economic empowerment for teenagers is also expected to reduce the number of dispensation applications. With these measures, it is hoped that children in Indonesia can enjoy adolescence to the fullest, before they enter marriage.

B. Analysis of Marriage Dispensation in Indonesia: Islamic Civil Law Perspective

Based on the provisions contained in Article 49 and Article 50 of the Religious Court Law, the Religious Court has the absolute authority to receive, decide, and determine the application for dispensation for Muslim individuals, while the District Court has the authority for non-Muslim parties. Thus, the Religious Court functions as an extension of the Supreme Court which is responsible for receiving, examining, and adjudicating certain cases, as well as in handling the issue of marriage dispensation, still guided by the applicable legal processes and procedures.

The provisions of Islamic law and positive law related to the granting of child marriage dispensation. The study focuses on the practice of legal pluralism in religious courts, which brings together Islamic sharia values, national law, and social considerations of benefit. The primary legal sources used include the Qur'an, hadith, the Compilation of Islamic Law (KHI), the DSN-MUI fatwa, and PERMA No. 5 of 2019 concerning guidelines for adjudicating marriage dispensation applications. The Religious Court has absolute authority to establish marriage dispensations for minors. Marriage dispensation is a type of civil case that is filed voluntarily (application). The characteristics of this voluntary case make it different from a contentious case (lawsuit). Characteristics of voluntary cases, (Rachmatulloh & Syafiuddin, 2022) are as follows:

1. This problem is selfish, where the issue proposed by the applicant to be resolved is only related to the applicant's personal interests and does not involve the rights and interests of other parties.
2. The problem raised is not in dispute with other parties.
3. It is one-party or ex-parte. No other person or third party is drawn as an opponent.

Although voluntary cases are not actually cases, the law gives the Religious Courts the right to conduct examinations and decision-making. Applications for marriage dispensation for minors filed in religious courts will be processed through the trial route. Unfortunately, the court's procedures in handling marriage dispensation applications have not been strictly regulated and detailed in existing laws and regulations. (Putra & Yunanto, 2023). The guidelines that have been used in the examination of marriage dispensation cases in the Religious Court are Book II which contains Guidelines for the Implementation of Duties and Administration of Religious Courts.

In Book II, there are provisions that regulate the procedure for handling cases of marriage dispensation applications in the Religious Court. (Ahmad N M and R. Zainul M 2024) are as follows:

1. An application for dispensation to marry is submitted by the prospective groom who has not reached the age specified for marriage, the prospective bride who also does not meet the age requirements, and/or the parents of the prospective bride to the religious court or sharia court located in the jurisdiction of the prospective bride and/or their parents.
2. Marriage dispensation applications submitted by the prospective groom and/or bride-to-be can be made collectively to the religious court or sharia court in the jurisdiction where the prospective bride resides.
3. The Religious Court is authorized to grant a marriage dispensation after obtaining information from the parents, close relatives, or guardians concerned.
4. The application for marriage dispensation is made voluntarily, and the result is in the form of determination. If the applicant is not satisfied with the determination issued, he has the right to file an appeal attempt.

On November 21, 2019, the Chief Justice of the Supreme Court of the Republic of Indonesia issued Regulation of the Supreme Court of the Republic of Indonesia (PERMA) Number 5 of 2019 which contains guidelines regarding the court of marriage dispensation applications, with the aim of providing a legal basis in the court process of the application. (Novita & Syofiarti, 2024). This PERMA states in its consideration that children are a mandate and gift from God,

who has dignity and dignity as individuals, and has the right to experience equal growth and development.

This PERMA is also based on the Convention on the Rights of the Child which affirms that all actions against children must be carried out based on the best interests of the child. 17 Perma Number 5 of 2019 is a response to the birth of Law Number 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage which stipulates that marriage is only allowed if a man and a woman have reached the age of 19 (nineteen) years. This Perma regulates new things and must be a guideline for all judges when adjudicating marriage dispensation cases.

In the perspective of classical Islamic law, as explained by the Shafi'i School, maturity is characterized by puberty, which is a biological change such as wet dreams for men or menstruation for women, with no administrative age limits. That is, the ability to get married depends on the physical signs and readiness of the individual. In contrast, Indonesia's national law (Law No. 16 of 2019) sets a minimum age limit of 19 years for men and women, based on consideration of biological, psychological, and social maturity. This difference shows the existence of a dialectic between classical Islamic normative texts and modern regulations based on child protection. The existence of guidelines for marriage has a certain purpose, (Mansari & Rizkal, 2021) is for:

1. Implement principles that focus on the best interests of the child, the right to live and grow, respect for the child's views, respect for human dignity, prohibition of discrimination, gender equality, equality before the law, justice, benefits, and legal certainty.
2. Ensure the implementation of the justice system that protects children's rights;
3. Increasing parental responsibility in the context of preventing child marriage;
4. Analyze the existence of coercion that may be the background for applying for marriage dispensation.
5. Realizing standardization of the process of adjudicating marriage dispensation applications in court.

According to Article 6 of PERMA Number 5 of 2019, the authority to apply for a marriage dispensation to the Court is the parents. In situations where the parents are divorced, an application can be filed by both parents or either parent who has custody of the child based on a court order. If one of the parents has died or the address is unknown, then an application can be made by one of the parents. If both parents have died, their custody has been revoked, or their whereabouts are unknown, the guardian has the right to make an application. If a parent or guardian is unable to attend, an application can be made through a power of attorney.

In Article 5 of PERMA Number 5 of 2019, there are provisions regarding administrative requirements for submitting a marriage dispensation application, which includes: (1) Application letter; (2) Photocopy of the ID card of the parent or guardian; (3) Photocopy of Family Card; (4) Photocopy of ID card or Child Identity Card and/or child's birth certificate; (5) Photocopy of ID card or Child Identity Card and/or birth certificate of the prospective husband or wife; (6) A copy of the child's last education diploma and/or certificate of still attending school from the child's school; (7) Letter of Rejection from KUA.

The process of examining marriage dispensation cases is carried out by a single judge at the Religious Court. Based on the provisions of Article 20 of PERMA Number 5 of 2019, the judge authorized to hear this case is a judge who has obtained a Decree from the Chief Justice of the Supreme Court as a juvenile judge, has participated in training and/or technical guidance related to women who are facing the law, or has a Juvenile Criminal Justice System (SPPA) certificate, or has experience in handling marriage dispensation applications. If there is no qualified judge in the court, then each judge can adjudicate the application for marriage dispensation.

In Article 11 of PERMA No. 5 of 2019, it is stated that the Judge is obliged to use language and methods that are easy for children to understand during the trial. In addition, Judges and Substitute Registrars are prohibited from wearing court attributes, such as toga and clerk's coats, when examining children. The practice of marriage dispensation in religious courts is a tangible form of legal pluralism, where judges must balance between *maslahah* (benefit) and *sadd al-*

dzari'ah (closing potential damage). In the analysis of fiqh and *maqāṣid al-syarī'ah*, dispensation can only be granted if it is proven to bring greater benefits such as maintaining honor, nasab, and family stability and avoiding social mafsadah such as adultery, domestic violence, and early divorce.

At the time of the trial, the Judge has the responsibility to provide advice to the Applicant, children, Prospective Husband/Wife, and Parents/Guardians of the Prospective Husband/Wife. This advice is conveyed with the aim that the Applicant, Children, Husband/Wife-to-be, and Parents/Guardians of the Husband/Wife-to-be can understand the various risks that may arise in marriage. (Ramelan & Nurtsani, 2024), the case is:

1. The possibility of stopping education for children.
2. The sustainability of children in taking compulsory education for 12 years.
3. The child's reproductive organs are not ready.
4. Economic, social and psychological impact on children.
5. Potential for disputes and domestic violence.

In the decision-making process, the judge must listen to and consider the information provided by the child requesting a marriage dispensation, the prospective husband or wife, and the parents or guardians of the prospective husband or wife. If the judge does not carry out this obligation and/or does not take into account the information contained in the determination, then the determination will be null and void.

The submission of an application for marriage dispensation in the Court can be caused by a number of reasons. (Sri Murni & Sri Purwaningsih, 2022)that is:

1. Pregnancy that occurs outside the marriage bond and promiscuous behavior among young people that results in out-of-wedlock pregnancies are one of the main reasons considered by judges in granting dispensation requests, in order to protect the interests of children.
2. Parents' concern for their children arises from too close a relationship with the opposite sex, as well as to prevent adultery. This consideration is a reason for parents to prefer to marry their child, even though the child's age is not yet eligible for marriage.

3. One of the reasons underlying this phenomenon is the level of poverty in the community. Economic factors are often the drivers behind underage marriages. Many think that marrying children can be a solution to ease the burden of family economic responsibility.

These reasons can be categorized as urgent reasons in accordance with the provisions listed in Article 7 paragraph (2) of Law Number 16 of 2019. In the event of a deviation from the age provisions, the parents of the man and/or the woman have the right to apply for a dispensation to the Court on a very urgent ground, accompanied by sufficient evidence. The term "very urgent reasons" refers to a situation in which there is no other alternative and the marriage must be performed with great force. The term sufficient supporting evidence refers to documents proving that the age of the bride and groom is still under the provisions of the law, as well as a certificate from a health worker that supports the parents' claim regarding the urgency of the marriage implementation.

In understanding the redaction of the text about the definition of sufficient supporting evidence, there are two elements that must be met. First, evidence showing that the child or prospective bride is a minor in accordance with the provisions of applicable law. Second, a certificate from a health worker is required. These two elements have the same and equal position. If either of these requirements does not exist, then supporting evidence for a very urgent circumstance will not be met.

Before making a decision, the Chairman of the Assembly must consider the feasibility of the application to be granted. This consideration is a reference for the Panel of Judges, (Sudarmaji, 2021) are as follows: First, the applicant. By comparing the principles of Islamic law and positive law to find a point of harmonization. The results are expected to strengthen the character of Islamic family law as a dynamic, adaptive, and well-behaved system in the context of Indonesian legal pluralism.

The Panel of Judges in the hearing will assess the eligibility of the person who applied for a dispensation. Second, the reason. The Panel of Judges will ask for an explanation of the reasons submitted by the applicant's child and will check the compatibility between the reasons and those written in the application

letter. Is there a similarity between the applicant's and the applicant's child's reasoning? Third, the prohibition of marriage. It is important to determine whether the prospective husband and wife face obstacles in carrying out the marriage, in accordance with the provisions stipulated in the Marriage Law. Fourth, benefits and harms. When two people are in a love relationship and engage in sexual activity outside of the marital bond that leads to pregnancy, the Court will be inclined to grant the request for a dispensation submitted. Concerns have arisen that if they do not marry, this could add to the sin and potentially lead to an unofficial marriage that will disrupt the upcoming legal process as well as the legal rights of children born in accordance with applicable regulations. In addition, women who become pregnant without a husband will often experience humiliation and exclusion from society.

CONCLUSIONS

This research highlights crucial legal issues surrounding marriage dispensation in Indonesia, particularly its implementation in child marriage cases. The legal basis for marriage dispensation is regulated under Law Number 16 of 2019, which amends Law Number 1 of 1974 on Marriage. The law sets the minimum age for marriage at 19 years for both men and women, yet it allows exceptions through court approval under specific circumstances. The findings reveal several key points. First, there remains a gap between regulation and implementation. Despite stricter provisions, the practice of granting marriage dispensations remains widespread, especially in rural regions with low education and welfare levels. This gap indicates that legal norms aiming to delay marriage often clash with prevailing socio-cultural realities.

Second, social, economic, and cultural factors strongly influence marriage dispensation practices. Cultural norms and social pressures often justify early marriage, while economic hardship pushes families to permit child marriage as a means of reducing financial burdens. Third, the role of the Religious Courts is central yet inconsistent. Judicial discretion and varying interpretations among judges lead to uneven legal outcomes. The absence of standardized guidelines for evaluating dispensation requests creates legal uncertainty and weakens enforcement consistency. Fourth, the negative impact of marriage dispensation

especially on girls includes health risks, restricted educational opportunities, and limited economic independence. This contradicts the state's commitment to child protection and gender equality.

From the perspective of Islamic family law, this study emphasizes that marriage dispensation should not be viewed merely as a social necessity but as a test of balance between the principles of shariah (maslahah) seeking communal benefit and positive law (child protection). In Indonesia's pluralistic legal system, Islamic law functions as a moral and ethical foundation, guiding judges toward justice, compassion, and responsibility. Therefore, it is recommended that the integration of the Kompilasi Hukum Islam (KHI) and PERMA No. 5 of 2019 be strengthened within national marriage policy. Harmonizing these instruments will ensure that legal decisions uphold both the maqāṣid al-syarī'ah (objectives of Islamic law) and the state's child protection framework, thereby achieving a fair, consistent, and morally grounded legal system for the welfare of Indonesian families.

LITERATURE

- Abdawiyah, M. J., Cesare, J., Dewi, K., Lefrysa, D., Maghfuroh, H., & Mukarromah, S. (2023). Analisis Terhadap Penetapan Dispensasi Pernikahan Dibawah Umur. *Jurnal Yustitia*, 24(1), 24. <https://doi.org/10.53712/Yustitia.V24i1.1967>
- Ahmad Nailul Mubarak, & R. Zainul Mushthofa. (2024). Putusan Hakim Mahkamah Agung Tentang Dispensasi Kawin (Dispensasi Kawin Dalam Sistem Hukum Indonesia). *Josh: Journal Of Sharia*, 3(02), 141–151. <https://doi.org/10.55352/Josh.V3i02.930>
- Ahmad Rifai, & Kartini, L. (2023). Proses Hukum Dispensasi Terhadap Perkawinan Di Bawah Umur Oleh Kantor Urusan Agama. *Unizar Law Review*, 6(2), 56. <https://doi.org/10.36679/Ulr.V6i2.59>
- Al Hasan, F. A., & Yusup, D. K. (2021). Dispensasi Kawin Dalam Sistem Hukum Indonesia: Menjamin Kepentingan Terbaik Anak Melalui Putusan Hakim. *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 14(1), 86–98. <https://doi.org/10.14421/Ahwal.2021.14107>
- Anwar Hidayat. (2019). Kajian Kritis Terhadap Hukum Perdata (Kuhperdata)

- Dalam Aspek Filosofis. *Justisi Jurnal Ilmu Hukum*, 4(1), 20–31.
<https://doi.org/10.36805/Jjih.V4i1.641>
- Aris, & Sabir, M. (2020). Hukum Islam Dan Problematika Sosial; Telaah Terhadap Beberapa Hukum Perdata Islam Dalam Kompilasi Hukum Islam Di Indonesia. *Diktum: Jurnal Syariah Dan Hukum*, 18(2), 283–295.
<https://doi.org/10.35905/Diktum.V18i2.1608>
- Hardayanti, S., Marluwi, M., & Muzammil, S. (2023). Permohonan Dispensasi Nikah Di Bawah Umur Di Pengadilan Agama Nanga Pinoh Pada Tahun 2020. *Al-Usroh*, 3(1), 119–131. <https://doi.org/10.24260/Al-Usroh.V3i1.938>
- Hilmy, A. A. M., & Toriqirrama, F. (2020). Isbat Nikah Terpadu Perspektif Maqasid Syariah. *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 13(1), 79–90.
<https://doi.org/10.14421/Ahwal.2020.13108>
- Ismail, M. U., Rohman, M. M., & Mohsi, M. (2020). Taqnīn Al-Ahkām (Telaah Sejarah Legislasi Hukum Perdata Islam Dalam Hukum Nasional Indonesia). *Ulumuna: Jurnal Studi Keislaman*, 6(1), 85–109.
<https://doi.org/10.36420/Ju.V6i1.3957>
- Mansari, M., & Rizkal, R. (2021). Peranan Hakim Dalam Upaya Pencegahan Perkawinan Anak: Antara Kemaslahatan dan Kemudharatan. *El-Usrah: Jurnal Hukum Keluarga*, 4(2), 328.
<https://doi.org/10.22373/Ujkh.V4i2.10219>
- N, N. (2020). Telaah Filosofis Terhadap Undang-Undang Perkawinan Nomor 1 Tahun 1974 Pasal 7 Ayat (1) Tentang Batas Usia Pernikahan. *Ahkam: Jurnal Hukum Islam*, 8(1), 89–108. <https://doi.org/10.21274/Ahkam.2020.8.1.89-108>
- Novita, N., & Syofiarti. (2024). Implikasi Penerbitan Peraturan Mahkamah Agung Nomor 5 Tahun 2019 Terhadap Permintaan Dispensasi Nikah Di Pengadilan Agama Solok. *Ekasakti Legal Science Journal*, 1(2), 110–119.
<https://doi.org/10.60034/Wwc40n87>
- Putra, Y. A. D., & Yunanto, Y. (2023). Perlindungan Hukum Seorang Anak Sebagai Pemohon Dispensasi Kawin Pasca Revisi Undang-Undang Perkawinan. *Al-Manhaj: Jurnal Hukum Dan Pranata Sosial Islam*, 5(1),

457–466. <https://doi.org/10.37680/Almanhaj.V5i1.2403>

- Rachmatulloh, M. A., & Syafiuddin, C. (2022). Praktik Permohonan Dispensasi Kawin Di Pengadilan (Studi Peraturan Mahkamah Agung Nomor 5 Tahun 2019). *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam*, 9(1), 1–15. <https://doi.org/10.24252/Al-Qadau.V9i1.23752>
- Ramelan, R., & Nurtsani, R. (2024). Menakar Fungsi Dispensasi Kawin Dalam Pencegahan Perkawinan Anak Di Indonesia. *Usroh: Jurnal Hukum Keluarga Islam*, 8(1), 11–27. <https://doi.org/10.19109/Ujhki.V8i1.23274>
- Rohman, M. (2023). Dispensasi Perkawinan Dan Kebijakan Politik Hukum Di Indonesia. *Masadir: Jurnal Hukum Islam*, 3(01), 556–571. <https://doi.org/10.33754/Masadir.V3i01.677>
- Sri Murni, & Sri Purwaningsih. (2022). Penerapan Batas Usia Perkawinan Sebagai Upaya Perlindungan Terhadap Anak. *Jurnal Riset Rumpun Ilmu Sosial, Politik Dan Humaniora*, 1(2), 128–149. <https://doi.org/10.55606/Jurrih.V1i2.1282>
- Sudarmaji, W. (2021). Pertimbangan Hakim Dalam Memutuskan Perkara Dispensasi Nikah Berdasarkan Analisis Masalah (Studi Penetapan Hakim No. 266/Pdt.P/2020/Pa.Pwr Di Pengadilan Agama Purworejo). *Al-Syakhsiyyah: Journal Of Law & Family Studies*, 3(1), 131–144. <https://doi.org/10.21154/Syakhsiyyah.V3i1.3068>
- Sukardi, D. H., & Yonnawati, Y. (2022). Peranan Filsafat Hukum Dalam Pembaharuan Hukum Perdata Formil Dan Materiil. *Justicia Sains: Jurnal Ilmu Hukum*, 7(2), 221–234. <https://doi.org/10.24967/Jcs.V7i2.1964>
- Yusiyaka, R. A., & Safitri, A. (2020). Pendidikan Keluarga Responsif Gender. *Jurnal Obor Penmas: Pendidikan Luar Sekolah*, 3(1), 232. <https://doi.org/10.32832/Oborpenmas.V3i1.2985>