



The Right of The Guardian to Ijbar And The Principle of Consent in Islamic Law

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Article Info	Abstract
Article history: Received: September 25, 2025 Revised: October 15, 2025 Accepted: October 20, 2025 Keywords: Wedding Early Parental Coercion Islamic Law Social Culture Bluri Village	ABSTRACT Phenomenon wedding early in Bluri Village, District Solokuro, Lamongan Regency, reflects reality social where tradition matchmaking and pressure economy Still become factor dominant in determine age marriage. Research This aim For analyze background behind social, views figure society, as well as implications law and religion of practice wedding early consequence parental coercion. Approach used is qualitative descriptive with method interviews, observations, and documentation. Research results show that practice wedding early in Bluri Village driven by four factor main, namely economy, tradition matchmaking, low education, and moral concerns. Although public look at wedding as form not quite enough responsibility and honor, in a law practice This contradictory with Constitution Number 16 of 2019, as well as religiously not reflect principle ridha (willingness) and the benefits that arise base wedding in Islam. Therefore that, is necessary effort awareness proportional law and religious education For prevent occurrence wedding children under future age
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Introduction

Phenomenon wedding early Still become problem complex social conditions in Indonesia, especially in rural areas which are still strong hold values traditional and patriarchal. Although government has validate Constitution Number 16 of 2019 as change on Constitution Number 1 of 1974 concerning Marriage, which establishes minimum age for marriage for men and women is 19 years old, in fact practice wedding early Still rampant occurs in various area ([Republik Indonesia, 2019](#)) . Phenomenon This show existence gap between legal norms and reality social issues faced public.

One of areas that are still show phenomenon the is Bluri Village, District Solokuro, Lamongan Regency. This village is area rural with majority resident working in the sector agriculture and labor daily . In the structure social society, traditions matchmaking and views conservative to gender roles still dominant. Girls considered as not quite enough moral responsibility of the family that must be immediately "guarded" through marriage, while child man viewed has mature If Already capable work in the fields or rice fields. In context this, marriage early often considered as solution For overcome problem economy, maintaining honor family, and avoid actions sin.

However, the practice This own consequences that are not light. Marriage early often done without *adequate* mental, physical, and economic readiness. As a result, many partner young experience tension House stairs, difficulty economy, even violence in House stairs. In psychological, children

who marry young potential lost youth and opportunities For develop self through education and experience social (Handayani, 2018). Phenomenon This No only impact on the individuals involved, but also create bigger social problems. wide for public.

In Islamic law, marriage (*nikah*) is institutions sacred that functions For guard honor, lineage, and peace life. Rasulullah SAW said (Al-Bukhari & Muslim, Hadith No. 5136) :

“Oh young people, who among you has capable married, then should He married, because Marry more can subdue view and guard genitals. And stuff Who Not yet able, then should He fasting, because fast can become restraint for him”.
(HR. Bukhari and Muslim).

The hadith confirm that wedding should done by those who have *capable* in a way physical, mental, and economic. With Thus, getting married at the age of early without thorough preparation contradictory with principle *istitha' ah* (ability) which becomes base wedding in Islam (Az-Zuhaili, 1989).

Temporary that, the law Indonesia's positive view wedding early as violation of law right children and potential cause harm. Law Number 23 of 2002 concerning Child Protection (which has been changed with Constitution Number 35 of 2014) in firm state that every child entitled For live, grow, develop and participate in a way reasonable in accordance with dignity and honor humanity (Republik Indonesia, 2014). Therefore that, practice marry children under age considered hinder right child For grow and acquire education.

Context social in Bluri Village show how religious, economic and cultural norms each other interact in determine practice wedding early . Tradition strong matchmaking often make child lost freedom For choose partner his life . Some parents assume that they own right full For marry children, especially child women, even though without the child 's consent . In view of public traditional, old people as *guardian mujbir* considered own authority full For determine wedding his son to look after honor family (Sabiq, 1995). However, understanding This often misinterpreted and misused, so that contradictory with principle willingness (*ridha*) which is the core of the marriage contract Alone.

In addition, the factor economy also plays a role role significant . Many families in Bluri Village live with income limited . Marry child considered can reduce burden economy family Because not quite enough answer child move to couple . In the long term short, thing This looks as solution practical, but in term long precisely cause problem new, like poverty structural and low level education family young (Rofiq, 2013).

Phenomenon wedding early in Bluri Village interesting For investigated Because reflect dilemma between tradition and modernity, between religious teachings and social interpretations, as well between rule law and reality culture . Research This try dig How Bluri Village community understand practice wedding early, underlying factors, and How view religious figures and figures public in evaluate practice This from corner view social, legal, and religious.

Theoretical review

1. Socio-Cultural Perspective to Early-age marriage

In context public traditional, wedding No only understood as bond between two individuals, but also as symbol honor family and continuity social. Clifford Geertz in his studies about Javanese society explains that wedding viewed as incident social event that brings together two families big, isn't it ? solely two individuals (Geertz, 1960). Therefore that, the decision

marry children, especially child women, are often influenced by values social and pressure community.

In society rural such as Bluri Village, social and cultural norms own enormous power . Tradition arranged marriage is still Lots found, where the decision wedding more Lots determined by parents. The underlying factors practice This among other concerns to socializing free, guard honor family (' *iffah*), and maintaining a good name (' *irdh*) (Personal communication, September 10, 2024).

However, in view modern sociologists such as Emile Durkheim, action social like wedding early can considered as a form of " *social fact* " that is constructed by social norms and inherited in a way hereditary (Durkheim, 1982). With Thus, behavior This difficult changed without intervention education and transformation deep culture.

Apart from the factors culture, aspects the economy also has great influence. Marriage early often viewed as an adaptive strategy For reduce burden economy poor families. According to theory structural functional as put forward by Talcott Parsons, society functioning as system social efforts reach balance ; marriage early considered as a " *function social* " for guard stability economy family (Parsons, 1951). However in in fact, this strategy precisely extend cycle poverty Because partner young usually own limitations education and skills.

2. Islamic Law Perspective on Early-age marriage

In the Islamic view, marriage (*nikah*) is both an act of worship and a transactions that have mark social and spiritual. Islamic law provides room for wedding during fulfil legal conditions and pillars, including : existence candidate clear husband and wife, guardian, two witnesses, and ijab granted (Sabiq, S. (n.d.). *Fiqh al-Sunnah* (Vol. 2). However Likewise, Islam also provides condition good *ability* (*istitha' ah*) in a way physique and mental for someone who wants to Marry .

Different scholars opinion regarding the minimum age limit for marriage . Some are of the opinion that No There is limitation age in a way firm in the Qur'an and hadith, during has reach *baligh* (adult) biological). However, contemporary scholars such as Yusuf al-Qaradawi and Wahbah Az- Zuhaili emphasize importance *readiness* in a broad sense, namely covers maturity reason and responsibility answer social (Qaradawi, 1999).

Draft This rooted in the rules jurisprudence :

"*Adh-dhararu yuzal*" (All forms harm must removed) (Syatibi, 1997). and "*Sadd adz- dzari' ah*" (Closing road going to harm). (Qarafi, 1998)

With Thus, the marriage was carried out without readiness and cause harm social like violence House ladder or divorce early can categorized as conflicting practices with *maqashid al-syari'ah* (goals) sharia), namely maintaining religion (*hifzh ad-din*), soul (*hifzh an- nafs*), reason (*hifzh al- ' aql*), offspring (*hifzh an- nasl*), and treasure (*hifzh al-mal*) (Auda, 2008).

In the Indonesian context, fiqh the Then contextualized through Compilation of Islamic Law (KHI) which stipulates that minimum age for marriage for man is 19 years old and women 16 years old (Article 15 paragraph 1), although now has customized with Constitution Number 16 of 2019 which standardizes the minimum age limit to 19 years For both of them (Republic of Indonesia, 1991). Provision This show existence integration between Islamic law and law national in protect rights child .

3. Gender Perspective and Children's Rights

Gender approach provides understanding that practice wedding early No Can released from

structure inequality relation men and women in society . According to theory Islamic feminism developed by Amina Wadud and Fatima Mernissi, marriage early is one of the manifestation from *Gender inequality* is rooted in culture patriarchy (Wadud, 1999). In the system this, woman often not own control on body and life myself, including in affairs wedding.

UNICEF data (2023) shows that in Indonesia, about 1 in 9 women Marry before 18 years old (UNICEF Indonesia, 2023). Phenomenon This impact on low level education women, increasing risk death Mother young, and decline quality welfare family . In the Islamic view of gender justice, every human - good man and women - ave right For grow and develop potential himself in a way intact. The Qur'an emphasizes :

“And do not You force children your woman For do prostitution, even though they Alone want purity .” (QS. An-Nur: 33)

This verse contain principle *anti- coercion* and respect to right Woman For determine his will. With thus, marriage early consequence parental coercion can viewed as violation to principle freedom and dignity a man who is held in high esteem tall in Islam (Mernissi, 1991).

From the perspective right children, the UN Convention on the Rights of the Child (1989) which has ratified by Indonesia through Presidential Decree Number 36 of 1990, confirms that every child entitled For No forced to Marry before reach maturity physical and psychological . Therefore, the practice wedding early No only violate moral and religious values, but also rights basic recognized human being in a way international (United Nations, 1989).

With Thus, the theories above give base conceptual for study This For analyze practice wedding early in Bluri Village from various dimensions: social, legal, and religious. Approach multidisciplinary This important For understand that wedding early No only problem individual, but rather reflection from structure complex and layered society.

Material & Methods

Study This use approach qualitative descriptive, namely an approach that seeks understand phenomenon social based on perspective subjects involved direct in the events being studied. Approach This chosen Because phenomenon wedding early in Bluri Village No can explained only through quantitative data, but rather need described through values social, cultural, and religious backgrounds . Research qualitative more emphasizes meaning, *understanding*, and *interpretation* of experience man as explained by Denzin and Lincoln that study qualitative “involves interpretation to the real world, in effort understand meaning events and actions man (Denzin & Lincoln, 2018)”. With approach this, researcher make an effort dig perception Bluri Village community - good religious figures, figures society, as well as perpetrator wedding early - against practice the in a way in-depth and contextual .

Study held in Bluri Village, District Solokuro, Lamongan Regency, which was selected in a way *purposive sampling* Because own level wedding early enough tall compared to with other villages in the surrounding area . Based on results field observations and data, recorded as many as 35 out of 80 couples married under aged 18 years in the period 2005-2014. Research period ongoing during four month, namely from August to November 2024, covering stage observation, interview in-depth, documentation, and data analysis. Data sources consist of on primary and secondary data; primary data is obtained from interview with figure community, religious leaders, officials village, and couple young, while secondary data obtained from report official government village, Compilation of Islamic Law (KHI), Law Number 1 of 1974 concerning Marriage, as well as Constitution Number 16 of 2019 concerning change on the law. In addition, researchers also use

supporting data from the Central Statistics Agency (BPS) and related UNICEF reports wedding children in Indonesia ([UNICEF Indonesia, 2020](#)).

Data collection methods are carried out through four technique main : observation, interviews in-depth, documentation, and study library . Data analyzed use approach inductive with the Miles and Huberman analysis model, which consists of on three stages, namely data reduction, data presentation, and data extraction. conclusion ([Miles, Huberman, & Saldaña, 2014](#)). Data validity is tested through triangulation sources and methods, as well as four criteria Data validity proposed by Lincoln and Guba: *credibility*, *transferability*, *dependability*, and *confirmability* ([Lincoln & Guba, 1985](#)). Researchers also apply principle ethics study social, including obtaining agreement from informant (*informed consent*), maintain confidentiality identity resource persons, as well as avoiding bias in interpretation results . With systematic and ethical methodology this research expected capable produce comprehensive understanding about dimensions social, legal and religious in practice wedding early in Bluri Village

Results and Discussion

Bluri Village is one of the villages in the sub-district Solokuro, Lamongan Regency, East Java, with area of approximately 4.5 km² and the number resident around 2,300 people. Most of them its people Work as farmers and workers farmers, meanwhile part small profession as traders and migrants. The low level education society-here the majority only finish education basic - influence method view they to meaning marriage. For the community Bluri, wedding No just results from maturity biological, but also considered as means For reach maturity social and fulfilling demands culture.

Beside that, the people of Bluri Village known religious and upholding tall tradition Islamic boarding schools, so that values religious play role important in taking decision social, including in affairs marriage. However, the attachment to old customs, such as tradition matchmaking and views about honor family, still strong, causing wedding early considered reasonable even honorable in the eyes society . Women who have not married at the age of twenty year to on often stigmatized as a “virgin” old,” which is considered bring shame for family ([M. Rofiq, personal communication, September 12, 2024](#)).

Research result show that phenomenon wedding early in Bluri Village caused by various interrelated factors intertwined, especially factor economic, socio-cultural, educational, and religiosity . From the perspective of economy, partly big family be on the layer medium to below. Many parents marry off his son For relieve burden economy family, because after Marry not quite enough answer living move to party husband. The Head of Bluri Village, Abdul Malik, said that part inhabitant consider wedding as how to “ reduce ” liability House stairs ([Abdul Malik, personal communication, September 14, 2024](#)”). In the framework Caroline Moser's theory, this strategy called as *survival strategy*, namely efforts poor families to endure life with utilise structure existing social ([Caroline Moser, 1993](#)). However, in term length, pattern This precisely extend circle poverty, because partner young people who have not own skills economy Finally still depend on parents .

From the side socio-cultural, traditions matchmaking (*ijbar*) *guardian*) still strong. In some cases, children Already arranged marriage since small with relatives near or neighbors. When it is considered “enough” age, the wedding took place without consider children's mental readiness. Figures community, Miftahur Rofiq, stated that "before" if child Woman already in junior high school, usually Already arranged marriage; sometimes rather not yet know Who his/her soulmate, what's important is the parents agree ([M. Rofiq, personal communication, September 12, 2024](#)). Phenomenon This reflect what Ferdinand Tönnies called as pattern public *Gemeinschaft*, where the decision individual fully submit to group values and norms ([Ferdinand Tönnies, 2002](#)).

On the other hand, the low level education make things worse practice This . Many children, especially girl, stop school after graduating from junior high school because reason cost or Because considered education tall No important for women . One of them Mother partner young said, “ School high for what ? Finally to kitchen too (Siti Aisyah, [personal communication, September 15, 2024](#)).” View This depicts traditional gender bias that still exists strong, while BPS 2023 data shows that married women before 18 years old own risk poverty doubled compared to those who are married after 20 years old ([Central Statistics Agency “BPS”, 2023](#)).

Religious factors also have influence big . Some of the people interpret that Marry young is part from the sunnah of the Prophet as effort guard self from sin . They often referring to the hadith of Rasulullah SAW: “ *O youth, goods who among you has able, should married, because That more subdue view and guard genitals* ” ([Al-Bukhari, No. 5065](#)). However, understanding This often of a nature textual and not consider aspect readiness psychological, social, and economic as outlined in maqashid al- syari'ah . Local religious figure, K. Zainul Arifin, emphasized that Marry young of course allowed in condition emergency For avoid adultery, but element willingness (*ridha*) and mental readiness remain become condition main ([K. Zainul Arifin, personal communication, September 16, 2024](#)). With Thus, the problem wedding early in Bluri Village No Can only seen from religious aspects alone, but rather must analyzed multidimensionally which includes structure social, economic and cultural public local .

Interview results with the characters public show existence difference view to wedding early consequence coercion . Miftahur Rofiq assessed that wedding force cause *mafsadah* (damage) and conflict with principle *Ridha* ; H. Soewandi reject hard wedding early Because risky for health and psychology child ; K. Zainul Arifin allows in condition emergency with permission court ; whereas Village Head Abdul Malik refused wedding early force Because evaluate partner young Not yet Ready mentally and economically . In terms of general, the figures agreed that wedding must based on willingness second parties, as confirmed in Constitution Number 1 of 1974 Article 6 paragraph (1) states that “ marriage must based on on agreement second candidate bride and groom .” This in line with Hadith of the Prophet SAW: “ *A person Widow No may married without requested her opinion, and a girl does not may married without permission* ” ([HR. Bukhari and Muslim](#)).

Impact wedding early in Bluri Village nature multidimensional . In positive, practice This assessed capable avoid child from socializing free and guarded honor family, even foster a sense of responsibility answer since young . However, the impact the negative Far more big, like increasing risk health reproduction for girls under 18 years old, mental unpreparedness that triggers conflict House ladder, dependency economy towards parents, as well as increasing potential divorce early ([UNICEF Indonesia, 2020](#)). Head of Bluri Village mention that a number of case divorce among partner young generally completed in a way family and rare reported to religious courts for maintain good name family stairs ([Abdul Malik, personal communication, September 14, 2024](#)). In a way analytical, phenomena wedding early in Bluri Village is results from interaction complex between factor economics, culture, and understanding religious perspective . maqashid al- syari' ah, practice This often not fulfil principle welfare Because cause *harm* social and psychological for child . From the side Islamic law, rights *ijbar guardian* No can used in a way arbitrary, because element willingness become condition legitimacy contract ([Zuhaili, 1989](#)). Therefore that, although wedding consequence coercion can considered legitimate formally, he No fulfil essence Islamic marriage that emphasizes love darling (*love*) *wa mercy*). From the side social, practice wedding early describe low awareness law and education society . Required role Islamic boarding schools and institutions religious in give education that emphasizes mental, spiritual, and economic readiness before marriage, so that society can understand that build family No just fulfil customs and demands social, but is a necessary act of worship not quite enough complete responsibility and maturity

Conclusions

Phenomenon wedding early in Bluri Village, District Solokuro, Lamongan Regency, reflects dynamics social between factor economics, culture, and understanding religious. Pressure economy become driver main, where the wedding considered can relieve burden family. Tradition matchmaking, low education, as well as view textual religious also strengthens practice the .

Although part public start understand that coercion in wedding contradictory with principle *ridha* (willingness) in Islam and law national, practice This Still happened. This is often triggered by worry social and views that women who have not married at an age certain considered embarrassing for family.

Impact wedding early seen clear, good in a way health, psychological, and economy . Many couples young Not yet Ready mentally and financially, so that prone to to conflict House households, divorce, and poverty structural.

From the perspective *maqashid al- syari' ah*, practice This contradictory with objective sharia which emphasizes welfare and reject harm. In a way law positive, thing this also violates Constitution Number 16 of 2019 which stipulates minimum age for marriage is 19 years. With thus, marriage early in Bluri Village No just problem culture, but problem structural requirements role active institution education, religious leaders, and government. Society needs given understanding that wedding true is a process towards maturity physical and spiritual, not just fulfillment tradition social.

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Author Contribution Statement

RZM designed the research framework, conducted field observations, and performed the initial analysis. SA collected the interview data, carried out literature review, and contributed to the discussion and interpretation of findings. Both authors collaboratively revised and finalized the manuscript and approved the final version for publication.

AI Disclosure Statement

The authors used ChatGPT (OpenAI) during the preparation of this manuscript for language refinement and structural organization. After using the tool, the authors thoroughly reviewed and edited the content as needed and take full responsibility for the integrity and accuracy of the final publication. The research design, data collection, analysis, and interpretation were conducted manually by the authors without reliance on artificial intelligence for substantive content generation.

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