

Controversies Over Underage Marriage in the Digital Era A *Sadd Al-Dhari'ah* Perspective

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Abstract

Underage marriage remains a contested issue in Muslim societies because religious, cultural, legal, and social considerations often produce different understandings of the appropriate age for marriage. The issue has become increasingly complex in the digital era, in which adolescents are exposed to diverse forms of information, social interaction, and cultural influence that may shape their attitudes toward marriage. This study aims to analyze the position and application of *sadd al-dzari'ah* in Islamic family law and examine its relevance to the regulation of underage marriage in Indonesia. The study employs qualitative library research using a conceptual and normative approach. Data were obtained from classical Islamic legal works, contemporary Islamic family law literature, academic journal articles, and legal scholarship concerning marriage age and child protection. Data were collected through systematic literature tracing and analyzed through qualitative descriptive and analytical techniques by identifying the relationship between permissible acts, potential harm, and preventive legal intervention. The findings show that *sadd al-dzari'ah* provides a preventive framework for restricting an otherwise permissible act when its implementation has a strong potential to generate significant harm. In the context of underage marriage, the potential harms include disruption of education, reproductive-health risks, psychological immaturity, household instability, divorce, and vulnerability to domestic violence. The study concludes that Indonesia's minimum marriage-age regulation can be conceptually understood through *sadd al-dzari'ah* because it seeks to prevent foreseeable harm and protect family welfare. Future studies should empirically examine how this preventive principle operates in religious-court decisions and local communities.

Keywords: Child Protection, Islamic Family Law, Marriage Age, Sadd Al-Dhari'ah, Underage Marriage

Introduction

Marriage in Islamic family law is not merely a private relationship between two individuals but an institution associated with the protection of religion, lineage, dignity, welfare, and the continuity of family life. Nevertheless, determining the appropriate age for marriage has become a complex issue because Islamic jurisprudence, state law, cultural practices, and contemporary understandings of child protection do not always employ identical criteria. Classical jurisprudence generally discusses marriage capacity in relation to *bulugh* and *'aql*, whereas contemporary legal systems increasingly consider psychological maturity, education, reproductive health, and the best interests of children. In Indonesia, this tension becomes particularly important because marriage practices

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continue to exist within diverse religious and cultural settings. The transformation of social relations in the digital era further intensifies the issue because adolescents can access information, establish relationships, and encounter cultural values through digital platforms at an unprecedented scale. Consequently, underage marriage should not be examined exclusively from the perspective of whether the marriage contract fulfills its formal requirements but also from the perspective of whether its consequences create significant harm for individuals, families, and society.

The Indonesian legal framework has responded to these developments by establishing a minimum marriage age of 19 years for both men and women through the amendment of the Marriage Law. This regulatory approach reflects a shift from an exclusively formal conception of marriage capacity toward a broader concern with protection, welfare, and maturity. Previous studies have examined underage marriage from various perspectives. Zulfiani (2017) discussed child marriage in relation to the Marriage Law, while Judiasih (2023) examined the controversy surrounding underage marriage and the challenges of family-law enforcement in Indonesia. Nugraha et al. (2019) emphasized the importance of reconstructing the minimum marriage age as a form of legal protection for women. Other studies have highlighted health, social, and household consequences associated with early marriage (Puspasari & Pawitaningtyas, 2020; Amelia et al., 2023). These studies demonstrate that the regulation of marriage age is closely connected to the protection of children's and women's rights.

Despite the growing body of research, a conceptual gap remains concerning the relationship between the regulation of minimum marriage age and the *sadd al-dzari'ah* principle in Islamic legal reasoning, particularly in the context of digital-era social change. Existing studies have discussed *sadd al-dzari'ah* as a method of Islamic legal reasoning and its application to contemporary problems (Munawwaroh, 2018; Takhim, 2020; Zulfikri & Faizah, 2023). Other research has specifically examined the application of *sadd al-dzari'ah* to the Indonesian minimum marriage-age regulation (Hidayat, 2022). However, the connection between the preventive logic of *sadd al-dzari'ah*, the multidimensional harms of underage marriage, and the changing social environment of the digital era requires further conceptual clarification. Previous studies have tended to discuss either the doctrinal position of *sadd al-dzari'ah* or the consequences of underage marriage without sufficiently integrating the two dimensions into a comprehensive Islamic family-law analysis.

This study therefore focuses on two research questions. First, how is *sadd al-dzari'ah* positioned within Islamic legal reasoning and what criteria determine its application? Second, how can *sadd al-dzari'ah* explain the restriction of underage marriage in Indonesia, particularly in response to the social challenges of the digital era? The study argues that the minimum marriage-age regulation can be understood not as a rejection of the permissibility of marriage in classical jurisprudence, but as a preventive legal policy designed to block circumstances that have a strong potential to generate substantial harm. This argument places *sadd al-dzari'ah* within a broader maqāṣid-oriented understanding of Islamic family law, in which the protection of welfare requires consideration of both the immediate legal status of an act and its foreseeable consequences.

Method

This study employs qualitative library research with a conceptual and normative approach. The issue of underage marriage was selected because it represents a significant intersection between Islamic legal doctrine, state regulation, child protection, and contemporary social transformation. The research specifically examines the relationship between the permissibility of marriage in classical Islamic jurisprudence and the preventive restriction of marriage through state regulation. The digital-era context is included because contemporary adolescents encounter changing patterns of social interaction and information exposure that may influence decisions concerning marriage. The study therefore seeks to examine not merely whether underage marriage satisfies formal legal requirements, but how its potential consequences can justify preventive legal intervention through the framework of *sadd al-dzari'ah*.

The data consist of secondary legal and scholarly materials. Primary materials include classical Islamic legal works discussing *sadd al-dzari'ah*, *dzara'i*, marriage, and legal capacity, while secondary materials include journal articles, books, dissertations, and contemporary studies concerning minimum marriage age, child marriage, reproductive health, psychological maturity, family stability, and digital-era social change. Tertiary materials, including legal and general dictionaries and encyclopedic sources, were used to clarify terminology where necessary. Sources were selected purposively according to their relevance to the research questions and their contribution to understanding either the doctrinal foundation of *sadd al-dzari'ah* or the social and legal consequences of underage marriage.

Data collection was conducted through literature tracing and documentation. The analysis proceeded in three stages. First, relevant concepts and arguments concerning *sadd al-dzari'ah* and marriage capacity were identified and classified. Second, the potential consequences of underage marriage were examined in relation to education, reproductive health, psychological maturity, household stability, divorce, and domestic violence. Third, the doctrinal logic of *sadd al-dzari'ah* was compared with the preventive rationale underlying Indonesia's minimum marriage-age regulation. The collected materials were analyzed descriptively and analytically to establish the relationship between an initially permissible act, its foreseeable consequences, and the legitimacy of preventive restriction. The study is conceptual and normative and therefore does not claim to measure the empirical effectiveness of the regulation.

Result

The Position of *Sadd al-Dzari'ah* in Islamic Legal Reasoning

The first finding demonstrates that *sadd al-dzari'ah* occupies an important position within Islamic legal reasoning as a preventive mechanism for controlling an act based on its potential consequences. The concept concerns a *wasilah* or means that may lead to another act, particularly when the means has a strong relationship with an unlawful or harmful outcome. Classical scholars differed in defining and applying the concept, but a common feature is the attention given to the relationship between an apparently permissible act and the consequence that may follow from it. Al-Zuhaily (1986) explains

the significance of *sadd al-dzari'ah* within *uṣūl al-fiqh*, while Ibn al-Qayyim emphasizes the function of means in determining the legal consequences of conduct (Al-Jauziyah, 1997). Thus, the legal assessment of an act cannot always be separated from its instrumental relationship with another outcome.

The second finding concerns the factors determining the application of *sadd al-dzari'ah*. The analysis indicates that three considerations are particularly significant: the purpose of the act, the likelihood of the act becoming a means toward harm, and the magnitude of the expected consequence. The Qur'anic prohibition against insulting objects of worship in Q.S. al-An'ām 6:108 illustrates the preventive logic because an apparently verbal act may become a means toward reciprocal insult against Allah. Similarly, the Prophetic prohibition of conduct that may lead to insulting one's parents illustrates the principle that responsibility can extend to foreseeable consequences of an initial act. The legal maxim *dar' al-mafāsīd awlā min jalb al-maṣāliḥ* reinforces this orientation by prioritizing the prevention of substantial harm when the two considerations conflict (Bisri, 1997).

The third finding shows that *sadd al-dzari'ah* does not operate as an unrestricted principle for prohibiting every act that could potentially produce harm. Its application requires an assessment of the relationship between the means and the anticipated consequence. This qualification is important in contemporary Islamic family law because legal restrictions must be proportionate to the harm they seek to prevent. The analysis therefore indicates that *sadd al-dzari'ah* is most persuasive when there is a sufficiently strong and foreseeable relationship between a particular practice and significant harm. This position allows Islamic legal reasoning to respond to changing social circumstances without abandoning the distinction between the original legal status of an act and a subsequent preventive restriction. In this sense, *sadd al-dzari'ah* provides a flexible mechanism for contextualizing Islamic family law in response to contemporary social realities.

The Application of *Sadd al-Dzari'ah* to Underage Marriage in the Digital Era

Manifestations of harm associated with underage marriage that provide the substantive basis for preventive intervention. The most significant consequences concern educational discontinuity, reproductive-health risks, psychological immaturity, household instability, and vulnerability to divorce and domestic violence. Studies concerning marriage below the legally established age indicate that early marriage may restrict children's opportunities to complete education and develop economic independence (Zulfiani, 2017; Nugraha et al., 2019). Health-related research also identifies risks associated with pregnancy and childbirth at a young age, particularly when physical and psychological maturity has not been adequately achieved (Puspasari & Pawitaningtyas, 2020). These consequences demonstrate that the issue cannot be reduced to the formal validity of the marriage contract because the broader effects may extend to the rights and welfare of spouses and children.

The factors contributing to these harms are multidimensional. Underage marriage may occur because of cultural expectations, family decisions, economic conditions, social pressure, limited educational opportunities, or adolescent relationships that develop in

environments characterized by extensive digital interaction. The digital environment can facilitate access to information and communication, but it can also expose adolescents to content and social patterns that they may not yet have the capacity to evaluate critically (Amelia et al., 2023; Marzela et al., 2024). At the same time, digital exposure should not be treated as a direct or single cause of underage marriage. Rather, it interacts with family, socioeconomic, cultural, educational, and psychological factors. This interaction explains why a preventive approach requires more than age restriction alone and should be accompanied by education, family support, and protection mechanisms.

The transformative implication of these findings is that the minimum marriage-age regulation can be interpreted through *sadd al-dzari'ah* as a preventive policy rather than merely a formal prohibition. In classical jurisprudence, marriage capacity is discussed through concepts such as *bulugh* and *'aql*, and a universal chronological age of 19 years is not formulated in the same manner as contemporary Indonesian legislation. However, the absence of a fixed classical age does not prevent the state from restricting marriage when changing circumstances demonstrate significant risks to welfare and protection. Hidayat (2022) similarly identifies the relevance of *sadd al-dzari'ah* to the Indonesian minimum marriage-age regulation. Accordingly, the legal restriction can be understood as an effort to prevent a permissible institution from becoming a pathway to substantial harm, while simultaneously advancing the protection of education, health, dignity, family stability, and children's rights.

Discussion

The results demonstrate that *sadd al-dzari'ah* provides a coherent conceptual framework for understanding why an act that may be permissible in its original legal characterization can become subject to preventive restriction when its consequences present substantial harm. In relation to underage marriage, the analysis identified two interconnected dimensions. The first concerns the doctrinal function of *sadd al-dzari'ah* as a mechanism for assessing means and consequences. The second concerns the empirical and social manifestations of harm associated with underage marriage, including educational disruption, reproductive-health risks, psychological immaturity, household instability, and vulnerability to violence. These findings indicate that the legal question cannot be confined to whether a marriage fulfills its formal requirements. Islamic family law also has to consider whether the circumstances surrounding marriage undermine the objectives of protecting human welfare and family stability.

The relationship between underage marriage and harm is influenced by multiple factors rather than by age alone. Psychological maturity, educational attainment, socioeconomic conditions, family pressure, gender relations, cultural expectations, and patterns of adolescent interaction all contribute to the consequences of early marriage. The digital environment adds a new layer to these factors because adolescents can establish relationships and consume information without the same institutional supervision found in traditional social settings. Nevertheless, it would be analytically inadequate to characterize digital media as an independent cause of underage marriage.

The more appropriate interpretation is that digitalization changes the environment in which pre-existing social and family factors operate. This reinforces the relevance of *sadd al-dzari'ah*, because the assessment of a means must be responsive to the social circumstances that determine whether its consequences are likely to generate harm.

The consequences of applying *sadd al-dzari'ah* to underage marriage extend beyond the individual couple. A preventive marriage-age policy may protect children's educational opportunities, reduce exposure to reproductive-health risks, and strengthen the conditions necessary for psychological and economic preparation for family life. At the family level, delaying marriage may create greater opportunities for prospective spouses to develop the capacity required to manage conflict, economic responsibility, parenting, and communication. At the societal level, the restriction reflects a shift toward a broader conception of family-law protection in which the state is permitted to intervene preventively when serious harm is foreseeable. The principle therefore operates not simply as a mechanism of prohibition but as an instrument for translating the objectives of Islamic law into contemporary regulatory contexts.

The findings are consistent with but also extend previous studies. Munawwaroh (2018) and Takhim (2020) emphasize the preventive character of *sadd al-dzari'ah* in contemporary Islamic legal reasoning, while Zulfikri and Faizah (2023) demonstrate its relevance to contemporary legal problems. Hidayat (2022) specifically connects *sadd al-dzari'ah* with Indonesia's minimum marriage-age regulation. Meanwhile, studies by Judiasih (2023) and Nugraha et al. (2019) demonstrate that the regulation of marriage age is closely related to legal protection and the welfare of women and children. The present study extends these discussions by integrating the doctrinal mechanism of *sadd al-dzari'ah* with the multidimensional consequences of underage marriage and the social transformation produced by digitalization. The contribution therefore lies in connecting Islamic legal methodology with contemporary family-protection policy.

From a policy and conceptual perspective, the findings suggest that the preventive rationale of minimum marriage-age regulation should be accompanied by broader interventions. Marriage-age restrictions alone cannot eliminate the structural factors that encourage underage marriage. Preventive policy should therefore be supported by premarital education, reproductive-health education, psychological preparation, parental guidance, digital literacy, and accessible mechanisms for protecting children from coercive marriage practices. From the perspective of Islamic family law, such interventions can be understood as complementary applications of *sadd al-dzari'ah* because they address not only the final legal act of marriage but also the pathways that may lead children toward harmful circumstances. Future research should examine how religious courts, marriage registrars, families, and community leaders operationalize this preventive logic in concrete cases.

Conclusion

The study concludes that *sadd al-dzari'ah* has an important position in Islamic legal reasoning because it permits the legal evaluation of an act not only according to its original status but also according to its potential consequences. The principle functions

preventively by restricting means that have a sufficiently strong relationship with prohibited or harmful outcomes. Its application, however, requires careful consideration of purpose, probability, context, and magnitude of harm. Therefore, *sadd al-dzari'ah* should not be understood as a general justification for prohibition but as a structured method for preventing substantial and foreseeable harm.

In the context of underage marriage, the study finds that the Indonesian minimum marriage-age regulation can be conceptually understood through the logic of *sadd al-dzari'ah*. Although classical Islamic jurisprudence does not establish the same chronological minimum age of 19 years adopted by Indonesian law, this does not prevent contemporary regulation from restricting marriage when significant harms can reasonably be anticipated. The potential loss of educational opportunities, reproductive-health risks, psychological immaturity, household instability, and vulnerability to domestic violence provide substantive considerations for preventive intervention. The conceptual contribution of this study is therefore to demonstrate how *sadd al-dzari'ah* can mediate between classical Islamic legal reasoning and contemporary state regulation in Islamic family law.

This study is limited by its reliance on library research and conceptual analysis. It does not empirically examine how the minimum marriage-age regulation is implemented in different regions, how judges apply preventive reasoning in marriage-dispensation cases, or how families and adolescents understand the relationship between digitalization and early marriage. Future research should therefore employ empirical socio-legal approaches, including interviews with judges, marriage registrars, parents, adolescents, counselors, and community leaders. Comparative studies across regions would also be useful for examining whether the application of *sadd al-dzari'ah* varies according to cultural, socioeconomic, and institutional contexts.

Credit Authorship Contribution Statement

Sasmiarti contributed to Conceptualization, Methodology, Investigation, Data Curation, Formal Analysis, Writing – Original Draft, and Writing – Review & Editing. Busyro contributed to Conceptualization, Methodology, Supervision, Validation, Formal Analysis, Writing – Review & Editing, and Project Administration. Both authors approved the final version of the manuscript and agreed to be accountable for all aspects of the work.

Declaration of Competing Interests

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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Ethics Approval and Consent to Participate

Ethics approval was not required for this study because the research relied exclusively on publicly available legal materials, judicial decisions, and published academic literature and did not involve human participants or the collection of personal data.

Data Availability Statement

The data supporting the findings of this study are derived from publicly available legal documents and published scholarly sources. All materials used in the analysis can be accessed through relevant legal databases and academic databases.

Declaration of Generative AI and AI-Assisted Technologies in the Writing Process

During the preparation of this work, the authors used ChatGPT (OpenAI) to assist with language editing, grammatical improvement, and the organization of the manuscript. After using this tool, the authors reviewed and edited the content as needed and take full responsibility for the content of the publication.

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