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# Reconstructing Marriageable Age in *Tafsīr al-Aḥkām*: A Comparative *Uṣūliyyah* Analysis of Tāj al-Dīn al-Subkī and Classical Madhhab Perspectives

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**Abstract**
The establishment of a minimum marriage age in Indonesia through Law No. 16 of 2019, which sets the minimum age at 19 years for both men and women, remains a subject of debate within Islamic normative discourse due to the absence of an explicit numerical age requirement in the Qur'an. Previous studies have tended to approach the issue of marriage age either as a socio-legal problem or through *maqāṣid al-sharī'ah*-based justifications, yet they have not provided a systematic reconstruction of uṣūl al-fiqh that integrates textual analysis with cross-madhhab legal theory. As a result, the relationship between contemporary legislation and classical Islamic legal reasoning remains fragmented. This article addresses this gap by examining QS. al-Nisā' [4]: 6 through the framework of *tafsīr al-aḥkām* and the *uṣūliyyah* methodology of Tāj al-Dīn al-Subkī within the broader context of classical Islamic legal discourse. Employing a library-based qualitative approach, the article analyzes key *uṣūlī* principles to reconstruct legal reasoning concerning marital capacity in Islamic law. The findings demonstrate that the Qur'anic emphasis on *rushd* alongside *bulūgh* indicates that marital capacity cannot be reduced solely to biological maturity. The absence of a numerical age threshold reflects a form of normative openness that allows for juridical specification according to social context. Accordingly, the legal age of 19 may be understood as a legitimate form of *takhṣīṣ* or *taqyīd* grounded in *maṣlaḥah mursalah* and aligned with the objectives of Islamic law. This article offers a methodological reconstruction showing that age-based legislation is not an external normative imposition upon Islamic tradition, but rather a continuation of classical *uṣūliyyah* reasoning. By bridging al-Subkī's methodological framework with inter-madhhab discourse, it proposes a coherent model for harmonizing the principles of Islamic law with modern socio-legal realities.
**Keywords: Al-Subkī; *Maqāṣid al-Sharī'ah*; Marriageability; Tafsir Ahkam; Classical Madhhab.**

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**Abstrak**
Penetapan usia minimal perkawinan di Indonesia melalui Undang-Undang Nomor 16 Tahun 2019 yang menetapkan batas usia 19 tahun bagi laki-laki dan perempuan masih menjadi perdebatan dalam diskursus normatif Islam karena tidak adanya ketentuan usia numerik yang eksplisit dalam Al-Qur'an. Studi-studi sebelumnya cenderung mendekati persoalan usia perkawinan baik sebagai persoalan sosio-hukum maupun melalui justifikasi berbasis *maqāṣid al-sharī'ah*, namun belum menghadirkan rekonstruksi *uṣūl al-fiqh* yang sistematis yang mengintegrasikan analisis tekstual dengan teori hukum lintas mazhab. Akibatnya, hubungan antara legislasi kontemporer dan penalaran hukum Islam klasik masih dipahami secara terfragmentasi. Artikel ini mengatasi kesenjangan tersebut dengan mengkaji QS. al-Nisā' [4]:6 melalui kerangka *tafsīr al-aḥkām* dan metodologi *uṣūliyyah* Tāj al-Dīn al-Subkī dalam konteks diskursus hukum Islam klasik yang lebih luas. Dengan menggunakan pendekatan kualitatif berbasis studi kepustakaan, artikel ini menganalisis prinsip-prinsip *uṣūlī* utama untuk merekonstruksi penalaran hukum mengenai kecakapan menikah dalam hukum Islam. Temuan penelitian menunjukkan bahwa penekanan Al-Qur'an terhadap *rushd* yang berjalan bersamaan dengan *bulūgh* mengindikasikan bahwa kecakapan menikah tidak dapat direduksi hanya pada kematangan biologis. Ketiadaan batas usia numerik mencerminkan keterbukaan normatif yang memungkinkan spesifikasi yuridis sesuai konteks sosial. Dengan demikian, batas usia legal 19 tahun dapat dipahami sebagai bentuk *takhṣīṣ* atau *taqyīd* yang sah berdasarkan *maṣlaḥah mursalah* dan sejalan dengan tujuan hukum Islam. Artikel ini menawarkan rekonstruksi metodologis yang menunjukkan bahwa legislasi berbasis usia bukan merupakan pemaksaan normatif dari luar tradisi Islam, melainkan kelanjutan dari penalaran *uṣūliyyah* klasik. Dengan menjembatani kerangka metodologis al-Subkī dan diskursus lintas mazhab, artikel ini menawarkan model yang koheren untuk menyelaraskan prinsip-prinsip hukum Islam dengan realitas sosio-hukum modern.
**Keywords**: **Al-Subkī; *Maqāṣid al-Sharī'ah*; Kecakapan Menikah; *Tafsīr al-Aḥkām*; *Mazhab Klasik*.**

## Introduction

Setting a minimum age for marriage is a complex legal and social issue, particularly in the context of Indonesia, which is pluralistic in terms of law, religion, and culture (Julianto et al., 2025). Law No. 16 of 2019 was enacted in response to various problems caused by the practice of child marriage, such as high divorce rates, structural poverty, school dropout rates, and reproductive health risks among adolescents (Fitra et al., 2025; Tsani, 2021). Although this regulation has raised the minimum age for marriage to 19 for both men and women, the gap between legal ideals and social reality remains significant. This situation is further exacerbated by religious interpretations that tend to be literal, viewing maturity solely through biological indicators (puberty) rather than considering psychosocial maturity (Zahro & Fithriyah, 2023).

Data from the Central Statistics Agency (2020) show that 11.21 % of women aged 20-24 were married before the age of 18 (Kistiana et al., 2025; Kuswanto et al., 2024). This practice is widespread in rural areas and is generally linked to poverty, low levels of education, and strong cultural and religious norms that normalize child marriage (Barkah & Andriyani, 2022; Rais, 2018). In addition, more than 50,000 requests for marriage exemptions were filed with religious courts in 2022, the majority of which were granted (Zahro & Fithriyah, 2023). This phenomenon indicates that the practice of child marriage is

influenced not only by economic and social factors, but also by religious legitimacy that remains strong, particularly through a literal interpretation of Islamic teachings (Hidayat, 2022).

Theoretically, this issue stems from the problem of interpreting religious texts, particularly in understanding the concept of maturity in Islam. Most classical approaches tend to equate maturity with biological indicators (*bulūgh*) (Shahrullah et al., 2023), without considering the rational and social dimensions (*rushd*) (Samuri et al., 2022). Consequently, a tension arises between state positive law based on child protection and classical fiqh constructs that do not explicitly set an age limit (Ibrahim, 2022). This tension is further exacerbated by a tendency toward literal interpretation that fails to take into account the principles of *uṣūl al-sharīʻah* and the *maqāṣid al-sharīʻah* when addressing contemporary social contexts (Maryam et al., 2024; Supraptiningsih, 2021).

Previous studies have examined the minimum marriage age and child marriage from multiple academic perspectives. From a legal and child protection standpoint, research has shown that high rates of marriage dispensation indicate that legislative reform alone does not guarantee effective child protection, as prevention depends significantly on the discretionary practices of religious officials at the grassroots level (Shahrullah et al., 2023), and that harmonization between the Child Protection Law and the Marriage Law remains essential to eliminate persistent normative overlap (Ibrahim, 2022). Sociological studies consistently identify structural poverty, low education, and entrenched socio-cultural norms as key factors undermining the implementation of Law No. 16 of 2019 (Kuswanto et al., 2024; Nahdiyanti et al., 2021). Furthermore, child marriage has been shown to produce serious and multidimensional harms, including educational deprivation, reproductive health risks, and economic vulnerability, all of which are incompatible with the foundational objectives of *maqāṣid al-sharīʻah* (Akmal et al., 2024; Hesasy & Triana, 2025; Sukri & Fauzan, 2025). From a *maqāṣid al-sharīʻah* perspective, the 19-year threshold has been justified as an expression of *maṣlaḥah ʿāmmah* that protects life, lineage, and intellect (Azni et al., 2025; Hutabarat, S., & Zahara, 2025; Setyawan et al., 2023; Siregar, 2021), while comparative studies across classical *madhhabs* reveal significant divergences in minimum age standards with cross-national policy implications (Engelcke et al., 2025; Zahro & Fithriyah, 2023). Several scholars further argue that child marriage requires not only a family law response but also an integrative criminal law framework to adequately protect children from the vulnerabilities and risks they face as victims (Irfan et.al., 2026), while others emphasize *rushd* psychological and social maturity rather than biological puberty (*bulūgh*) alone, as the authentic criterion for marriage readiness under both Islamic law and the 19-year legal standard (Effedi & Fathoni, 2025; Marwa, 2021; Samuri et al., 2022). A recent systematic review of child marriage *fiqh* scholarship in

Indonesia confirms that most existing studies remain anchored in doctrinal-juridical frameworks prioritizing formal permissibility over children's substantive welfare, reflecting persistent methodological disparities and thematic fragmentation.

Based on this, this study aims to reconstruct the determination of the minimum age for marriage from the perspective of *tafsīr aḥkām* through a comparative *uṣūliyyah* analysis. This study employs a qualitative, literature-based approach by analyzing the work *Jamʿu al-Jawāmiʿ* as well as various classical and contemporary literature in the fields of tafsīr and *uṣūl al-fiqh*. The main contribution of this study is to offer a methodological framework based on *uṣūl al-fiqh* that can bridge religious texts, classical fiqh traditions, and contemporary legal needs, particularly in the context of child protection and Islamic family law reform.

## Methods

This study employs a qualitative research design using a library research method (Ishaq & Ridwan, 2023). The research focuses on the normative and analytical examination of Islamic legal texts within the framework of *tafsīr al-aḥkām* and *uṣūl al-fiqh* to analyze and reconstruct the determination of marriageable age. The data in this study are classified into primary and secondary sources. Primary sources include the Qur'anic text, particularly QS. al-Nisāʾ [4]: 6, and the classical work *Jamʿu al-Jawāmiʿ* by Tāj al-Dīn al-Subkī. Secondary sources consist of classical and contemporary literature in the fields of Qur'anic exegesis (*tafsīr*) and *uṣūl al-fiqh* (Güney, 2024), as well as legal documents such as Law No. 16 of 2019 concerning marriage in Indonesia. The analytical framework of this study is grounded in *uṣūliyyah* principles, particularly in the concept of *dalālah al-alfāẓ* (textual indications), *muṭlaq-muqayyad* (unrestricted and restricted expressions), and *ʿāmm-takhṣīṣ* (general and specification). These principles are further complemented by the perspective of *maqāṣid al-sharīʿah* (the higher objectives of Islamic law) to contextualize the interpretation within contemporary socio-legal realities.

The analysis is conducted through the following systematic steps: (1) Textual Identification by identifying key legal concepts within QS. al-Nisāʾ [4]: 6, particularly those related to maturity such as *bulūgh* and *rushd*. *Uṣūliyyah* analysis examining the verse using *uṣūl al-fiqh* principles, including the analysis of textual indications (*dalālah al-alfāẓ*), and the interaction between general and specific (*ʿāmm-takhṣīṣ*) as well as unrestricted and restricted expressions (*muṭlaq-muqayyad*); (2) Interpretative reconstruction, which involves reconstructing legal reasoning based on the integration of classical uṣūliyyah principles, particularly as articulated in *Jamʿu al-Jawāmiʿ*; (3) Contextualization, which situates the reconstructed interpretation within contemporary legal contexts, particularly Indonesian marriage law under Law No. 16 of 2019; and (4) Normative Evaluation

Evaluating the reconstructed legal reasoning through the lens of *maqāṣid al-sharīʿah*, particularly in relation to child protection and social welfare. This methodological approach is chosen because it allows for a systematic integration between classical Islamic legal theory and contemporary legal challenges (Ishaq & Ridwan, 2023). The use of *uṣūliyyah* principles ensures a rigorous textual and methodological analysis, while the incorporation of *maqāṣid al-sharīʿah* enables the formulation of legal reasoning that is both normatively grounded and socially responsive (Mohammed, 2024).

## Result and Discussion

### Al-Subkī's Legal Epistemology and the Reinterpretation of Marriageable Maturity

Tāj al-Dīn ʿAbd al-Wahhāb ibn ʿAlī al-Subkī was born in Cairo in 727 H (1327 M) and died in Damascus in 771 H (1370 M) at the age of forty-three. He was a preeminent Sunni Islamic scholar, prolific polymath, and highly regarded jurisconsult, theologian, historian, and grammarian of the Mamluk period, firmly rooted in the Shāfiʿī school of law and the Ashʿarī theological tradition. He received his scholarly formation under the tutelage of renowned scholars, and in 739/1338 relocated to Damascus with his father, Taqī al-Dīn al-Subkī, who assumed the office of chief judge (*qāḍī al-quḍāt*); he later succeeded his father in that prestigious role in 756/1355 (Al-Hudawi, 2024). Among his most celebrated works is *Jamʿ al-Jawāmiʿ fī Uṣūl al-Fiqh*, authored by this distinguished Shāfiʿī jurist and historian of the 8th/14th century, a treatise that has transcended temporal boundaries and evolved into a worldwide cornerstone of Islamic legal education, quickly gaining recognition as a foundational textbook through its conciseness and comprehensiveness, sparking a surge of commentaries from scholars across multiple juristic schools. The wide reception and great impact of *Jamʿ al-Jawāmiʿ* on the later development of *uṣūl al-fiqh* has established it as a model for the *uṣūlī matn* genre, demonstrating al-Subkī's mastery in synthesizing the principal themes of Islamic legal theory in an adequately concise yet methodologically rigorous manner (Al-Hudawi & Sahib, 2023).

Taj al-Dīn al-Subkī occupies a central position in the development of *uṣūl al-fiqh* as a systematic legal methodology. In *Jamʿ al-Jawāmiʿ*, he synthesized the rationalist tradition of the mutakallimūn and the juristic approach of the *fuqahāʾ*, constructing a methodological framework that balances textual authority (*dalīl naqlī*) with rational consideration (*dalīl ʿaqlī*) (Oberauer, 2022). For al-Subkī, revelation and reason are not competing epistemic sources but mutually reinforcing components within the process of legal deduction.

This integrative methodology has direct implications for contemporary legal reform. Al-Subkī emphasized that textual generality (*al-ʿumūm*) does not automatically yield conclusive rulings without interpretive qualification (Al-Subkī, 2003). Such a

framework primarily opens methodological space for restriction (*taqyīd*), while specification (*takhṣīṣ*) functions as a secondary mechanism. In this study, *taqyīd* refers to the restriction of an unqualified expression (*muṭlaq*), while *takhṣīṣ* denotes the specification of a general expression (*'amm*); both are applied selectively to avoid methodological overlap.

The analytical relevance of this *uṣūlī* framework becomes particularly evident when applied to contemporary debates on the minimum marriage age. QS. al-Nisāʾ [4]: 6 provides an instructive case for examining how *dalālah al-alfāẓ* operates within the interplay of textual indication and purposive reasoning.

Within *uṣūl al-fiqh*, *dalālah al-alfāẓ* constitutes a central mechanism for deriving legal rulings (Ganai & Salama, 2024). The particle *ḥattā* in the phrase *ḥattā izā balaghū al-nikāḥ* functions as a limiting expression (*ḥarf al-ghāyah*), marking a developmental threshold (Al-Qurṭubī, 2021). The subsequent clause, *fa in ānastum minhum rushdan*, introduces an additional qualification, the presence of *rushd*, denoting intellectual and social maturity (Al-Subkī, 2003).

The dual requirement of *bulūgh* (biological puberty) and *rushd* (sound judgment) indicates that marriage eligibility in the Qur'anic discourse is not reducible to biological maturation alone. Rather, it presupposes comprehensive maturity integrating physical, psychological, and social dimensions. Although the verse does not stipulate a numerical age, it establishes normative indicators that necessitate contextual interpretation. This finding fundamentally challenges the reductionist reading that equates *bulūgh* solely with biological puberty, a view that remains dominant in literalist interpretations of Islamic law.

Building upon this argument, the absence of a fixed numerical age in the Qur'anic text should not be interpreted as a normative silence, but rather as a deliberate openness that allows for juristic specification (*takhṣīṣ*) and restriction (*taqyīd*) (Nabilah et al., 2025). Within this framework, the state may function as a legitimate authority in determining contextually appropriate legal limits (Azni et al., 2025).

In this light, Indonesia's Law No. 16 of 2019, which sets the minimum marriage age at nineteen, may be understood as a form of *taqyīd al-muṭlaq*, a legitimate restriction of an unqualified textual expression in accordance with *sharʿī* objectives. Such legislation aligns with the principle of *maṣlaḥah mursalah*, aiming to prevent demonstrable harms, including early divorce, educational discontinuation, and reproductive health risks (Fauzi et al., 2022).

From an *uṣūlī* perspective, general textual expressions (*ʿumūm*) do not independently establish fixed legal determinations without interpretive qualification. In this context, the application of *taqyīd* becomes central in translating broad textual indications into concrete legal norms (al-Zoughbi 2020; Lange et al., 2021).

This case study thus demonstrates that classical *uṣūlī* methodology, particularly as articulated by al-Subkī, remains analytically robust in contemporary legislative discourse. This demonstrates that classical *uṣūlī* reasoning remains internally capable of producing adaptive legal interpretations. The *maqāṣid dimension*, as a subsequent layer, further reinforces this adaptability. His study does not merely justify existing legislation, but proposes a methodological reconstruction demonstrating that age-based regulation is a legitimate extension of classical *uṣūliyyah* reasoning, rather than an external imposition on Islamic law.

## The Application of *Uṣūliyyah* Principles in Interpreting QS. al-Nisāʾ [4]: 6 and the Determination of Marriageable Age

1. *Dalālah al-Alfāẓ* (Principle of Textual Indication) and the Composite Structure of Legal Maturity

Within *uṣūl al-fiqh*, the analysis of *dalālah al-alfāẓ* is central to deriving legal rulings, particularly in contemporary issues such as the minimum marriage age (Ganai & Salama, 2024). QS. al-Nisāʾ [4]: 6 provides an important textual basis for this discussion. Although the verse primarily deals with the legal capacity of orphans regarding wealth management, its linguistic construction provides normative implications about the readiness for marriage. The particle *ḥattā* functions as a limiting expression (*ḥarf al- ghāyah*), marking a developmental milestone, that is, the attainment of the capacity to marry (Al-Qurṭubī, 2021).

Within the *dalālah al-manṭūq* (explicit textual indication) framework defined by Al-Subkī (2003) in *Jamʿ al- Jawāmiʿ*, as the explicit meaning derived from the linguistic structure, the phrase "*balaghū al-nikāḥ*" falls under the category of *ẓāhir*, a clear and strong expression, albeit open to limited interpretation. The subsequent clause, "*fa-in ānastum minhum ruṣdan*," adds a requirement: the presence of *rushd*, or sound mental and social judgment. This dual condition underscores that marriage eligibility should not be based solely on biological puberty but also on psychological and social maturity (Asyiqin & Akbar 2024; Samuri et al., 2022).

Although the verse does not specify a numeric age, it presents two essential indicators, *bulūgh* and *rushd,* as criteria for marriage eligibility (Engelcke et al., 2025; Thalib & Latumeten, 2025). In the Indonesian legal context, the enactment of Law No. 16 of 2019, which sets the minimum marriage age at 19, can be understood as a form of *taqyīd al-muṭlaq* (restricting a general or unqualified text) that is fully consistent with *sharʿī* objectives. This legal decision aligns with the principle of *maṣlaḥah mursalah* (public interest), aiming to prevent social harms such as early divorce, school dropout, and reproductive health risks among adolescents (Fauzi et al., 2022).

This study further demonstrates that classical *uṣūlī* methodology, particularly as articulated by al-Subkī, remains analytically relevant to contemporary legislative reform. By integrating textual interpretation with purposive (*maqāṣid*-based) reasoning, this framework preserves normative continuity while enabling structured legal adaptation within modern Muslim societies.

2. Muṭlaq-Muqayyad and ʿĀmm-Khaṣṣ as Mechanisms of Normative Specification

According to Tāj al-Dīn al-Subkī in *Jamʿ al-Jawāmiʿ*, a muṭlaq term denotes a ruling or essence (*māhiyyah*) in general terms without limitation, while a muqayyad term is restricted by an attribute, condition, or context (Al-Subkī, 2003). He also cites the principle that if a *muṭlaq* and *muqayyad* expression pertain to the same ruling (*ḥukm*) and cause (*sabab*), the *muqayyad* qualifies or restricts the *muṭlaq*.

The phrase *balaghū al-nikāḥ* (reach marriageable age) is linguistically *muṭlaq*, as it offers no fixed numeric age or detailed definition of what constitutes *bulūgh* (puberty). It simply points to the general idea of physical maturity. However, the next clause *fa-in ānastum minhum ruṣdan* (if you perceive in them sound judgment) functions as a *muqayyad*, adding the requirement of intellectual and psychosocial maturity (*rushd*) (Asyiqin & Akbar 2024; Engelcke et al., 2025). According to al-Subkī, when both expressions appear in the same legal context, the *muqayyad* restricts the *muṭlaq*, as summarized in the following classical legal maxim:

> "*Al-muṭlaq wa al-muqayyad ka al-ʿāmm wa al-khāṣṣ, wa innahumā in ittahada ḥukmuhumā wa sababuhumā fa-l-muqayyad yuqayyid al-muṭlaq*" (The unrestricted and restricted expressions are like the general and specific; if they share the same legal ruling and reason, the restricted limits the unrestricted) (Al-Subkī, 2003).

This interpretive methodology is particularly significant in the context of setting a legal minimum age for marriage. Given that the Qur'an does not stipulate a numerical age, the state may impose such limits through *taqyīd al-muṭlaq* under *siyāsah sharʿiyyah* (Islamic public policy). Law No. 16 of 2019, which sets the minimum marriage age at 19 for both males and females, reflects an effort to fulfill both Qur'anic conditions, *bulūgh* and *rushd*.

In QS. al-Nisāʾ [4]: 6, however, the two terms coexist within the same verse, requiring a harmonized interpretation (Al-Subkī, 2003). Thus, the reinterpretation of *muṭlaq bulūgh* in modern contexts through legal codification is not a departure from Islamic law, but rather a manifestation of *maqāṣid al-sharīʿah* (the objectives of Islamic law). It safeguards public welfare, protects children and women, and prevents the social harms associated with child marriage. This qualification of the *muṭlaq* expression also invites a broader methodological consideration, particularly regarding how general (*ʿāmm*) terms may undergo specification (*takhṣīṣ*) within Islamic legal theory.

As explained by Tāj al-Dīn al-Subkī in *Jamʿ al-Jawāmiʿ*, a *ʿāmm* term applies universally to all its instances, but that scope may be narrowed if additional evidence exists, either from within the same verse (*muttaṣil*) or externally (*munfaṣil*) (Al-Subkī, 2003).

In modern legal practice, Indonesia's decision to set the marriageable age at 19 can be seen as a form of *takhṣīṣ munfaṣil* (external specification). This restriction, while not textually connected to the verse, is based on *maṣlaḥah mursalah,* a public interest not explicitly stated in scripture but supported by the objectives of Islamic law (*maqāṣid al-sharīʿah*), particularly in safeguarding intellect, lineage, and health (Al-Shāṭibī, 1997). Thus, this law is not in contradiction with the verse; rather, it contextualizes its broad implications for the public good.

## Convergence and Divergence in the Concept of Marriageable Age Between Classical Islamic Law and National Law: An *Uṣūlī* Approach as a Contextual Bridge

1. Marriageable Age in Classical Fiqh: From Biological Puberty to Rational Maturity

In classical Islamic jurisprudence, marriageable age was not numerically fixed but was primarily determined by two criteria: *balīgh* (biological puberty) and *rushd* (intellectual and psychosocial maturity). These indicators are derived from QS. al-Nisāʾ [4]: 6, where both biological development and discernment are emphasized before the transfer of guardianship and, by extension, readiness for marriage.

Islamic legal traditions, especially within the *madhāhib* (schools of law), present diverse perspectives on the permissibility and conditions of child marriage. The Shāfiʿī school, as represented by al-Nawawī in *Rawḍat al-Ṭālibīn*, permits a *walī* (guardian) to contract a marriage for a minor girl (*ṣaghīrah*), with the caveat that the consummation of the marriage is postponed until she reaches maturity (Al-Nawawī, n.d.). The Ḥanafī school also allows the marriage of minors, but it uniquely recognizes the *khiyār al-bulūgh,* the right of annulment that may be exercised by the child upon reaching puberty (Ibn ʿĀbidīn, 2023). The Ḥanbalī perspective, as found in Ibn Qudāmah's *al-Mughnī*, echoes similar permissibility but likewise insists that practical execution is deferred until signs of physical and mental readiness are apparent (Ibn Qudāmah, 2004).

Though classical jurisprudence did not set fixed numerical limits for marriageable age, implicit estimations are occasionally mentioned. Several Ḥanafī jurists considered the age of nine a common threshold for the onset of puberty in girls, though this was understood as contextually variable depending on environmental and biological factors (Al-Kāsānī, 2005).

2. Contemporary Reassessment of *Nikāḥ al-Ṣaghīrah* (child marriage) in Light of *Maqāṣid al-Sharīʿah*

Contemporary Islamic scholars have increasingly criticized the continuation of *nikāḥ al-ṣaghīrah*, arguing that it no longer aligns with the ethical objectives of Islamic law and modern standards of child protection. Yūsuf al-Qaraḍāwī asserts that such practices contradict the *maqāṣid al-sharīʿah*, particularly in terms of preventing harm (*darʾu al-mafāsid*) and ensuring justice and human dignity (Al-Qaraḍāwī, 2001). Wahbah al-Zuḥaylī, in his encyclopedic work *al-Fiqh al-Islāmī wa Adillatuh*, emphasizes that marriage should be contingent not only on biological maturity (*balīgh*) but also on psychosocial preparedness (*rushd*), reflecting the comprehensive vision of the *Sharīʿah* to protect both individuals and society (Al-Zuḥaylī, 2003). Muḥammad Saʿīd Ramaḍān al-Būṭī takes a similar position by advocating a contextual reading of classical jurisprudence. He emphasizes that while classical scholars permitted early marriage in certain historical settings, today's realities necessitate state regulation and legal standards that ensure public welfare (*maṣlaḥah*) and child protection (Al-Būṭī, 1990).

This ethical orientation resonates with the Qur'anic guidance found in QS. al-Nisāʾ [4]: 6, which implicitly establishes both physical and intellectual maturity as prerequisites for autonomy and, by extension, readiness for marriage (Engelcke et al., 2025; Novitasari et al., 2024). Tāj al-Dīn al-Subkī, in *Jamʿ al- Jawāmiʿ*, interprets the compound use of *balīgh* and *rushd* as indicative of a dual requirement that balances legal status with social and psychological responsibility (Al-Subkī, 2003). From a *uṣūlī* (legal-theoretical) standpoint, the phrase *balaghū al-nikāḥ* is categorized as a general term (*ʿāmm*), while the continuation *fa-in ānastum minhum rushdan* serves as a specification (*takhṣīṣ*), thus narrowing the scope to those individuals who have demonstrably reached a level of intellectual and psychosocial maturity.

Al-Subkī asserts that general terms in revealed texts can be restricted through contextual public interest (*maṣlaḥah*), thus allowing for reinterpretation without contravening the divine text.

Table 1.1. Comparative Framework: Classical Islamic Law vs Indonesian National Law

| Aspect | Classical Islamic Law | Indonesian National Law (Law No. 16/2019) |
|---|---|---|
| Age of marriage | Not fixed; based on puberty and *rushd* | Fixed: 19 years for both male and female |
| Guardian's Authority | Guardian may marry off minors | Restricted by the state, judicial dispensation required |

| | | |
|---|---|---|
| Child's legal agency | Option to annul after puberty (in some schools) | Rights protected under the Child Protection Act and the Family Law |
| Legal foundations | Qur'anic texts and classical fiqh | Indonesian Constitution, Marriage Law, Constitutional Court Decision |
| Primary objectives | Preservation of *maqāṣid*: faith, life, intellect, lineage | Protection of children, prevention of early marriage, and gender equality |

3. *Uṣūlī* Synthesis and Legislative Reform: Bridging Scriptural Generality and Contemporary Legal Regulation

The Indonesian government, through the enactment of Law No. 16 of 2019, officially raised the legal minimum age for marriage to 19 years for both men and women. This reform aligns closely with the maqāṣid al-sharīʿah, particularly the objectives of safeguarding intellect (*ʿaql*), life (*nafs*), and progeny (*nasl*) (Al-Shāṭibī, 1997). From an *uṣūlī* perspective, such a regulation exemplifies the application of the principle of *takhṣīṣ munfaṣil*, where an external specification such as public legislation modifies the generality (*ʿumūm*) of scriptural expressions in response to evolving societal contexts (Al-Subkī, 2003).

This approach is grounded in the classical tradition. Tāj al-Dīn al-Subkī, in *Jamʿ al-Jawāmiʿ*, emphasizes that "*al-ʿumūm lā yufīdu al-qaṭʿ illā bi-dalīl*" (general terms do not imply certainty without corroborating evidence) (Al-Subkī, 2003). This statement legitimizes interpretive flexibility, including state-determined limitations on general scriptural language such as *balaghū al-nikāḥ*.

Contemporary Muslim jurists support this direction. Yūsuf al-Qaraḍāwī argues that child marriage undermines the ethical aims of Islamic law, especially the imperative to prevent harm (Al-Qaraḍāwī, 2001). Similarly, Wahbah al-Zuḥaylī asserts that marriage requires both physical and psychosocial maturity, and encourages legislative regulations that uphold this standard (Al-Zuḥaylī, 2003). Muḥammad Saʿīd Ramaḍān al-Būṭī also supports *ijtihād muʿāṣir* (contemporary legal reasoning) grounded in public interest (*maṣlaḥah*) and state intervention to protect the common good (Al-Būṭī, 1990).

The reinterpretation of baligh and rushd into concrete age-based policy as seen in Indonesia represents a legitimate exercise of *takhṣīṣ* for the sake of *maṣlaḥah*. Such an approach maintains Islam's normative integrity while enhancing its relevance. The *uṣūlī* method, particularly as articulated by Tāj al-Dīn al-Subkī, enables a balanced synthesis of

text and context, ensuring that sacred law remains responsive, just, and socially beneficial in the modern era.

## The Dynamic Role of *Maṣlaḥah* and *Siyāsah Sharʿiyyah* in Determining Marriageable Age

1. *Maṣlaḥah Mursalah* as a Normative Foundation for Contemporary Legal Regulation

In the classical Islamic legal framework, the concept of *maṣlaḥah mursalah,* unrestricted public interest, is employed as a juristic tool to derive legal rulings in cases where no explicit textual evidence (from the Qur'an or Sunnah) is available, provided such rulings do not contravene established legal principles. This concept gains particular significance in addressing contemporary socio-legal issues, such as the determination of a legal minimum age for marriage, where direct scriptural guidance is either silent or ambiguous (Abdullah & Maharani, 2024; Ahmed, 2025).

In the Indonesian legal context, the amendment to the Marriage Law through Law No. 16 of 2019, which raises the minimum marriageable age for both males and females to 19 years, is a striking example of how *maṣlaḥah mursalah* is operationalized in modern legislation (Setyawan et al., 2023). The rationale for this reform was not derived from a direct textual command, but rather from empirical evidence and socio-medical studies highlighting the harms of child marriage. These include increased maternal and infant mortality rates, disrupted educational trajectories, and heightened risk of domestic violence, all of which contravene the core objectives (*maqāṣid*) of Islamic law, namely the protection of life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-ʿaql*), lineage (*ḥifẓ al-nasl*), and dignity (*ḥifẓ al-ʿirḍ*) (Hutabarat & Zahara, 2025).

The marriageable age set by the Indonesian government serves as a form of *maṣlaḥah ʿāmmah* (public welfare), rooted in the state's obligation to safeguard its citizens from demonstrable harm (Setyawan et al., 2023). They emphasize that, although the Qur'an does not specify a numerical age for marriage, it does prioritize *rushd* (maturity of reason), as indicated in QS. al-Nisāʾ [4]: 6, which requires orphans to demonstrate intellectual and financial capability before gaining control over their assets. This principle is extrapolated to the domain of marriage to argue that a similar level of maturity should be expected before one enters such a serious and lifelong commitment (Nurnazli & Pane, 2020).

Further empirical support for this line of reasoning is found in the work of Fauzi et al. (2022), who investigated child marriage practices in West Java. They found that dispensations for underage marriage were often granted in response to urgent circumstances such as premarital pregnancy or economic hardship. These were framed as efforts to avoid greater harm (*mafsadah*), yet the authors caution against treating such exceptions as normative. Rather, they argue, maṣlaḥah must be employed with rigorous

criteria, namely, that it does not contradict any definitive text, addresses real and not speculative benefit, and upholds collective rather than private interests (Shahrullah et al., 2023).

In the case of Indonesia's marriage law, the legislative process was informed by interdisciplinary studies, public health data, and religious consultations, fulfilling all three criteria. UNICEF and WHO data indicate that early marriage strongly correlates with school dropout, domestic violence, and maternal health complications, particularly in rural and socioeconomically marginalized communities (UNICEF Indonesia, 2022).

2. *Siyāsah Sharʿiyyah* and the Authority of the State in Regulating Marriage Age

Tāj al-Dīn al-Subkī, through his magnum opus *Jamʿ al-Jawāmiʿ*, laid an intellectual foundation that enables Islamic jurisprudence to engage proactively with changing social realities. He prioritized the broader objectives of the Sharīʿah (*maqāṣid al-sharīʿah*) over mere textual literalism, allowing for dynamic interpretations that align Islamic law with the public good (*maṣlaḥah*), while still grounded in *uṣūl al-fiqh* methodology (Al-Subkī, 2003).

Among the interpretive tools emphasized by *al-Subkī* are *istiḥsān* (juridical preference), *ʿurf* (social custom), and *maṣlaḥah mursalah* (unrestricted public interest). These tools serve as mechanisms to address legal lacunae and to promote equitable rulings in the face of emergent societal issues. Al-Subkī's integration of these methods into a comprehensive legal framework illustrates his recognition that fiqh is not an ahistorical system, but one that must adapt to evolving human conditions while upholding its ethical foundations (Al-Subkī, 2003).

In the modern era, the application of al-Subkī's principles finds relevance in the legal determination of marriageable age. The Qur'an itself, particularly in QS. al-Nisāʾ [4]:6, emphasizes maturity (*rushd*) over biological age, suggesting that capacity and responsibility are prerequisites for major legal acts such as asset management and, by extension, marriage. This opens the interpretive space for *ʿulamāʾ* and policymakers to establish age thresholds that reflect social and psychological maturity based on contemporary evidence (Asman, 2025).

According to Mariani (2022), this reform reflects an *uṣūlī* commitment to preventing social harm (*mafsadah*) and promoting collective benefit (*maṣlaḥah ʿāmmah*), particularly in protecting minors from forced marriages, educational disruption, and health risks (Agustina, 2023).

Moreover, the use of *istiḥsān* and *ʿurf*, as discussed by al-Subkī, legitimizes the adaptation of fiqh to prevailing social norms, as long as those norms do not contradict core religious values (Ahmed, 2025). In the context of Southeast Asia, for instance, customary expectations of adulthood, psychological readiness, and socioeconomic preparedness inform the broader cultural understanding of appropriate marriage age. Through the lens

of *ʿurf ṣaḥīḥ* (valid custom), such considerations are recognized within Islamic jurisprudence as long as they promote justice and social order (Haerani & Tenriwati, 2025).

In conclusion, al-Subkī's *uṣūlī* methodology, anchored in the principles of *istiḥsān*, *ʿurf*, and *maṣlaḥah,* provides a solid theoretical justification for contextual reinterpretation of legal issues, including marriageable age. It reaffirms that Islamic legal thought possesses the internal mechanisms for renewal (*tajdīd*) and reform, enabling it to remain relevant and morally grounded amid changing societal dynamics. The thoughtful application of these principles ensures that legal decisions are not only textually faithful but also ethically sound and socially responsive.

3. *Naqlī* and *Dalīl ʿAqlī* in the Reconstruction of Marriageable Age

In the framework of *uṣūl al-fiqh*, one of the most critical methodological contributions of Tāj al-Dīn al-Subkī is his insistence on harmonizing *dalīl naqlī* (textual evidence from the Qur'an and Sunnah) with *dalīl ʿaqlī* (rational or logical reasoning). Al-Subkī, in *Jamʿ al-Jawāmiʿ*, clearly argues that a competent mujtahid (independent jurist) must be proficient not only in interpreting divine texts but also in applying rational tools to derive rulings that serve justice and public welfare (Al-Subkī, 2003).

This balanced epistemology is especially relevant when considering contemporary legal determinations, such as the setting of a minimum marriageable age. In QS al-Nisāʾ [4]: 6, the Qur'an directs that orphans should only be entrusted with property when they reach the age of rushd a term that encompasses intellectual maturity, ethical discernment, and the ability to manage responsibilities. While the verse is often discussed in the context of financial guardianship, the requirement of *rushd* can be extended by analogy (*qiyās*) to other major legal obligations such as marriage, which likewise involves financial rights, psychological stability, and social responsibility (Fetraningtyas & Yunanto, 2021).

Al-Subkī's approach empowers jurists to derive rulings that transcend a strictly literal interpretation of sacred texts, especially when public interest (*maṣlaḥah*) or social harm (*mafsadah*) is at stake. He upholds that textual sources often lay down general principles which must be specified, interpreted, and contextualized through rational inquiry (Al-Subkī, 2003).

Moreover, *maqāṣid al-sharīʿah*, as the higher objectives of Islamic law, serve as a mediating framework between *naql* and *ʿaql*. Among its primary goals are the protection of intellect (*ḥifẓ al-ʿaql*) and progeny (*ḥifẓ al-nasl*). The regulation of marriageable age, therefore, is not merely a sociopolitical intervention but an embodiment of these normative objectives. As contemporary scholars have argued, premature marriage, especially among girls, threatens intellectual development, restricts educational attainment, and risks psychological harm, all of which contradict the Sharīʿah's

overarching aim of fostering human dignity and rational capability (Fetraningtyas & Yunanto 2021; Muslihun, 2023).

In conclusion, the integration of *dalīl naqlī* and *dalīl ʿaqlī*, as championed by al- Subkī, provides a powerful legal paradigm for addressing complex issues such as marriageable age. By prioritizing intellectual maturity (*rushd*) and aligning legislation with *maqāṣid al-sharīʿah*, this approach ensures that Islamic law remains both textually grounded and rationally responsive. It affirms that the harmonization of revelation and reason is not merely a theoretical ideal, but a practical necessity for the realization of justice in contemporary Muslim societies.

## Toward a Contemporary Ijtihād on Marriageable Age: Synthesizing Classical Uṣūlī Principles and Modern Legal Realities

1. Contextual *Ijtihād* as a Methodological Extension of Classical Legal Reasoning

This is particularly evident in the re-evaluation of the marriageable age in modern Muslim societies, where concerns about child protection, women's health, and educational attainment intersect with religious obligations. Contextual *ijtihād*, in this case, serves as a methodological bridge between classical jurisprudence and current social realities (Mappasessu & Akmal, 2025).

In Indonesia, Law No. 16 of 2019 amends the Marriage Law to set the minimum legal age for marriage at 19 for both men and women. These objectives provide a solid foundation for legal reforms that prioritize the welfare of individuals and society (Muslihun, 2023).

A contextual approach to *ijtihād* does not ignore scriptural mandates but rather reinterprets them in light of changing circumstances. In classical Islamic law, the criteria of *bulūgh* (physical puberty) and *rushd* (intellectual maturity) were considered sufficient conditions for the validity of marriage (Samuri et al., 2022). However, such standards, while appropriate in early Islamic society, are no longer fully adequate to ensure the psychological readiness, educational capacity, or reproductive safety of individuals, especially girls, in today's context (Duadji & Tresiana, 2022). Thus, contextual *ijtihād* allows jurists to expand the interpretation of *bulūgh* and *rushd* to encompass contemporary markers of maturity, such as completing secondary education or reaching the legal age of majority as recognized by the state.

The work of Tāj al-Dīn al-Subkī in *Jamʿ al-Jawāmiʿ* is foundational in enabling such interpretative elasticity. He endorses rationalist methodologies such as *istiḥsān*, *maṣlaḥah mursalah*, and *ʿurf* (custom) as valid legal sources when they fulfill the higher aims of the *Sharīʿah* (Al-Subkī, 2003). These tools offer flexibility to contemporary scholars, enabling them to formulate rulings that resonate with local realities without abandoning the legal

framework of Islam. Al-Subkī's openness to social reasoning, as long as it remains within the bounds of divine intent, reflects the possibilities for an adaptive legal system that can respond to complex modern issues, such as early marriage (Muliati et al., 2025).

Nonetheless, contextual *ijtihād* must be employed with caution. It is not an unrestricted license to alter divine law based on secular or utilitarian logic. The challenge lies in preserving the balance between textual loyalty and social relevance. Overreliance on changing social values without adequate scriptural anchoring may risk undermining the sanctity of the *Sharīʿah*. Conversely, rigid adherence to literalist interpretations in a drastically transformed world can lead to injustice and social harm (Ahmed, 2025; Makhlouf, 2024).

This integrative method reflects the prophetic spirit of *taysīr* (facilitation) and *rafʿ al-ḥaraj* (removal of hardship), which are hallmarks of Islamic legislation (Asman, 2025). The determination of 19 as the legal age of marriage, therefore, is not a secular imposition but a Shariah-compliant policy aligned with the ethics of *ḥifẓ al-nas* and *ḥifẓ al-ʿaql*.

2. The Continuing Relevance of Tāj al-Dīn al-Subkī's *Uṣūlī* Framework in Social *Ijtihād*

Tāj al-Dīn al-Subkī's contributions to Islamic legal theory, particularly through his magnum opus *Jamʿ al-Jawāmiʿ*, represent a significant synthesis of two dominant streams of *uṣūl al-fiqh*, the rationalist mutakallimūn and the juristic *fuqahāʾ*. By integrating these methodological orientations, al-Subkī crafted an approach to Islamic jurisprudence that is both theoretically robust and practically responsive.

The central premise of al-Subkī's methodology is the dynamic interplay between *dalīl naqlī* (textual evidence) and *dalīl ʿaqlī* (rational evidence), with a strong emphasis on *maqāṣid*-based interpretation when textual sources remain silent or ambiguous. This is particularly significant in addressing the question of marriageable age, where the Qur'an (e.g., QS al-Nisāʾ [4]: 6) mentions indicators of maturity such as *rushd* (intellectual soundness), but does not specify a definitive numerical age. Al-Subkī's openness to rational inference and consideration of public interest (*maṣlaḥah mursalah*) enables the construction of legal rulings that align with contemporary understandings of psychological maturity, education, and health (Mariani, 2022).

This methodological fluidity offers a critical advantage in mediating between classical Islamic norms and modern national legislation. In the Indonesian context, the reformed Marriage Law (Law No. 16/2019), which mandates a minimum marriage age of 19 for both genders, seeks to prevent child exploitation and protect the well-being of adolescents.

Furthermore, al-Subkī's jurisprudential openness to custom (*ʿurf*) and context (*wāqiʿ*) reflects a broader commitment to what modern scholars term "*social ijtihād,*" a model of legal reasoning attentive to shifting sociocultural realities (Al-Hudawi, 2024). This

is especially pertinent in pluralistic Muslim-majority nations like Indonesia, where religious norms must be harmonized with constitutional mandates, international human rights standards, and empirical data on public health and child development.

His capacity to fuse the dialectical rigor of the *mutakallimūn* with the practical reasoning of the *fuqahāʾ* supports a model of Islamic law that is both normative and negotiable. This is crucial for constructing a sustainable, rights-sensitive Islamic jurisprudence in modern nation-states (Ganai & Salama, 2024).

Nevertheless, the application of al-Subkī's approach must remain anchored in scriptural ethics and legal accountability. Social *ijtihād* should not degenerate into legal relativism or utilitarianism divorced from the *Sharīʿah's* moral compass. The issue of marriageable age exemplifies how al-Subkī's legacy can facilitate ethical, contextual, and principled legal reasoning in the service of public welfare and gender justice.

3. Reconstructing the Concept of Legal Maturity: From Biological Indicators to Integrated Responsibility

In the context of contemporary Islamic legal discourse, the concepts of *rushd* (maturity of reason), *bulūgh* (physical puberty), and socio-economic responsibility have become essential elements in evaluating one's eligibility for marriage. However, modern *uṣūlī* perspectives, especially those attentive to *maṣlaḥah* and *sadd al-ẓarāʾiʿ*, have expanded this framework by incorporating broader dimensions of psychological and financial maturity.

Law No. 16 of 2019, which raises the minimum legal age for marriage in Indonesia to 19 for both genders, reflects such an application of *maṣlaḥah*-based reasoning. The legal reform aims to safeguard reproductive health, enable educational attainment, and reduce the risk of socio-psychological harm to underage individuals (Mariani, 2022).

However, the practice of marriage dispensation, which permits marriage below the legal age under specific conditions, introduces complexity into the normative framework. According to *uṣūl al-fiqh*, such dispensations must be justified through exceptional circumstances that serve a greater benefit or prevent a greater harm, such as pregnancy outside of marriage or familial honor crises. In this case, *maṣlaḥah* intersects with the principle of *ḍarūrah* (necessity) to allow legal leniency while maintaining a protective ethical stance (Nurfieni, 2023).

Yet, the principle of *sadd al-ẓarāʾiʿ* blocking the means to harm must also operate as a corrective mechanism. This principle obliges jurists and courts to scrutinize whether such dispensations could lead to systemic abuse, thereby undermining the protective intent of the law. When *Sadd al-ẓarāʾiʿ* is applied strictly, it functions as a legal gatekeeper that prevents leniency from becoming a loophole exploited by socio-religious conservatism or economic motives (Suud, 2020).

Tāj al-Dīn al-Subkī's *uṣūlī* orientation supports this evaluative process. His jurisprudence encourages the mujtahid to consider *ḥaqīqah wa maqṣūd al-sharīʿah* the deeper purposes of legal rulings rather than limiting interpretation to surface-level textual meanings. In interpreting QS al-Nisāʾ [4]: 6, for instance, the emphasis on *rushd* in managing property suggests that rational discernment and responsibility are prerequisites not only for financial transactions but also for entering into marriage contracts.

Moreover, the growing body of research in Islamic legal reform confirms that legal maturity must go beyond biological indicators. The failure to acknowledge these elements risks legalizing relationships that may be valid in form but unjust in consequence.

By integrating *maṣlaḥah, sadd al-ẓarāʾiʿ*, and textual interpretations emphasizing *rushd*, scholars like al-Subkī offer a model of Islamic jurisprudence that balances scriptural fidelity with social responsibility. This approach affirms the legitimacy of setting rational and age-appropriate criteria for marriage, while simultaneously erecting safeguards against the misuse of legal dispensations (Rachmadhani et al., 2024).

4. Toward a Responsive and Normatively Legitimate Formulation of Marriage Law

The formulation of an ideal marriage law in contemporary Muslim societies must respond both to normative Islamic principles and evolving socio-cultural contexts. Central to this endeavor is the application of *maqāṣid al-sharīʿah*, the higher objectives of Islamic law, which offer a comprehensive ethical and legal framework for evaluating public policies, including the determination of marriageable age. These objectives encompass the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-ʿaql*), progeny (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*), all of which are deeply implicated in the institution of marriage (Hutabarat, S. & Zahara, 2025).

In this regard, Tāj al-Dīn al-Subkī's uṣūlī methodology becomes particularly relevant. His openness to tools such as *maṣlaḥah*, *istiḥsān*, and *ʿurf* provides a jurisprudential foundation for legal formulations that address real-world challenges without departing from Islamic norms.

By incorporating these *uṣūlī* principles into national lawmaking processes, a legitimate and inclusive formulation of marriage law can be achieved. This involves not only religious scholars (*ʿulamāʾ*) but also legislators, psychologists, educators, and public health experts. A collaborative process ensures that the legal age for marriage is not arbitrarily set but is grounded in empirical evidence related to reproductive health, emotional maturity, educational development, and economic self-sufficiency. Such a framework is essential to uphold *ḥifẓ al-nafs* and *ḥifẓ al-ʿaql*, particularly in preventing early pregnancies and psychological trauma associated with child marriage (Muslihun, 2023).

Moreover, responsiveness also means anticipating potential misuse of the law. The principle of *sadd al-ẓarāʾiʿ* plays a critical role here (Rachmadhani et al., 2024). Legal

loopholes, such as the overuse of marriage dispensation, can undermine the ethical spirit of protective laws. Therefore, responsive legal formulations must include mechanisms for accountability and evaluation to ensure that the intended protections are effectively implemented (Suud, 2020).

A law is legitimate if it aligns with maqāṣid al-sharīʿah, is accepted by the society it governs, and addresses contemporary challenges with foresight and compassion. Therefore, setting a minimum marriage age at 19, as mandated by Law No. 16 of 2019 in Indonesia, represents a legitimate policy under Islamic law, particularly when supported by *ijtihād jamāʿī* (collective reasoning) involving scholars and experts (Nurfieni, 2023). Tāj al-Dīn al- Subkī's legacy offers a compelling model for such synthesis, demonstrating that the vitality of Islamic legal reasoning lies in its ability to evolve responsibly in the face of change.

## Conclusion

The determination of nineteen as the minimum marriageable age in Indonesia's Law No. 16 of 2019 should not be understood merely as a modern regulatory intervention, but as a juristically grounded formulation that remains consistent with the internal logic of Islamic legal methodology. As demonstrated through the *uṣūlī* analysis of QS. al-Nisāʾ [4]:6, the Qurʾān does not establish a fixed numerical threshold for marriage eligibility. Instead, it articulates a structured concept of maturity through the combined indicators of *bulūgh* and *rushd*, which function as qualitative criteria requiring contextual legal specification. Within this interpretive framework, age-based regulation emerges as a legitimate institutional mechanism for operationalizing scriptural generality through the principles of *takhṣīṣ* and *taqyīd* in light of *maqāṣid al-sharīʿah*.

Beyond its normative implications, this study contributes methodologically by demonstrating how textual indications (*dalālah al-alfāẓ*) and the objectives of Islamic law (*maqāṣid al-sharīʿah*) can be integrated within a single uṣūlī framework informed by the interpretive approach of Tāj al-Dīn al-Subkī in *Jamʿ al-Jawāmiʿ*. Rather than treating modern legislation on marriageable age as an external adjustment to Islamic law, this study shows that contemporary legal reform may be understood as a continuation of classical uṣūlī reasoning through mechanisms such as contextual specification (*takhṣīṣ munfaṣil*), *maṣlaḥah mursalah*, and *siyāsah sharʿiyyah*. In this sense, the Indonesian regulation of marriageable age represents an example of how scriptural interpretation, juristic methodology, and state legislation may converge within a coherent Islamic legal paradigm responsive to modern social realities.

At the same time, this study remains limited by its primarily text-based analytical scope and its focus on the methodological perspective of Tāj al-Dīn al-Subkī as a

representative *uṣūlī* framework. While this focus enables a systematic reconstruction of the interpretive structure underlying marriageable age regulation, it does not fully capture the diversity of madhhab-based positions regarding legal maturity nor the practical dynamics surrounding judicial marriage dispensations in contemporary religious courts.

Future research should therefore expand this inquiry through both comparative and empirical approaches. Comparative studies across different *uṣūlī* traditions may further clarify the range of juristic perspectives on age-related legal capacity, while field-based research on the implementation of marriage dispensation policies in religious courts would provide valuable insight into how normative regulations operate within lived legal practice. Such directions would not only deepen the theoretical contribution of this study but also strengthen its relevance for addressing ongoing socio-legal challenges surrounding marriage regulation in contemporary Muslim societies.

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