

The Dialectics of Child Marriage and the Age of Maturity for Marriage : A Qur'anic Exegesis

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Abstract

This article aims to analyze the gaps in the study of child marriage from a specific Qur'anic perspective. The primary focus of this study centers on the issue of the concept of marriage maturity in the Qur'an. The central problems addressed involve the practice of child marriage as portrayed in the Qur'anic context and the positioning of marriage maturity during the stage of maturity as per the Qur'an's perspective. To conduct this research, descriptive research methods were employed. This paper aims to delineate child marriage within the Qur'anic context and explore the stages of maturity by examining key phrases related to the concept of maturity found in various Qur'anic verses. The key phrases under consideration include "*balāghatul afāl minkum al-hulūm*," "*balāghun al-nikāh*," and "*balāgh ashuddah*." The research findings reveal that, first, the practice of child marriage, as depicted in the Qur'an, serves as a reflection of the prevailing social conditions and is not to be construed as an endorsement of such practices; second, the maturity required for marriage is defined as the second stage of maturity, where both the physical and psychological aspects are fulfilled, even though individuals may not have reached a state of perfection. This research provides a foundation for arguments advocating the discontinuation of child marriage practices. Such practices are detrimental to developmental progress and infringe upon the rights of children.

Keywords: Child marriage, maturity, Qur'anic exegesis

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Introduction

Many Muslims, especially those of a traditionalist perspective, view the practice of child marriage as permissible in religion. Child marriage in the early days of Islam

was considered a result of consensus (*ijma'*) and served as a basis for the behavior of Muslim communities in later times (Baugh, 2017). Moreover, to some extent, child marriage is positioned and regarded as a religious tradition (*sunnah*). This is evident in the case of Indonesian society, where religious understanding becomes one of the factors that uphold this practice (Nurcholis & Afandi, 2021, p. 32).

In the context of Indonesian society, child marriage has become an issue that attracts attention from various segments, including religious leaders, legal practitioners, and the government. Marriages involving underage individuals significantly hinder development progress in Indonesia. Empirically, despite being prohibited by the Marriage Law and Child Protection Law, the practice of child marriage continues and is challenging to halt (Gaib et al., 2020, p. 6). This is related to issues concerning religious interpretations in the community, particularly regarding the marriage of the Prophet with 'Aisyah (Hanafi, 2016). Additionally, the legal dualism between "religious law" and "state law" leads to dichotomous attitudes and the potential for conflicts between state laws regulated by the Marriage Law and Child Protection Law and religious laws derived from hadith and the views of Islamic jurisprudence scholars (Amalia, 2009, p. 201).

Efforts to establish dialogue and find common ground between these two norms are crucial, considering that the majority of Indonesia's population is Muslim and is expected to adhere to both religious teachings and state regulations simultaneously. One way to achieve this alignment is by emphasizing the Qur'an's perspective on child marriage through an analysis of its verses. In this context, research on child marriage from the perspective of the Qur'an holds significant importance and contribution to Indonesian society. While it must be acknowledged that the Qur'an does not explicitly mention child marriage, its concern on this issue is implicitly evident in several of its verses. Indications of this concern are found as the Qur'an repeatedly addresses issues of maturity using various phrases such as "*al-hulum*," "*balagh al-nikah*," and "*ashuddah*" scattered throughout several Surahs.

Discussions regarding child marriage in the Islamic context have been the focus of numerous scholars, both domestically and internationally. Carolyn Baugh, for example, in her book "*Minor Marriage in Early Islamic Law*," investigates the practice of child marriage within the framework of Islamic law from the 8th to the 13th century. Baugh specifically explores the issue of children's rights in marriage and makes claims about the existence of '*ijma'*' (consensus) concerning a father's right to compel his daughter to marry, where opposition to this is considered tantamount to opposing Islam itself (Baugh, 2017). Studies on child marriage also involve the Hadith perspective, particularly regarding the reliability of the account of the Prophet's marriage to Aisyah, which serves as the legal basis for child marriage. Yusuf Hanafi and similar research have contributed significantly to this understanding. Hanafi concludes that information about the Prophet's marriage to Aisyah has a level of accuracy that is difficult to dispute. Attempts to correct this through historical data are seen as efforts to undermine the position of al-sunnah as the second reference source in Islamic law after the Qur'an (Hanafi, 2016).

Meanwhile, studies on child marriage in Indonesia encompass various aspects, including Islamic marriage law. Nurlaelawati, for instance, investigates the relationship between KHI (*Kompilasi Hukum Islam*) and classical fiqh as well as the role of Judges in Religious Courts in granting marriage-age dispensations. In explaining the

connection between KHI, classical fiqh, and the role of judges, Euis demonstrates that judges often rely not only on positive law (UUP and KHI) but also consider the opinions of scholars as a source of substantive law (Nurlaelawati, 2010). Rusdi mentions that the marriage age limit reflects the authority and role of the state in promoting well-being in marital life. He also notes that the history of the Prophet's marriage to Aisyah, from his perspective, was not intended to establish teachings about child marriage. This highlights the complexity and diversity of approaches in examining this issue within the context of Islamic marriage law in Indonesia (Rusdi, 2016). This research aims to bring freshness to the study by situating the child marriage debate within the domains of Islamic law and Hadith. The focus of the study is directed at the issues of the concept of child marriage practice and the age of marriage maturity.

The significance of this study from a theoretical perspective can be seen in the fact that research on child marriage from the perspective of the Qur'an, especially concerning the age of marriage maturity, has not been widely conducted. Most of the existing studies tend to provide brief descriptions of the absence of regulations for child marriage in the Qur'an.

Method

This qualitative research will use the material object, the Qur'an, with its formal object being approached through tafsir (Qur'anic exegesis). As a study based on data from the literature (library research) (Arikunto, 2002, p. 13), this research will draw from relevant *tafsir* works such as al-Qurtubi's "*Al-Jamī' li Ahkām al-Qur'ān*," al-Rāzī's "*Mafātih al-Ghayb*," and al-Tabari's "*Jamī' al-Bayān fi Ta'wil al-Qur'ān*." It will also incorporate writings related to child marriage, such as Carolyn Baugh's work titled "Minor Marriage in Early Islamic Law."

Data collection was conducted using the documentation technique. In practical terms, this phase involves gathering relevant writings, followed by assigning numerical codes for easy reference. Additionally, the researcher will utilize applications like *al-Maktabah al-Syamilah* to access classical religious texts.

All the collected data will be analyzed using a descriptive-analytical method to provide in-depth descriptions of the child marriage issue in the Qur'an. This will involve tracing key phrases related to the concept of maturity mentioned in several Qur'anic verses. The key phrases to be used are "*balagh al-atfal minkum al-hulum*," "*balagh al-nikah*," and "*balagh ashuddah*." To strengthen the analysis, this research also employed content analysis techniques. The goal of using this technique is to identify the Qur'an's insights into the issue of child marriage, which will be used as the conclusion of the study.

Result and Discussion

Child Marriage in the Interpretation of Qur'anic Verses

The perspective held by some members of the Muslim community, which regards child marriage as permissible, both in terms of marrying and being married, generally has its roots in the interpretation of the Quranic verse Surah Al-Thalaq (65): 4. This verse essentially outlines the waiting period (*iddah*) for women, which had not been previously addressed in the Quran. The untouched *iddah* provisions include young women, older women, menopausal women, and pregnant women. Since there was still a legal vacuum regarding the *iddah* for these groups of women, some of the Companions

sought clarification from the Prophet Muhammad by asking for explanations regarding the *iddah* regulations for these women. Allah SWT then provided an answer through verse 4 of Surah Al-Thalaq. The revelation of this verse is transmitted by the Companion 'Ubay ibn Ka'ab RA with a level of authenticity (*shahīh*) that is recognized (Muchlis M. Hanafi, 2017, p. 444). The event when the Companion sought clarification from the Prophet about the *iddah* regulations for women that had not been explained is, according to Quranic exegesis scholars, considered the background for the revelation of verse 228 in Surah Al-Baqarah.

The issue of the waiting period (*iddah*) is of paramount importance for a wife who has experienced a divorce. It serves not only to allow the husband to decide whether to reconcile with his former wife but also to ensure that if, after her waiting period is over, the wife decides to marry another man, it is done with legitimate consent. Furthermore, *iddah* also aims to protect the wife to prevent her from being arbitrarily evicted from her husband's residence (Haji Abdul Malik Abdul Karim Amrullah, 1989, p. 7474). In addition, this verse has a corrective dimension regarding the traditions of the *Jahiliyyah* society in the past, which often did not provide clear boundaries for the waiting period for women who had experienced divorce. As a result, this process could be lengthy and uncertain, with no clarity about its conclusion. Therefore, this verse contributes significantly to the governance and protection of women's rights in the context of divorce, emphasizing the boundaries that must be followed to ensure justice and security for all parties involved (Muhammad, 2016, p. 80).

Although verse 4 of Surah Al-Thalāq is related to the issue of *iddah*, interpreters also place special emphasis on the phrase "those who have not menstruated." This part is interpreted as recognition and legitimacy granted by Islam to the practice of child marriage. Logically, this verse discusses the waiting period (*iddah*) for a wife who has been divorced by her husband, which includes wives who have "not menstruated." This encompasses women who do not experience menstruation due to their physical condition or those who have not yet reached the age of menstruation because they are very young, i.e., children.

This phenomenon leads to profound interpretations of the context of child marriage in Islamic teachings. There is a viewpoint that this verse acknowledges the practice of marriage at a young age, with the argument that in such cases, women who have not yet menstruated are recognized as legitimate wives in Islam. However, this perspective also invites debate and controversy within the Muslim community, as some believe that the context and interpretation of this verse should be carefully considered, given the importance of understanding the entirety of Islamic teachings comprehensively and contextually. So, while this phrase is situated within the context of *iddah*, it carries deeper implications regarding the issue of child marriage within the Islamic tradition.

Ibnu Jarīr al-Tha'barī, for instance, in his interpretation, states that "those who have not menstruated" refer to "a wife who has engaged in sexual relations but has not yet experienced menstruation." This viewpoint emphasizes that the wives mentioned in the verse are women who have engaged in marital relations but have not yet menstruated (Al-Thabari, 2000, p. 453). The interpretation of "those who have not menstruated" as "those who have not yet menstruated" explicitly confines the interpretation to girls who have not yet experienced menstruation and excludes the possibility of interpreting it differently, other than for girls of a very young age

(Muhammad Syamsuddin al-Qurthubi, 1964). While Ibn Jarir al-Tha'barī's view may be acceptable based on the context of the revelation (*asbab an-nuzul*), it is also acknowledged that the phrase "those who have not menstruated" might encompass other women who have not yet menstruated, not limited solely to very young girls.

In contrast to Ibn Jarir, Hamka, an Indonesian tafsir scholar who produced his work titled "Al-Azhar," expands the interpretation of the phrase "those who have not menstruated" to include women who have never menstruated throughout their lives, although this is extremely rare, as exemplified by Fatimah, the daughter of the Prophet Muhammad. Despite some differences from Ibn Jarir's viewpoint, it appears that Hamka is also in agreement with other interpreters regarding the meaning of "those who have not menstruated," which includes young girls.

The logical approach in the interpretations by both Ibn Jarir and Hamka reflects the mainstream trend among scholars in interpreting verse 4 of Surah Al-Thalāq. This leads to the conclusion that the Quran recognizes the practice of child marriage through the regulation of *iddah*, which, of course, begins with the divorce process and the existence of a valid marital bond. This recognition is then interpreted as the legality and encouragement of child marriage within the context of Islamic teachings.

Confirmation of child marriage practices in the Quran, as interpreted by Muslims, can be seen from different perspectives. If we refer to the reasons for the revelation of that verse, the verse is more likely a response to the actual situation of that time, rather than a teaching that sets the age limit for marriage recognized in Islam (Mukti Ali, Roland Gunawan, Ahmad Hilmi, 2015, p. 212). The Quran, through that verse, aims to provide legal rulings for the reality of that time, rather than to endorse a doctrine about child marriage.

A similar issue is also seen in the context of slavery. Many verses in the Quran discuss slavery as a response to the prevailing situation of that time, not to perpetuate the institution of slavery. Instead, the Quran attempts to end the practice of slavery by making it a sanction and a means of atonement for religious violations, such as by freeing slaves (Nasution, 2019, p. 95).

In interpreting verse 4 in Surah al-Thalāq, it is important to contextualize it within the context of the revelation of that verse, which pertains to the establishment of the *iddah* (waiting period) rules rather than regulating child marriage. This is because, in other verses, the Quran has set conditions for managing and transacting property, based on an individual's physical and psychological readiness for marriage (Maisarah, 2019, p. 103). The point being made here is that if, in matters of property ownership, the Quran establishes the condition of adulthood by indicating marriage readiness, as in the case of orphaned children, then certainly the Quran does not intend to establish the laws of marriage through verse 4 in Surah al-Thalāq without clear and measurable criteria for maturity.

Qur'anic Interpretation of the Maturity Stage

In Islamic tradition, adulthood is defined through the criterion of *bulugh*, which is when an individual reaches physical maturity and becomes responsible for their actions and decisions. This condition is considered a crucial prerequisite before Islamic law begins to be applied to that individual. Along with the element of *al-'aql*, or intellectual maturity and the ability to think rationally, individuals who meet the criteria of *bulugh* are seen as capable of carrying out legal actions with full consequences. In the Islamic

context, those who have reached this level are referred to as *mukallaf*, individuals burdened by religious law.

The legal obligations of a *mukallaf* encompass all aspects of human life, including actions and decisions made through the heart, speech, and body. Islamic law categorizes various actions into five categories: *wajib* (obligatory), *sunnah* (recommended), *mubah* (permissible), *makruh* (discouraged), and *haram* (forbidden) (Ali, 2015, p. 23). Therefore, the concept of *Bulugh* as the basis for determining religious maturity applies broadly to almost every aspect of life, including worship, social and economic transactions, marriage, criminal law, and jurisprudence (Muhammad, 2016). This shows that Islam views adulthood as a significant factor in understanding and fulfilling responsibilities towards religious teachings, as well as the values and norms contained within Islam.

The term "*bulūgh*" and its variations are mentioned in the Quran no less than 77 times, appearing in several surahs and verses. Among them, there are derived forms of the word, such as "*balāgh*," mentioned ten times, "*balāgha*" mentioned once, "*balaghtu*" mentioned once, "*balaghta*" mentioned once, "*balaghat*" mentioned three times, "*balaghnā*" mentioned four times, "*balaghnā*" mentioned once, "*balaghanī*" mentioned once, "*balaghū*" mentioned twice, "*ablugh*" mentioned twice, "*tablūgh*" mentioned once, "*litablughū*" mentioned four times, "*yablughā*" mentioned six times, "*yablughā*" mentioned once, "*yablughanna*" mentioned once, "*yablughū*" mentioned once, "*ballaghta*" mentioned once, "*uballighukum*" mentioned three times, "*yuballighūn*" mentioned once, "*balligh*" mentioned once, "*ablaghtukum*" mentioned three times, "*ablaghū*" mentioned once, "*ablighū*" mentioned once, "*bāligh*" mentioned twice, "*bibālighih*" mentioned once, "*balighūhu*" mentioned once, "*balighihi*" mentioned twice, "*bālighah*" mentioned three times, "*bāligha*" mentioned once, "*balaagha*" mentioned thirteen times, "*balaghaa*" mentioned twice, and "*mablaghuhum*" mentioned once (Baqi, 2008, pp. 134–135).

From the total frequency of the mention of the word "*bulūgh*" and its derivatives, as explained earlier, not all of them are related to the stages of human growth and maturity. In the context of this writing, there are only three relevant forms. First, the phrase "*balagh al-atfāl minkum al-ḥulūm*" is found in Surah Al-Nur verse 59. Second, the phrase "*balāghu al-nikāh*" is mentioned in Surah Al-Nisa: 6. And third, the phrase "*balāgh ashuddah*" is in Surah Al-Ahqaf verse 15.

The phrase "*balāgh al-atfāl minkum al-ḥulūm*" (and when your children have reached the age of puberty) mentioned in the Quran in Surah Al-Nur, verse 59, refers to the ethics and norms of interaction within family life, including the involvement of husbands, wives, children, and slaves. This verse establishes rules regarding permission to enter the bedrooms of adults, especially when they are changing their clothes, such as before the time of dawn, during the day, and after the time of *'Isha*. These provisions apply to slaves, individuals who have not reached adulthood, and children who have already reached adulthood (Departemen Agama RI, 2011).

The word "*al-ḥulūm*" essentially means a wet dream that occurs when a person is asleep (Ismail Ibn Katsir, 1999, p. 215). This term is then interpreted as the condition of someone who has reached physical maturity (Lajnah Pentashihan Mushaf Al-Qur'an, 2016, p. 167). Wet dreams typically occur when an individual is approaching adolescence and begins to produce the hormone testosterone. This hormone is responsible for sperm production in males. The low sexual activity in adolescent males

who do not have a partner is the trigger for wet dreams. The "wet dream" phase, from the perspective of human growth, marks the beginning of a person's entry into adolescence, characterized by the onset of sexual maturity. In males, it is marked by wet dreams, while in females, it is marked by menstruation due to hormonal changes in their bodies (Lajnah Pentashihan Mushaf Al-Qur'an, 2012, p. 22). These two signs of maturity, both in males and females, have been accurately used by Islam as the starting point for a person's legal accountability. Therefore, "*ḥulūm*" can be understood as the condition in which someone has transitioned from the child phase to the adult phase.

The second phrase mentioned by the Quran in describing the quality of maturity is "*balaghū al-nikāh*" (Surah Al-Nisa, 4:6). This verse talks about fully entrusting the property of an orphan when it is deemed that they are capable of managing it after a prior assessment has been made, reaching the stage of "*balaghū al-nikāh*" (Departemen Agama RI, 2011). The phrase is interpreted as reaching an age where someone is considered old enough for marriage. When interpreting "old enough for marriage," commentators generally tend to understand it as physical maturity (Muhammad Syamsuddin al-Qurthubi, 1964, p. 135). This interpretation is based on the understanding that the marriage referred to in this verse is a physical relationship, for which the main requirement is physical strength (Al-Razi, 2000, p. 15)

Physical readiness for sexual intercourse is considered fulfilled when a young man has had a wet dream, and a young woman has experienced menstruation (Al-Thabari, 2000). Therefore, commentators tend to equate the meaning of "old enough for marriage" with the meaning of "*al-ḥulūm*." In cases where both signs are not present, the "old enough for marriage" is typically restricted to the age of 15 for both boys and girls, according to the interpretation of Imam al-Shafi'i. On the other hand, in the interpretation of Izzuddin ibn Abdissalam, "old enough for marriage" is restricted to the age of 18 (Abdissalam, 1996, p. 329).

Tafsir on "old enough for marriage" is not limited to opinions that only prioritize physical maturity. Ibn Kathir, for example, as cited by Maisarah, states that both physical and mental readiness (*rushd*) are integral requirements in understanding the phrase "old enough for marriage" (Maisarah, 2019). Physical maturity in marriage is necessary to fulfill the external needs of marriage, such as providing for the family, reproduction, and child-rearing. On the other hand, psychological maturity is required to establish tranquility and harmony in a marriage. The combination of both is an early foundation for building a lasting and harmonious family.

The third phrase mentioned by the Qur'an to describe maturity is "*balāgh ashuddah*," with one instance in Surah al-Ahqaf, verse 15. The context of this verse discusses the stages of human creation from being in the mother's womb to reaching adulthood (Al-Qur'an, 2012, p. 114). Some scholars suggest that this stage represents the peak of a person's maturity when both their physical and mental aspects have matured simultaneously (Al-Razi, 2000). In determining the age of maturity or "*ashuddah*," scholars have different opinions. For example, Imam Hanafi sets it at 25 years, Sufyan al-Thawri at 34 years, and Ibn Abbas at 40 years (Muhammad Syamsuddin al-Qurthubi, 1964).

The differences in interpreting the definition of "*ashuddah*" indicate the concept of relativity in understanding a verse according to the social conditions that encompass the lives of the interpreters and the perspectives they take. As Ahmad Zainal Abidin puts it, the unity of the Qur'an represents a consensus within the Muslim community,

but this unity does not necessarily ensure a unified understanding and interpretation of the content and meaning of the Qur'an. However, what seems to have been agreed upon by the scholars, despite the variations in determining quantitative age criteria, is their consensus on the qualitative criteria of "*ashuddah*." This is described as the peak stage of maturity or full development in an individual, both physically and mentally, which will be followed by a decline in physical and mental faculties.

From the stages of maturity mentioned above, it is evident that reaching the age of marriage is the second phase in the process of maturation, following physical maturity (*hulum*) and full physical and mental maturity (*ashuddah*). Reaching the age of marriage is a condition when an individual is considered capable of fulfilling the responsibilities and functions within married life. Marriage is not just about the physical relationship but, in its development, it also becomes closely associated with economic issues, education, social relations, and the overall stability of the household. Physical and psychological maturity is crucial for meeting the needs of married life and addressing the challenges that often arise within it. Without both of these aspects, it is difficult to imagine that a marital union could achieve its primary goals, which include creating a peaceful, loving, and merciful family, as emphasized in Surah Ar-Rum, verse 21.

From the perspective of human growth phases, an individual's development can be grouped into three categories: the puberty phase, the adolescent phase, and the adulthood phase. The puberty phase typically starts when a person is between 12 to 14 years old, the adolescent phase begins at around 14 years of age and extends to 21 years, and the adulthood phase starts when someone is 21 years old and continues up to around 40 years (Lajnah Pentashihan Mushaf Al-Qur'an, 2012). Looking at it from this perspective, the three stages of adulthood mentioned in the Quran, "*al-hulum*," "*balagh al-nikah*," and "*ashuddah*," can be seen as representing puberty, as during this phase, individuals experience an increase in hormone production and a tendency to engage in sexual activities. The relative lack of sexual activity is a significant factor leading to the occurrence of nocturnal emissions (*ihtilam*) at this stage.

Adulthood or "*balaghū al-nikāh*" can be categorized as the adolescent phase, starting from the age of 14 to 21 years. This is supported by the interpretation of Imam al-Shafi'i, who states that the age of "*balaghū al-nikāh*" is when a person reaches 15 years of age (Muhammad Ibn Idris al-Syafi'i, 2006, p. 525). Additionally, there's the interpretation of Izzuddin Ibn Abdissalam, who suggests that adulthood for marriage begins when a person has reached the age of 18. Imam al-Shafi'i's and Izzuddin's interpretations of the age of "*balaghū al-nikāh*" can thus be placed within the adolescent phase in the perspective of human growth stages (Abdissalam, 1996).

Meanwhile, adulthood "*ashuddah*" in the Quran can be understood as the adult phase. This is in line with various interpretations of the age limit for "*ashuddah*," such as 25 years according to Imam Hanafi, 34 years as interpreted by Sufyan al-Tsauri, and 40 years as interpreted by Ibn Abbas. As previously explained, the adult phase begins at the age of 21 and extends to around 40 years. Therefore, the interpretations of the age of "*ashuddah*" provided by Imam Hanafi, Sufyan al-Tsauri, and Ibn Abbas are consistent with the criteria for the adult phase.

Conclusion

The research concludes two main points: First, the practice of child marriage mentioned in the Quran, as emphasized in verse 4 of Surah al-Thalaq, reflects the social conditions of the Arab society at the time the verse was revealed. It is important to remember that the revelation of Quranic verses did not occur in a contextual vacuum. Instead, many Quranic verses were revealed in response to longstanding traditions in pre-Islamic Jahiliyah society, either to support or reject them, as in the case of issues like slavery, usury (*riba*), and more. Child marriage was an entrenched issue in pre-Islamic society and required a response from the Quran. Therefore, the indication that the Quran touches on child marriage cannot be interpreted as an encouragement to practice it.

Second, the concept of maturity in the Quran is depicted in several forms, namely physical maturity (*al-hulūm*), physical and psychological maturity (*balaghū al-nikāh*), and the completeness of physical and psychological maturity (*ashuddah*). By referring to this concept of maturity, it can be understood that the maturity required for marriage falls within the second stage or middle position. This means that in this stage of maturity, the criteria for both physical and psychological readiness are fulfilled, even though it has not yet reached the stage of completeness. According to the Quran's perspective, marriage should be conducted when both prospective partners are physically and psychologically ready to enter into married life.

This research provides a recommendation for scholars and researchers to conceptualize the issue of maturity in various aspects, as found in the Quran, both explicitly and implicitly. This effort is crucial to contextualize the meaning of maturity, particularly in the context of the global issue of child marriage.

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