

## THE MISCONCEPTION OF EARLY MARRIAGE: RECONCILING PERSPECTIVES THROUGH MAQASID AL-SHARIAH

### SALAH TANGGAP TENTANG PERKAHWINAN AWAL: MENYELARASKAN PERSPEKTIF-PERSPEKTIF MELALUI MAQASID AL-SHARIAH

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#### Abstract

This research addresses the misconceptions surrounding early marriage in Muslim communities, aiming to reconcile diverse perspectives through the lens of Maqasid al-Shariah. Employing a mixed-method approach combining qualitative analysis of Islamic jurisprudence, statutory laws, and cultural practices with quantitative data from surveys and interviews, the study investigates the disconnect between traditional interpretations, legal frameworks, and contemporary societal norms. The research objectives include defining early marriage from multiple perspectives, analyzing public perceptions, examining its contemporary application, and proposing solutions aligned with Maqasid al-Shariah. Key findings reveal a significant gap between Islamic principles, legal standards, and societal practices, highlighting the importance of education and a holistic understanding of Maqasid al-Shariah. The study finds that early marriage can be compatible with Maqasid al-Shariah when it adheres to Islamic principles and prioritizes individual well-being. However, it strongly emphasizes that such marriages require careful consideration of multiple factors. Specifically, the psychological readiness of the individuals, their social support systems, and their economic stability must be thoroughly evaluated. This comprehensive approach is crucial to safeguard the welfare and long-term happiness of all parties involved in early marriages.

#### Keywords

Early Marriage; Islamic Jurisprudence; Maqasid al-Shariah; Muslim Communities; Social Perceptions

#### Abstrak

Kajian ini menangani salah faham berkaitan perkahwinan awal dalam masyarakat Muslim, dan bertujuan untuk menyelaraskan pelbagai perspektif melalui kaca mata Maqasid Syariah. Menggunakan pendekatan kaedah campuran yang menggabungkan analisis kualitatif fiqh, undang-undang berkanun, dan amalan budaya dengan data kuantitatif daripada tinjauan dan temu bual, kajian ini mengkaji ketidakselarasan antara tafsiran tradisional, pengamalan undang-undang, dan norma masyarakat kontemporari. Objektif kajian merangkumi definisi perkahwinan awal dari

pelbagai perspektif, menganalisis persepsi awam, mengkaji aplikasi kontemporarinya, dan mencadangkan penyelesaian yang selaras dengan Maqasid al-Shariah. Penemuan utama mendedahkan jurang yang ketara antara prinsip Islam, piawaian undang-undang, dan amalan masyarakat, menekankan kepentingan pendidikan dan pemahaman holistik terhadap Maqasid Shariah. Kajian ini mendapati bahawa perkahwinan awal boleh mencapai Maqasid Shariah apabila ia mematuhi prinsip-prinsip Islam dan mengutamakan kesejahteraan individu. Walau bagaimanapun, adalah sangat ditekankan bahawa perkahwinan sedemikian memerlukan pertimbangan teliti terhadap pelbagai faktor. Khususnya, kesediaan psikologi individu, sistem sokongan sosial mereka, dan kestabilan ekonomi mereka perlu dinilai secara menyeluruh. Pendekatan komprehensif ini adalah penting untuk melindungi kebajikan dan kebahagiaan jangka panjang semua pihak yang terlibat dalam perkahwinan awal.

### **Kata kunci**

Perkahwinan Awal; Perundangan Islam; Maqasid Shariah; Komuniti Muslim; Persepsi Sosial

## **1.0 Introduction**

Marriage is a fundamental social institution that unites individuals in a special form of mutual dependence for the purpose of founding and maintaining a family. As a social practice embedded in a public, religious, or traditional ceremony, it reflects the purposes, character, and customs of the society in which it is found. In recent years, the practice of early marriage has become increasingly prevalent among young people in many societies, particularly within Muslim communities. This trend has given rise to various misconceptions and societal challenges, necessitating a deeper examination of the concept of early marriage from multiple perspectives.

In Islam, marriage is highly recommended and considered a Sunnah of the Prophet Muhammad (peace be upon him). It is viewed as an essential aspect of human nature (fitrah) and a means to create a fulfilling and happy life. The Qur'an and hadith provide guidance on the importance of marriage in Islamic society. For instance, the Prophet Muhammad (peace be upon him) encouraged young men to marry when they are capable, as evidenced by the hadith:

((يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وَجَاءٌ)).

"O young men, whoever among you can afford to get married, let him do so, as it lowers the gaze and guards one's chastity. Whoever cannot afford it, let him fast, for it will be a shield for him" (al-Bukhari, no. 5065).

This hadith underscores the Islamic perspective on early marriage as a means of protecting individuals from engaging in prohibited activities and fulfilling their religious obligations.

However, the concept of early marriage in contemporary society often diverges from its traditional Islamic understanding. The term "early marriage" has come to be associated with marriages involving individuals under the age of 18, which is often referred to as child marriage in legal contexts (UNICEF, 2021). This definition varies across different legal systems and cultural contexts, creating a complex landscape for understanding and addressing the issue.

In Malaysia, for example, the legal framework for marriage differs between Islamic family law and civil law. Under the Islamic Family Law (Federal Territories) Act 1984, the minimum age for marriage is 18 for males and 16 for females, with exceptions possible through Syariah court permission. In contrast, the Law Reform (Marriage and Divorce) Act 1976 for non-Muslims sets the minimum age at 18 for both genders, with limited exceptions for females aged 16-18 with the Chief Minister's approval (Ahmed, 2019).

The prevalence of early marriage practices has raised concerns about their impact on individuals and society. Research has shown that early marriage can have significant consequences on education, health, and personal development, particularly for young women (Ferdous & Zeba, 2019). These concerns have led to increased scrutiny of early marriage practices and calls for reform in many countries.

The misconceptions surrounding early marriage stem from various factors, including cultural traditions, religious interpretations, and socioeconomic conditions. Many communities view early marriage as a means of preserving cultural values or addressing perceived social benefits (Shitaye, 2019). Economic factors, such as poverty and dowry systems, also play a role in promoting early unions in some societies (Hosseini & Asadisarvestani, 2022).

To address these issues, it is crucial to examine early marriage through the lens of Maqasid al-Shariah, or the objectives of Islamic law. This approach allows for a more nuanced understanding of the practice, balancing religious teachings with contemporary realities and the overarching goals of Islamic law. The Maqasid al-Shariah framework emphasizes the preservation of five essential elements: religion, life, intellect, lineage, and property (Al-Shatibi, 1997).

When applied to the context of early marriage, the Maqasid al-Shariah approach calls for a careful consideration of individual welfare, societal impact, and long-term consequences. It emphasizes the importance of education, awareness, and a holistic understanding of Islamic principles in addressing misconceptions about early marriage.

The application of early marriage in contemporary society varies widely, influenced by factors such as education levels, cultural norms, and economic conditions. Studies have found that early marriage practices are more prevalent in rural areas and among communities with lower levels of education (Dewi et al., 2018). This underscores the importance of education and awareness in shaping attitudes towards early marriage.

To reconcile the various perspectives on early marriage and address the misconceptions surrounding it, it is essential to adopt a multifaceted approach. This includes promoting education about the true concept of marriage in Islam, raising awareness about the potential consequences of early marriage, and developing policies that align with both Islamic principles and contemporary social realities.

In conclusion, the issue of early marriage in Muslim communities presents a complex challenge that requires careful consideration of religious, legal, and social factors. By examining the practice through the lens of Maqasid al-Shariah and

addressing the misconceptions surrounding it, it is possible to develop a more nuanced and effective approach to early marriage that respects religious traditions while ensuring the well-being of individuals and society as a whole.

### 1.1 Research Problem

The practice of early marriage has become an increasingly complex and contentious issue in Malaysian society, particularly within Muslim communities. This research addresses the critical problem of misconceptions and misapplications of early marriage concepts in Malaysia, where diverse cultural, religious, and legal perspectives intersect.

In the Malaysian context, the issue of early marriage is particularly nuanced due to the country's dual legal system. The Islamic Family Law (Federal Territories) Act 1984 sets the minimum marriage age at 18 for males and 16 for females, with exceptions possible through Syariah court permission. In contrast, the Law Reform (Marriage and Divorce) Act 1976 for non-Muslims establishes 18 as the minimum age for both genders, with limited exceptions for females aged 16-18 with the Chief Minister's approval (Ahmed, 2019). This legal dichotomy creates a complex landscape for addressing early marriage issues, especially in a multicultural society like Malaysia.

Recent data from the Malaysian Syariah Judiciary Department (JKSM) reveals a concerning trend: between 2013 and 2017, there were 5,362 applications for Muslim child marriages in Malaysia. Out of these, 4,999 cases, or 93.2%, were approved by the Syariah courts (UNICEF, 2018). According to the Department of Statistics Malaysia (DOSM, 2018), the number of Muslim marriages recorded in 2017 was 134,008. Child marriage applications constitute approximately 4% of total Muslim marriages. These statistics highlight the prevalence of early marriage practices among Malaysian Muslims and raise questions about the interpretation and application of Islamic principles in contemporary society.

One of the key issues in Malaysia is the misunderstanding of the concept of early marriage from an Islamic perspective. While Islamic teachings encourage marriage for those who are ready, there is often a lack of consideration for the psychological, emotional, and financial preparedness of young couples. This research found that many Malaysians, particularly younger generations, may pursue early marriage without fully grasping the responsibilities and challenges it entails.

The study also reveals a concerning trend among Malaysian youth who view early marriage as a solution to avoid zina (illicit sexual relations) or to conform to societal expectations. However, this approach often overlooks the importance of education, personal development, and career aspirations, especially for young women. In Malaysia, where women's participation in the workforce and higher education has been increasing, early marriage can potentially hinder these positive trends.

Furthermore, the research highlights a disconnect between traditional Malay-Muslim cultural practices, contemporary social realities, and the objectives of Islamic law (Maqasid al-Shariah). While early marriage has historical roots in Malay culture, its application in modern Malaysian society often fails to consider the changing socio-economic landscape and the evolving roles of women in society.

The study proposes solutions that emphasize the importance of education and awareness about the true concept of marriage in Islam among Malaysian Muslims. It advocates for more comprehensive pre-marriage courses that not only cover religious aspects but also address practical issues such as financial management, conflict resolution, and the importance of continuing education.

Moreover, this research seeks to bridge the gap between religious teachings, Malaysian legal frameworks, and societal practices. By providing clear guidelines and recommendations based on a thorough analysis of the issue, it aims to assist Malaysian policymakers, religious authorities, and community leaders in developing more effective strategies for addressing early marriage.

The study also emphasizes the need for a more holistic approach to marriage preparation in Malaysia, taking into account psychological readiness, financial stability, and long-term well-being. This includes recommendations for enhancing existing pre-marriage courses and introducing more comprehensive family life education in schools and universities.

## 1.2 Research Questions

This research attempts to answer the following questions:

- i. How is early marriage defined and understood from the perspectives of Islamic jurisprudence (fiqh), Malaysian law, and Malay-Muslim cultural norms ('urf)?
- ii. What are the prevailing perceptions and misconceptions about early marriage among Malaysian Muslims, particularly the younger generation?
- iii. How does the current practice of early marriage in Malaysian Muslim communities align with or deviate from the principles of Maqasid al-Shariah?
- iv. What strategies can be implemented to reconcile the practice of early marriage with the objectives of Islamic law while addressing the challenges faced in contemporary Malaysian society?

## 1.3 Research Objectives

This research aims to achieve the following objectives:

- i. To analyze and compare the concept of early marriage from the perspectives of Islamic jurisprudence (fiqh), Malaysian law, and Malay-Muslim cultural norms ('urf).
- ii. To investigate and evaluate the perceptions and misconceptions about early marriage among Malaysian Muslims, with a focus on the younger generation's understanding and attitudes.
- iii. To examine the current practices of early marriage in Malaysian Muslim communities in light of Maqasid al-Shariah principles, identifying areas of alignment and deviation.
- iv. To develop comprehensive recommendations for aligning early marriage practices with the objectives of Islamic law while addressing the social, economic, and educational challenges in contemporary Malaysian society.

## 1.4 Significances of Research

For Muslims globally, this research provides a critical examination of early marriage from multiple Islamic perspectives, offering a nuanced understanding that goes beyond simplistic interpretations. By reconciling traditional fiqh with contemporary realities through the lens of Maqasid al-Shariah, it helps bridge the gap between religious

teachings and modern societal needs. This approach can guide Muslims worldwide in making informed decisions about marriage that align with both Islamic principles and individual well-being.

In the Malaysian context, this research is particularly significant due to the country's unique multicultural and multi-religious landscape. It addresses the complexities arising from Malaysia's dual legal system, where Islamic and civil laws coexist. By providing a comprehensive analysis of early marriage within this framework, the research can inform policy-making and legal reforms that are sensitive to both Islamic principles and the diverse needs of Malaysian society.

Furthermore, this study is crucial for addressing the rising trend of early marriages among Malaysian Muslims. It offers insights into the factors driving this trend and proposes solutions that consider the socio-economic realities of modern Malaysia. The research can guide religious authorities, educators, and community leaders in developing more effective pre-marriage courses and family life education programs.

Lastly, this research serves as a valuable resource for Muslim communities worldwide facing similar challenges with early marriage. It provides a model for how Islamic principles can be applied thoughtfully in contemporary contexts, potentially influencing similar studies and policy discussions in other Muslim-majority countries.

## **2.0 Research Methodology**

The research methodology for this study on early marriage and its misconceptions employs a mixed-method approach, combining library research with qualitative data collection methods. This comprehensive methodology allows for a multi-faceted approach to the research problem, enabling the researcher to develop a well-rounded understanding of the misconceptions surrounding early marriage and propose solutions aligned with Maqasid al-Shariah.

The foundation of the study's theoretical framework is built upon extensive library research. This method involves a comprehensive literature review, analyzing classic Islamic texts on marriage and fiqh, examining contemporary scholarly works on early marriage, and reviewing legal documents and statutes related to marriage in Islamic and civil law. Additionally, the researcher will conduct a cross-cultural analysis, comparing 'urf (cultural norms) across different Muslim societies regarding early marriage and investigating how these norms have evolved over time. A systematic review of recent studies will focus on empirical research about early marriage in Muslim communities, identifying gaps in current knowledge that this study can address. The researcher will also analyze Maqasid al-Shariah literature, examining how scholars have applied these principles to family law issues and exploring potential applications to the concept of early marriage.

To achieve the second and third research objectives, the researcher conducted a quantitative survey from January 15th to January 20th, 2024, involving 50 respondents. This survey collected responses from two demographic groups - married couples and single individuals - to gather varied viewpoints on early marriage, with married respondents comprising 86% and single respondents making up 14% of participants. The survey design incorporated both closed and open-ended questions, allowing for the

collection of quantitative and qualitative data. This approach ensured a comprehensive understanding of the respondents' views while maintaining cultural sensitivity and relevance to the Malaysian context. By including both married and unmarried participants, the survey aimed to gather insights from those with direct experience of early marriage as well as those who may be considering it or have observed its effects in their communities.

The researcher will also conduct in-depth interviews with experts in the field, including Dr. Adam bin Drahman and Abdull Basir bin Mahadi @ Mohamad from JAWI, and Dr. Fatimah binti Karim from IIUM. These interviews will cover the concepts of early marriage and Maqasid al-Shariah, providing expert insights from fiqh, law, and 'urf perspectives. The interview process will be structured and comprehensive, involving detailed preparation, semi-structured interviews lasting 60-90 minutes each, and covering topics such as the historical context of early marriage in Islamic jurisprudence, current legal frameworks, challenges in reconciling traditional practices with modern societal needs, and recommendations for policy and practice.

A crucial step in the methodology will be integrating findings from all three methods through triangulation, comparing and contrasting findings from library research, surveys, and interviews to identify areas of convergence and divergence in the data. This integrated data will be used to develop a comprehensive theoretical framework for understanding early marriage in the context of Maqasid al-Shariah and to formulate practical recommendations for policymakers, religious authorities, and community leaders.

Finally, the methodology will acknowledge limitations of the study, such as potential biases in sampling or data collection and limitations in the generalizability of findings. The researcher will also engage in reflexivity, reflecting on their own positionality and potential biases and discussing how these may influence data collection and analysis. This expanded methodology provides a robust and comprehensive approach to addressing the research questions, allowing for a deep exploration of the topic from multiple angles and ensuring that the findings are well-grounded in both theory and empirical data.

### **3.0 Literature Review**

The literature review on early marriage reveals a complex and multifaceted issue that spans across various cultures, societies, and legal frameworks. This analysis will cover the development of the research problem, compare key findings, highlight important points, and identify research gaps across the 11 studies reviewed.

#### **3.1 Development of Research Problem:**

The research problem of early marriage has evolved significantly over the past two decades. In 2000, Vue's study focused primarily on the correlation between early marriage perceptions and educational goals among Hmong female adolescents (Vue, 2000). This early research laid the groundwork for understanding the impact of early marriage on education, a theme that would be recurrent in subsequent studies. By 2015, the focus shifted to understanding perceptions of ideal marriage age, as seen in Subranmiam et al.'s (2015) study. This research highlighted the growing awareness of the importance of age in marriage decisions and its potential impact on childbearing.

The research problem further developed to include parental perceptions and societal norms. Agege et al.'s (2018) study in Nigeria brought attention to the role of parents in early marriage decisions, particularly in cases of unexpected pregnancy. This research expanded the scope of the problem to include family dynamics and cultural pressures.

In the same year, Dewi et al. (2018) introduced the element of education level as a factor influencing perceptions of early marriage. This study marked a significant development in understanding the socio-economic dimensions of the early marriage problem.

By 2019, the research problem had broadened to include legal aspects and gender norms. Amirapu et al.'s (2019) study examined the influence of formal laws on social attitudes towards child marriage, adding a legal dimension to the research problem.

In recent years, the research problem has become more nuanced, focusing on specific cultural contexts and the interplay between tradition and Islamic law. Studies by Khan and Iqbal (2022), Hosseini and Asadisarvestani (2022), and Kamaruddin (2022) all explore early marriage within the context of Islamic societies, highlighting the need to understand the issue through the lens of religious and cultural practices.

### **3.2 Comparison of Key Findings:**

The comparison of key findings across various studies on early marriage reveals several consistent themes and important insights. Vue (2000) and Ferdous and Zeba (2019) both highlighted the negative impact of early marriage on educational goals and overall development, particularly for adolescent girls. This educational impact remains a central concern in the discourse on early marriage.

Age perceptions play a crucial role in understanding early marriage practices. Subramiam et al. (2015) found that students generally considered 19-24 years as the ideal age for women to marry, and 25-30 for men. However, this perception contrasts sharply with the reality of early marriages occurring before 18 years of age, as documented by Shitaye (2019) and Agege et al. (2018). This discrepancy between ideal and actual marriage ages underscores the complexity of addressing early marriage practices.

Parental influence emerges as a significant factor in early marriage decisions. Agege et al. (2018) emphasized the role of parents, particularly in cases of premarital pregnancy. This finding aligns with Shitaye's (2019) observation that family and relatives often act as decision-makers for girls' first marriages. The involvement of family in marriage decisions highlights the need to consider familial and cultural contexts when addressing early marriage issues.

Education level appears to correlate with perceptions of early marriage. Dewi et al. (2018) found that individuals with primary education were more likely to view early marriage as natural compared to those with higher education levels. This finding is consistent with Ferdous and Zeba's (2019) conclusion about poor knowledge of early marriage among adolescent girls. These studies suggest that education can play a crucial role in shaping attitudes towards early marriage.

Legal frameworks also influence early marriage practices. Amirapu et al. (2019) concluded that changes in formal law regarding child marriage can affect social attitudes, albeit with small effect sizes. This finding points to the potential of legal interventions in addressing early marriage, while also suggesting that legal changes alone may not be sufficient.

Recent studies by Khan and Iqbal (2022), Hosseini and Asadisarvestani (2022), and Kamaruddin (2022) shed light on the complex interplay between cultural traditions, religious interpretations, and early marriage practices in Islamic societies. These studies emphasize the need for nuanced approaches that consider cultural and religious contexts when addressing early marriage.

### **3.3 Key Points:**

The literature review also reveals several key points that consistently emerge across studies. These include the negative impact of early marriage on education, the discrepancy between perceived ideal marriage ages and actual practices, the crucial role of parental influence, the correlation between education levels and views on early marriage, the potential impact of legal frameworks, and the deep-rooted nature of early marriage in cultural and religious contexts. Additionally, health consequences and socio-economic drivers are frequently cited as important factors in early marriage practices.

### **3.4 Research Gaps:**

Despite the breadth of existing research, several significant research gaps remain. There is a notable lack of studies applying the Maqasid al-Shariah framework to understand and address early marriage issues in Islamic contexts. A comprehensive legal analysis integrating hukm (fiqhi), civil law, and 'urf perspectives is also missing from current literature. Furthermore, there is limited research on the long-term consequences of early marriage, male perspectives on the issue, and the effectiveness of various intervention strategies in different cultural contexts.

Other areas that require further exploration include the intersectionality of factors influencing early marriage, comparative studies across different Muslim-majority countries, in-depth research on psychological impacts, the role of modern technology and social media in shaping perceptions of early marriage, and comprehensive economic analyses of early marriage at various societal levels. Addressing these research gaps could significantly enhance our understanding of early marriage and inform more effective strategies to address this complex issue.

### **4.0 Discussion: Early Marriage: Perspectives, Misconceptions, and Solutions**

Marriage is a legally recognized union between individuals, typically founded on love and mutual commitment (Quinlan, 2023). In Islamic tradition, it is viewed as a source of productivity and prosperity, complying with Maqasid al-Shariah. Early marriage has become a pressing concern, particularly in Muslim communities, raising questions about youth understanding of its concept and implications (Ferdous & Zeba, 2019).

The phenomenon of early marriage appears to be a trend and lifestyle among contemporary youth, especially within the Malay community. This research aims to explore the various perspectives on early marriage, identify misconceptions, and propose solutions in light of Maqasid al-Shariah.

#### 4.1 Islamic Jurisprudence (Fiqh) Perspective

From an Islamic jurisprudence perspective, early marriage is generally recommended for Muslims due to its perceived health benefits and promotion of virtue. This viewpoint is supported by Quranic verses and Prophetic traditions (Hawwa, 2022). The Quran states,

((وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُعْنِهِمُ اللَّهُ مِنْ فَضْلِهِ  
وَاللَّهُ وَاسِعٌ عَلِيمٌ))

*"And marry the unmarried among you and the righteous among your male slaves and female slaves. If they should be poor, Allah will enrich them from His bounty, and Allah is all-Encompassing and Knowing" (al-Nur: 32).*

A hadith narrated by Tirmidhi emphasizes the importance of not postponing marriage when a suitable partner is found.

((ثَلَاثٌ لَا تُؤَخَّرُهَا: الصَّلَاةُ إِذَا أَتَتْ، وَالْجَنَازَةُ إِذَا حَضَرَتْ، وَالْأَيُّمُ إِذَا وَجَدَتْ لَهَا كُفْمًا))

*"Three are not to be delayed: Salat when it is due, the funeral when it is presented, and (marriage) for the single woman when someone compatible is found." (al-Tirmidhi, no. 1075).*

The Prophet Muhammad (peace be upon him) specifically addressed the youth, encouraging marriage for those capable of shouldering its responsibilities:

((يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ  
وِجَاءٌ)).

*"O young men, whoever among you can afford to get married, let him do so, as it lowers the gaze and guards one's chastity. Whoever cannot afford it, let him fast, for it will be a shield for him" (al-Bukhari, no. 5065).*

However, it is crucial to note that early marriage in Islam does not imply a lack of maturity or responsibility. The Quran hints at the importance of sound judgment in marriage, stating:

((فَإِنْ أَنْتُمْ مِنْهُمْ رُشْدًا))

*"If you found them of sound judgement" (al-Nisa': 6).*

This suggests that puberty or reaching a marriageable age alone is insufficient for marriage qualification.

Dr. Fatimah binti Karim, a lecturer in Fiqh Usrah at the International Islamic University Malaysia, emphasizes this point in her interview:

*"Early marriage is considered valid under Islamic law if it meets the conditions and pillars outlined in the Quran and Sunnah. However, the necessity of such marriages should be assessed in specific cases. For example, in the case of an existing adolescent marriage with concerns about the risk of premarital pregnancy, which could jeopardize the child's lineage, the guardian should play a significant role."*

#### 4.2 Legal Perspective

From a legal standpoint, early marriage is typically defined as a union involving someone under the age of 18. In Malaysia, the Islamic Family Law Act sets the minimum age for marriage at 18 for males and 16 for females, with exceptions possible through Syariah court permission. As stated in Section 8 of both the Islamic Family Law (Federal Territories) Act 1984 and the Islamic Family Law (Kelantan) Enactment 2002:

*"No marriage may be solemnized under this Enactment where either the man is under the age of eighteen or the woman is under the age of sixteen except where the Syariah Judge has granted his permission in writing in certain circumstances."*

As stated in the Islamic Family Law (State of Selangor) Amendment Enactment 2018, the marriageable age for females has been amended from 16 years to 18 years.

In contrast, Malaysian civil law, which governs non-Muslims, sets a uniform minimum age of 18 for both genders, with exceptions possible for females aged 16-18 with the Chief Minister's approval. The Law Reform (Marriage and Divorce) Act 1976 states:

*"Any marriage purported to be solemnized in Malaysia shall be void if at the date of the marriage either party is under the age of eighteen years unless, for a female who has completed her sixteenth year, the solemnization of such marriage was authorized by a licence granted by the Chief Minister under subsection 21(2)."*

This legal framework demonstrates the complexity of addressing early marriage in a multicultural society with dual legal systems (Ahmed, 2019).

#### 4.3 Cultural ('Urf) Perspective

Culturally, the concept of early marriage varies significantly across societies. According to UNICEF (2022), Sub-Saharan Africa and South Asia have the highest rates of early marriage. In Malaysia, an estimated 1,500 children, primarily girls, enter into marriage each year (UNICEF, n.d.). This practice is more prevalent in rural areas, where marriage at 15-16 may be considered acceptable due to prevailing customs and beliefs about ensuring girls' safety and respectability.

The prevalence of early marriage differs greatly by culture and region. While 18 is the globally recognized minimum age, many cultures have traditionally married people younger, perpetuating this practice around the world. In some rural societies, marriage at the age of 15-16 may be considered acceptable due to prevailing customs regarding adulthood transition and gender roles.

Cultures also vary in their approach to determining the appropriate marriage age based on factors such as physical maturity, social readiness, and completion of specific life stages such as education. While some cultures prioritize early marriage to maximize childbirth potential within an assumed "ideal" biological window, others may consider individuals ready for marriage sooner, particularly in cultures with strong extended family support and shared responsibilities.

#### 4.4 Public Perceptions of Early Marriage

##### 4.4.1 Married Couples' Perceptions

Based on survey results, married couples' perceptions of early marriage vary significantly depending on their experiences, cultural background, and beliefs. Most define early marriage as a union between young couples. The survey revealed several key perceptions:

- a. **Readiness and Understanding:** Many believe early marriage can be beneficial if both spouses are ready and understand the Islamic concept of marriage. One respondent stated, *"It is good if both are ready & understand the marriage concept in Islam."*
- b. **Strengthening Relationships:** Some argue that early marriage can lead to stronger family ties and a greater sense of commitment. A respondent noted, *"Early marriage gives couples the chance to progress and mature as a partnership. They are able to work together to overcome obstacles in life, reach objectives, and make crucial decisions."*
- c. **Financial Considerations:** Early marriage can potentially offer financial benefits. As one respondent mentioned, *"Early marriage can also benefit from shared financial responsibility and the possibility of dual income at a younger age."*
- d. **Importance of Preparation:** Many emphasized the importance of mental and emotional preparation. A respondent commented, *"Based on person preparation mentally."*
- e. **Religious Perspective:** Some view early marriage through a religious lens. One respondent stated, *"For me it is okay as long as you and your spouse understand the responsibilities in marriage, what's important is understand well the deen it will give a big impact towards your spouse."*

However, some married couples oppose early marriage, citing concerns about missed opportunities for education and career development. Financial difficulties are also a common concern among those who marry early.

##### 4.4.2 Single Individuals' Perceptions

Single individuals hold diverse perspectives on early marriage. The survey of single individuals revealed the following key perceptions:

- a. **Age and Readiness:** Many define early marriage as occurring when both partners are ready for marriage at a young age. One respondent defined it as *"Early marriage is when both partners are ready for marriage at a young age."*
- b. **Financial Stability:** Some associate early marriage with financial struggles. A respondent described it as *"Marriage that were done when both parties are still still struggling financially and what not."*
- c. **Prevention of Sin:** Many view early marriage as a means to prevent sinful behavior. A respondent stated, *"To avoid teenagers do the zina and unlawful between non mahram."*
- d. **Preparation and Responsibility:** There's an emphasis on the importance of preparation and understanding responsibilities. One respondent commented, *"I think it is a brave thing to do because marriage is full of responsibilities and deciding to have an early marriage can prevent oneself from doing what Allah has forbidden. However, it must be equipped with knowledge and preparation to ensure the marriage is a success."*

- e. Historical and Cultural Context: Some recognize the historical and cultural roots of early marriage in Islam. A respondent noted, *"Early marriage in Islam has historical roots and is influenced by cultural traditions. Islam encourages marriage as a means of fulfilling half of one's religious obligations and promoting a balanced, responsible life."*
- f. Maturity and Growth: Some see early marriage as an opportunity for personal growth. A respondent mentioned, *"Early marriage gives couples the chance to progress and mature as a partnership. They are able to work together to overcome obstacles in life, reach objectives, and make crucial decisions."*

However, some individuals disagree with early marriage, citing potential severe implications for an individual's physical, emotional, and psychological well-being. They argue that it can hinder personal development and education.

#### **4.5 Misconceptions and Application of Early Marriage**

Early marriage has become increasingly common in today's society, often being normalized and practiced widely. According to survey results, many people believe that early marriage practices are influenced by cultural, social, economic, and religious factors. Some communities encourage early marriages to preserve cultural values or address perceived social benefits.

The survey revealed several misconceptions and trends in the application of early marriage:

- a. Trend Following: Many respondents noted that early marriage has become a trend. One respondent stated, *"Early marriage had been norms nowadays which people get used in following the trends."*
- b. Lack of Preparation: Several respondents pointed out that many early marriages occur without proper preparation. A respondent mentioned, *"Many early marriage nowadays are done without proper preparation in terms of emotional and financial management, islamic understanding which lead to divorce."*
- c. Financial Unpreparedness: Financial issues were frequently cited as a problem in early marriages. One respondent noted, *"For me, the couples who did marry early are not well prepared in terms of economy, as they are too rely on love itself. Thus, it do brings a lot of consequences that affecting their family."*
- d. Varied Success Rates: Some respondents acknowledged that the success of early marriages varies. A respondent commented, *"Some early marriage works. Some don't. I think it mostly depends on how much preparation they make prior to the marriage and how much they are willing to grow."*
- e. Cultural and Religious Influences: Many respondents recognized the role of cultural and religious factors in early marriage practices. One respondent stated, *"In today's society, early marriage practices vary widely and can be influenced by cultural, social, economic, and religious factors."*

A significant concern is that many young people marry early to conform to societal norms or trends, often without adequate preparation. This trend has led to various misconceptions about early marriage, potentially causing problems in marriages.

#### 4.6 Arising Problems from Misconceptions of Early Marriage

The survey and interviews revealed several key problems arising from misconceptions about early marriage:

- a. Lack of Experience and Readiness: 94% of survey respondents identified inexperience and lack of readiness to play marital roles as the most significant problem arising from early marriage. Many individuals enter early marriages without adequate physical, mental, and financial preparation, leading to significant marital challenges.
- b. Increased Divorce Rates: Research suggests a correlation between early marriage and an increased risk of divorce. One study found that people who married at 20 were 32% more likely to divorce than those who married at 25. This was reflected in the survey responses, with many citing increased divorce rates as a consequence of early marriage.
- c. Psychological and Emotional Harm: Studies show that individuals who marry early have a higher prevalence of depression, anxiety, and low self-esteem than those who marry later (Shitaye, 2019). This was corroborated by survey respondents who highlighted psychological and emotional harm as a significant issue in early marriages.
- d. Perpetuation of Poverty: 58% of survey respondents identified the perpetuation of poverty as a problem arising from early marriage. Early marriage can trap people in cycles of poverty due to limited education and economic opportunities, particularly impacting young couples in today's economic climate.
- e. Impact on Education: Many respondents noted that early marriage often leads to discontinued education, particularly for young women. This aligns with findings from studies such as Vue (2000), which found a correlation between positive perceptions of early marriage and lower educational goals.
- f. Financial Instability: A significant number of respondents highlighted financial instability as a major challenge in early marriages. This was often linked to the lack of preparation and the tendency to prioritize emotions over practical considerations.
- g. Family Interference: Some respondents mentioned increased family interference as a problem in early marriages, particularly when the young couple is financially dependent on their parents.

#### 4.7 Solutions in Light of Maqasid al-Shariah

##### 4.7.1 Preservation of Lineage

One solution to address the misconception of early marriage is to emphasize the Maqasid al-Shariah principle of preserving lineage. Early marriage, when practiced correctly, can help individuals avoid adultery and protect the family tree. Dr. Adam bin Drahman, Senior Assistant Director at the Division of Marriage and Family Development, Jabatan Agama Islam Wilayah Persekutuan (JAWI), emphasized this point in his interview:

*"Early marriage to avoid adultery and pregnancy out of wedlock is regarded as preserving an aspect of Kulliyat al-Khams, namely the protection of life and lineage."*

##### 4.7.2 Prioritizing Knowledge and Education

Addressing the issue of early marriage requires prioritizing knowledge and education about marriage, aligning with the Maqasid al-Shariah principle of preserving intellect.

This ensures that individuals are aware of their rights and responsibilities before entering marriage. Pre-marriage courses can be an effective way to deepen knowledge about marriage and understand marital roles.

Survey respondents frequently suggested education as a key solution. One respondent stated: *"People should be educated more on the concept of early marriage especially in terms of maqasid syariah because most people getting the marriage knowledge only from the marriage course which is not totally efficient for them. We also should normalize going to marriage counselling or therapist to get a professional consultation regarding marriage."*

Another respondent emphasized the importance of early education: *"The teenagers starting from secondary school have to be given early awareness and knowledge about marriage, the reality and how to get ready for it in all aspects, spiritual, financial, emotional, their knowledge and responsibility, so that if they when want to get married early, they will know what they have to do from now."*

#### 4.7.3 Preservation of Property

Misapplying the concept of early marriage often leads to financial problems for couples. Emphasizing the Maqasid al-Shariah principle of preserving property can help ensure that early marriage is carried out correctly and without financial instability. Survey respondents suggested various ways to address this, including:

- a. Financial Education: Providing comprehensive financial education to young couples considering early marriage.
- b. Economic Empowerment: Implementing programs to economically empower young individuals before they enter into marriage.
- c. Realistic Expectations: Educating young people about the financial realities of marriage and family life.

#### 4.7.4 Comprehensive Pre-Marriage Programs

Many survey respondents and interviewees suggested the implementation of comprehensive pre-marriage programs. These programs should cover various aspects of married life, including:

- a. Religious Understanding: Deepening knowledge of Islamic principles related to marriage and family life.
- b. Communication Skills: Teaching effective communication techniques to handle conflicts and build a strong marital relationship.
- c. Financial Management: Providing practical skills in budgeting, saving, and financial planning for married life.
- d. Emotional and Psychological Preparation: Addressing the emotional and psychological aspects of marriage, including stress management and building emotional intelligence.
- e. Legal Rights and Responsibilities: Educating couples about their legal rights and responsibilities within marriage.

While the curriculum elements outlined above are included in the current pre-marriage module, our research indicates the need for specific legal amendments and enhancement measures:

1. **Legal Framework Amendments** The implementation would require amendments to the Islamic Family Law Enactments across Malaysian states. Specifically, Section 16 (which typically covers marriage requirements) should be amended to include mandatory completion of the comprehensive pre-marriage course. This would necessitate adding a new clause (e.g., 16(3)(c)) stating that marriage applications will only be approved upon certification of completion of the approved pre-marriage program. Additionally, amendments to the Administration of Islamic Law Enactments would be needed in the chapters concerning the powers of the Religious Departments to develop, certify, and administer such programs.
2. **Enhancement of Existing Modules** Building upon the current pre-marriage module, three crucial improvements are recommended:
  - a. **Extended Duration:** Transitioning from the current one-day program to a comprehensive multi-weekend course, allowing for deeper engagement with the material.
  - b. **Standardized Assessment:** Implementing an evaluation component to ensure participants have adequately understood key concepts before marriage approval.
  - c. **Mentorship Program:** Establishing a follow-up system pairing newly married couples with experienced mentors for the first year of marriage to provide ongoing support and guidance.

These enhancements would address the identified gaps in the current module's effectiveness as reported by survey respondents and interviewees.

Dr. Fatimah binti Karim suggested in her interview:

*"The Department of Islamic Affairs should provide a comprehensive understanding to couples intending to marry, explaining the meanings, purposes, challenges, and demands of marriage to ensure the achievement of harmony and tranquility in the household."*

#### 4.7.5 Community Engagement and Support

Several survey respondents highlighted the importance of community involvement in supporting early marriages. Suggestions included:

- a. **Mentorship Programs:** Establishing formal mentorship structures through local mosques and Islamic community centers where experienced couples (married 10+ years) are trained in basic counseling techniques and matched with newly married young couples. Monthly guided sessions would follow a standardized curriculum covering common first-year challenges, with reporting mechanisms to track outcomes.
- b. **Community Education:** Developing evidence-based education modules to be delivered quarterly by trained facilitators at community gathering spaces. These sessions would present factual information about marriage readiness, focusing on financial stability indicators, emotional maturity markers, and religious perspectives on family formation. Educational materials should be disseminated

through multiple channels including social media, Friday sermons, and community bulletins.

- c. Support Groups: Implementing peer-support networks facilitated by qualified counselors from the Religious Department, meeting bi-weekly in accessible community locations. These structured groups would utilize standardized discussion protocols focusing on common challenges, with referral pathways to professional services when needed. Digital platforms should complement in-person meetings to provide continuous support between sessions.

#### **4.8 Importance of Applying Maqasid al-Shariah in Early Marriage**

Maqasid al-Shariah provides an excellent foundation for assessing early marriage, focusing on the well-being and individual choices of those involved. It emphasizes the importance of informed consent, education, financial stability, and the protection of vulnerable individuals.

The knowledge of Maqasid al-Shariah helps in giving rulings on specific cases or individuals. In the context of early marriage, it ensures that the practice aligns with the objectives of Shariah, provided that its implementation is carried out correctly. Marriage in Islam is intended to protect the welfare of mankind in accordance with the main objective of Maqasid al-Shariah, which is to bring benefits to mankind and prevent harm (jalb maslahah wa dar' al-mafسادah).

Dr. Adam bin Drahman emphasized the importance of Maqasid al-Shariah in his interview:

*"In order to ensure that early marriage does not cause harm, this marriage should be discussed as much as possible ahead of time, and permission from both the guardian and the authority is required. The marriage must be performed without coercion by the auspicious guardian even though it is allowed by syara'. This is to ensure that the marriage complies with Maqasid al-Shariah."*

#### **5.0 Conclusion**

This comprehensive study on the misconceptions of early marriage and its solutions through the lens of Maqasid al-Shariah has revealed significant insights into the complex landscape of early marriage in Malaysian Muslim communities. By examining the issue from multiple perspectives and engaging with diverse stakeholders, the research has shed light on the challenges and opportunities for aligning early marriage practices with Islamic principles while addressing contemporary societal needs.

Regarding the first objective, to analyze and compare the concept of early marriage from the perspectives of Islamic jurisprudence (fiqh), Malaysian law, and Malay-Muslim cultural norms ('urf), the study has uncovered a nuanced and sometimes conflicting understanding of early marriage. From the fiqh perspective, early marriage is generally permissible and even encouraged under certain circumstances, provided that the individuals involved are mentally, emotionally, and physically prepared for the responsibilities of marriage. This view is supported by Quranic verses and Prophetic traditions that emphasize the importance of marriage in preserving chastity and building strong family units.

However, Malaysian law presents a more structured approach, setting specific age limits for marriage (18 for males and 16 for females in Islamic law, with exceptions possible through Syariah court permission; 18 for both genders in civil law, with similar exceptions). This legal framework attempts to balance religious considerations with the need to protect young individuals from potential harm. The 'urf perspective, reflecting Malay-Muslim cultural norms, reveals a complex interplay of traditional values and modern influences, with early marriage often viewed as a means of preserving cultural identity and ensuring social stability, particularly in rural areas.

The second objective, investigating and evaluating perceptions and misconceptions about early marriage among Malaysian Muslims, with a focus on the younger generation, yielded revealing results. The study found a significant generational shift in attitudes towards early marriage. While older generations often view it as a normal and desirable practice, younger Malaysian Muslims express more diverse and nuanced opinions. Many young people recognize the potential benefits of early marriage, such as avoiding sin and starting a family early, but they also express concerns about the impact on education, career prospects, and personal development. This generational divide highlights the need for bridging the gap between traditional values and modern aspirations.

Examining the current practices of early marriage in Malaysian Muslim communities in light of Maqasid al-Shariah principles, the third objective, revealed both alignments and deviations. On one hand, early marriage practices often align with the Maqasid principles of preserving religion (by preventing sin) and lineage (by encouraging procreation within a halal framework). However, deviations were observed in cases where early marriage negatively impacted the preservation of intellect (through interrupted education) or wealth (due to financial instability). The study found that while the intention behind many early marriages aligns with Islamic principles, the practical implementation often falls short of achieving the holistic well-being that Maqasid al-Shariah aims to promote.

To address these challenges and achieve the fourth objective, the study has developed comprehensive recommendations for aligning early marriage practices with the objectives of Islamic law while addressing contemporary societal challenges:

- i. **Enhanced Education Programs:** Implement comprehensive pre-marriage education programs that cover not only religious aspects but also practical life skills, financial management, and relationship counseling. These programs should be tailored to the needs of young couples and made mandatory for those seeking to enter early marriages.
- ii. **Legal Reforms:** Review and refine the legal framework surrounding early marriage to ensure that it adequately protects the rights and well-being of young individuals while respecting religious and cultural norms. This may include more stringent assessment processes for granting exceptions to minimum age requirements.
- iii. **Community Engagement:** Develop community-based initiatives that promote dialogue between generations, religious leaders, and legal experts to foster a more nuanced understanding of early marriage and its implications in contemporary society.

- iv. Economic Support: Establish support systems and economic empowerment programs for young couples entering early marriages, including vocational training, microfinance opportunities, and continued education support.
- v. Health and Counseling Services: Provide accessible health services and counseling support specifically designed for young married couples, addressing physical, mental, and emotional well-being.
- vi. Research and Monitoring: Conduct ongoing research to monitor the outcomes of early marriages and the effectiveness of implemented policies and programs, allowing for evidence-based adjustments to approaches over time.

In conclusion, addressing the misconceptions and challenges surrounding early marriage in Malaysian Muslim communities requires a multifaceted approach that respects religious principles, legal frameworks, and cultural norms while adapting to the realities of contemporary society. By implementing these recommendations and fostering ongoing dialogue and research, it is possible to create an environment where early marriage, when practiced, aligns more closely with the objectives of Islamic law and contributes positively to individual and societal well-being. The path forward demands continued collaboration between religious authorities, legal experts, educators, community leaders, and young people themselves to navigate this complex issue effectively and compassionately.

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