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Raising the Minimum Age of Marriage in Malaysia and Indonesia: A Juridical, Theological, and Psychological Analysis

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Abstract

The regulation of the minimum age of marriage in Malaysia and Indonesia remains a crucial issue at the intersection of family law, Islamic jurisprudence, child protection, gender equality, and psychological maturity. This study aims to analyze the increase and regulation of marriageable age in both countries through juridical, theological, and psychological perspectives. Employing normative legal research, this study uses statutory, comparative, and conceptual approaches, with legal materials drawn from marriage legislation, Islamic family law, fiqh literature, maqāṣid al-syarī'ah discourse, and developmental psychology studies. The data were analyzed qualitatively through a descriptive and prescriptive-comparative framework. The findings reveal that Malaysia adopts a plural and flexible model, setting the minimum marriage age for Muslims at 18 years for males and 16 years for females under the Islamic Family Law (Federal Territories) Act 1984, while non-Muslims are generally subject to an 18-year threshold under the Law Reform (Marriage and Divorce) Act 1976, with discretionary mechanisms through Syariah or civil authorities. In contrast, Indonesia establishes a more uniform standard through Law No. 16 of 2019, setting the minimum age at 19 years for both males and females. Theologically, Islam does not prescribe a fixed numerical age for marriage but emphasizes readiness, maturity, responsibility, and public benefit. Psychologically, emotional stability, identity formation, cognitive maturity, and social competence are essential for marital resilience. The study concludes that raising the minimum age of marriage represents a contextual *ijtihad* aligned with *maqāṣid al-syarī'ah* and modern developmental psychology. Its implication is that marriage-age policy should not merely function as an administrative threshold, but as a preventive legal and social instrument to strengthen child protection, gender justice, and sustainable family resilience in Muslim-majority societies.

Keywords: Child Marriage; Developmental Psychology; Islamic Family Law; *Maqāṣid Al-Syarī'Ah*; Minimum Marriage Age

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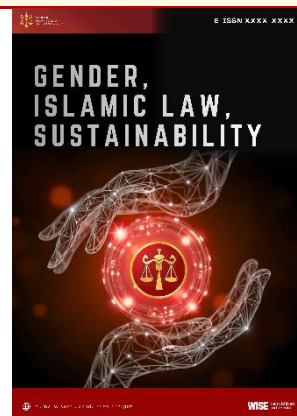
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INTRODUCTION

Marriage is a sacred institution with noble purposes and is inseparable from the provisions prescribed by religious law. Marriage is defined as a contract or agreement that legitimizes the relationship between a man and a woman in order to create a happy family life, characterized by tranquility and affection, in a way that is pleasing to Allah SWT [1]. In Indonesian national law, as affirmed in Law Number 1 of 1974, marriage is defined as a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and everlasting family based on the belief in the Almighty God [2]. In Islamic law, marriage is considered an act of worship (*ibadah*) and a natural divine law (*sunnatullah*). It serves as a means of preserving personal honor, producing future generations, and building civilization.

The Qur'an gives significant attention to this institution. The term *nikah* is mentioned 23 times, while *zawaja* appears 80 times, indicating the importance of the principle of pairing and harmony (*azwāj*) in human life [3]. The main objective of marriage is to form a *sakinah* [4], *mawaddah* [5], *wa rahmah* family, namely a household characterized by tranquility, love, and compassion. However, this ideal often confronts social realities in the form of early marriage practices. Many young couples, particularly women, enter marriage without adequate psychological, economic, and social readiness. Factors such as poverty, low levels of education, patriarchal culture, and the perception that marrying off daughters earlier can reduce the family's economic burden contribute to this practice.

As a response, Indonesia undertook a legal reform through Law Number 16 of 2019 [6], which raised the minimum age of marriage to 19 years for both males and females [7]. Meanwhile, Malaysia still maintains a minimum marriage age of 18 years for Muslim males and 16 years for Muslim females under the Islamic Family Law (Federal Territories) Act 1984, as well as 18 years for non-Muslims under the Law Reform (Marriage and Divorce) Act 1976, with a dispensation mechanism granted through the Syariah Court [8]. The issue of marriageable age is therefore not merely a normative legal matter, but also relates to child protection, gender equality, and family resilience. Age often reflects the level of emotional maturity and the capacity for conflict management within a household. Thus, the increase in the minimum age of marriage must be analyzed comprehensively from juridical, theological, and psychological perspectives.

Studies on the minimum age of marriage have been widely conducted by scholars in both Indonesia and Malaysia. In general, previous research can be categorized into three main approaches. First, normative-juridical research, which emphasizes the analysis of regulatory changes. These studies commonly discuss the background of amendments to the Marriage Law in Indonesia, the Constitutional Court's arguments, as well as the harmonization of these regulations with the principles of child protection and gender equality [9].

In Malaysia, juridical studies have largely highlighted the dualism of family law between the Syariah and civil legal systems, as well as the authority of state jurisdictions in determining marriageable age policies [10]. Second, sociological and demographic studies focus on the impacts of early marriage on reproductive health, women's education, poverty, and high divorce rates [11]. These studies indicate a significant correlation between low marriage age and socio-economic vulnerability as well as household instability. Third, theological studies examine the issue of marriageable age from the perspective of classical Islamic jurisprudence (*fiqh*) and the objectives of Islamic law (*maqāṣid al-syarī'ah*) [12] [13] [14]. Some studies conclude that Islam does not explicitly set a numerical age limit for marriage, but instead requires maturity (*baligh* and *rusyd*). However, most of these studies remain limited to normative discourse without integrating modern developmental psychology approaches.

Although these studies make important contributions, several limitations can be identified. First, comparative research between Indonesia and Malaysia remains relatively limited, especially studies that simultaneously integrate juridical, theological, and

psychological dimensions. Second, some studies tend to focus on formal legal aspects without deeply analyzing the philosophical implications and *maqāṣid al-syarī'ah*. Third, psychological approaches are often positioned as complementary rather than as a primary argumentative foundation in supporting the increase of the marriageable age.

The novelty of this study lies in its integrative-comparative approach, which combines juridical, theological, and psychological analyses in examining the increase of the minimum age of marriage in Indonesia and Malaysia. Unlike previous studies that tend to be partial either focusing solely on regulatory changes such as Law Number 16 of 2019 or on the dualism of Malaysia's Islamic family law under the Islamic Family Law (Federal Territories) Act 1984 this study constructs a conceptual synthesis that positions marriageable age as an intersection between *maqāṣid al-syarī'ah* and modern psychological maturity theory.

This research reconstructs the concept of *rusyd* (maturity) in Islamic jurisprudence by integrating it with theories of young adult development, thereby framing marriageable age not merely as a biological or administrative threshold, but as an indicator of emotional, social, and intellectual readiness in building family resilience. Accordingly, the increase in the minimum age of marriage is positioned as a form of legal *ijtihad* oriented toward the protection of life, intellect, and lineage, as well as a model for harmonizing Islamic law and national legal systems in the Southeast Asian region.

METHODS

This study employed normative legal research to examine the regulation of the minimum age of marriage in Malaysia and Indonesia through juridical, theological, and psychological perspectives. The research applied statutory, comparative, and conceptual approaches. The statutory approach was used to analyze the relevant legal instruments governing marriage age, marriage dispensation, and child protection in both countries. In the Malaysian context, the analysis covered federal legislation, particularly the Islamic Family Law (Federal Territories) Act 1984 for Muslims and the Law Reform (Marriage and Divorce) Act 1976 for non-Muslims, while also considering state-level Islamic family law enactments because Muslim family law in Malaysia is regulated through separate state *Syariah* enactments. Most Malaysian state Islamic family laws have traditionally provided a minimum age of 18 years for males and 16 years for females with *Syariah* Court permission for underage marriage, although Selangor and Kedah have been noted as states that amended their Islamic family law framework toward an 18-year threshold subject to judicial exceptions. In the Indonesian context, the analysis focused on Law No. 1 of 1974 on Marriage as amended by Law No. 16 of 2019, Constitutional Court Decision No. 22/PUU-XV/2017, Supreme Court Regulation No. 5 of 2019 on Guidelines for Adjudicating Marriage Dispensation Applications, and the Compilation of Islamic Law. Law No. 16 of 2019 equalizes the minimum marriage age for males and females at 19 years and explicitly links the reform to child protection, educational access, reproductive health, and the implementation of Constitutional Court Decision No. 22/PUU-XV/2017. The comparative approach was employed to identify similarities and differences between the Malaysian plural legal model and the Indonesian unified national model, particularly in relation to minimum-age standards, dispensation mechanisms, judicial discretion, and gender equality. The conceptual approach was used to reconstruct the notion of marital readiness by integrating the Islamic legal concepts of *rusyd*, *istiṭā'ah*, *maṣlaḥah*, and *maqāṣid al-syarī'ah* with developmental psychology perspectives on emotional maturity, identity formation, and social readiness. Legal materials were collected through library research and classified into primary, secondary, and tertiary legal materials. The materials were analyzed qualitatively using descriptive, prescriptive, and comparative legal reasoning, enabling the study not only to describe existing legal norms but also to evaluate their theological justification, psychological

relevance, and policy implications for strengthening child protection and sustainable family resilience in Muslim-majority societies.

Table 1. Classification of Legal Materials Used in the Comparative Normative Legal Analysis of Marriage-Age Regulation in Malaysia and Indonesia

Classification of legal materials	Malaysia	Indonesia	Function in the analysis
Primary legal materials	Federal legislation: Islamic Family Law (Federal Territories) Act 1984 (Act 303), especially provisions on Muslim marriage age and Syariah Court permission; Law Reform (Marriage and Divorce) Act 1976 (Act 164) for non-Muslim marriage, including licensing for females aged 16–18 where applicable; relevant state Islamic family law enactments, including Selangor, Kedah, Kelantan, Penang, Johor, Sabah, Sarawak, and other state enactments where relevant to identify state-level variation in Muslim family law.	Law No. 1 of 1974 on Marriage; Law No. 16 of 2019 amending Law No. 1 of 1974; Constitutional Court Decision No. 22/PUU-XV/2017; Supreme Court Regulation No. 5 of 2019 on guidelines for adjudicating marriage dispensation applications; Presidential Instruction No. 1 of 1991 on the Compilation of Islamic Law; and, where necessary, implementing regulations related to marriage registration and dispensation practice.	To establish the binding legal norms governing minimum marriage age, gender-based age standards, dispensation procedures, court authority, and the legal basis for state intervention in marriage regulation.
Secondary legal materials	Peer-reviewed journal articles, academic books, legal commentaries, reports on child marriage in Malaysia, studies on Syariah Court discretion, Islamic family law reform, maqāsid al-syarī'ah, and Malaysian state-level family law development.	Peer-reviewed journal articles, academic books, legal commentaries, studies on Indonesian marriage law reform, marriage dispensation after Law No. 16 of 2019, child protection, Constitutional Court reasoning, maqāsid al-syarī'ah, and developmental psychology.	To interpret primary legal materials, strengthen doctrinal analysis, and connect legal norms with theological and psychological arguments.
Tertiary legal materials	Legal dictionaries, legal encyclopedias, statutory indexes, official legal repositories, and institutional databases used to verify terminology, legal definitions, and the status of Malaysian federal and state legal instruments.	Legal dictionaries, legal encyclopedias, official statutory repositories such as JDIH/BPK, Constitutional Court databases, Supreme Court databases, and legal indexes used to verify the validity and hierarchy of Indonesian legal instruments.	To support accurate legal terminology, confirm the status of legal instruments, and ensure consistency in comparative legal interpretation.

RESULTS AND DISCUSSION

Marriage Age Limits under Malaysian Law

The regulation of marriage age in Malaysia has distinctive characteristics because it operates within a dual and federal legal framework. Muslim marriage is governed through Islamic family law administered by the states and the Federal Territories, whereas non-Muslim marriage is regulated primarily through federal civil legislation. This institutional arrangement makes the Malaysian model plural, flexible, and jurisdictionally differentiated. For Muslims in the Federal Territories, Section 8 of the Islamic Family Law (Federal Territories) Act 1984 (Act 303) provides that a marriage may not be solemnized if the male is under 18 years of age or the female is under 16 years of age, unless a Syarie Judge grants written permission under particular circumstances [15], [16]. For non-Muslims, the Law Reform (Marriage and Divorce) Act 1976 (Act 164) generally establishes 18 years as the minimum age of marriage, while allowing a female aged 16 to 18 to marry with a licence granted by the relevant Chief Minister or Menteri Besar [17]. Thus, Malaysian law does not apply a single uniform age threshold across all religious and jurisdictional categories.

To clarify the dual structure of Malaysian marriage-age regulation, Table 2 summarizes the principal legal distinctions between Muslim and non-Muslim marriage and the relevance of state-level variation.

Table 2. Comparative Features of Marriage-Age Regulation in Malaysia

Category	Main legal instrument	Minimum-age standard	Exception or permission mechanism	Analytical implication
Muslim marriage in the Federal Territories	Islamic Family Law (Federal Territories) Act 1984 (Act 303), especially Section 8	18 years for males and 16 years for females	Written permission of a Syarie Judge may be granted for marriage below the statutory threshold	Reflects the coexistence of statutory regulation, judicial discretion, and classical fiqh-based notions of maturity
Muslim marriage in Malaysian states	State Islamic Family Law Enactments, which generally follow a similar structure but are administered under state jurisdiction	Commonly 18 years for males and 16 years for females, although reform discourse and implementation may vary across states	Permission is generally assessed by the Syariah Court or the competent religious authority in accordance with the relevant state enactment	Shows that harmonisation is institutionally complex because Islamic family law is decentralised across states
Non-Muslim marriage	Law Reform (Marriage and Divorce) Act 1976 (Act 164)	18 years for both males and females	A female aged 16 to 18 may marry with a licence from the Chief Minister or Menteri Besar	Represents a more uniform civil-law model, although it still retains a limited administrative exception
Comparative legal pattern within Malaysia	Federal civil law and state/Federal Territory Islamic family law	Different thresholds and authorities apply depending on religion and jurisdiction	Exceptions are handled through different institutional channels	Creates flexibility but may also produce uneven standards of child protection and gender equality

The table summarizes the main legal patterns identified in the Malaysian framework. State-level variation should be read as a feature of Malaysia's federal Islamic family law system, where detailed procedures and reform trajectories may differ across jurisdictions. Historically, the lower age threshold for Muslim females is connected to classical fiqh

discussions that associate marital eligibility with signs of biological maturity (baligh). However, Malaysian positive law does not treat biological puberty as sufficient by itself. The solemnization and registration of marriage remain subject to statutory procedures and, in cases involving minors, to judicial permission. This indicates that the state has institutionalized marriage regulation even within an Islamic legal framework, while still allowing the Syariah Court to exercise discretion in exceptional cases.

The authority of the Syarie Judge to approve marriage below the ordinary statutory threshold is therefore a crucial element of the Malaysian model. The legal literature indicates that applications for underage marriage may be linked to claims of necessity, family pressure, pregnancy outside marriage, or broader considerations of *maslahah* [15], [16]. Nevertheless, because publicly available and nationally uniform data on the reasoning of Syariah Court decisions are limited, these grounds should be treated as illustrative rather than conclusive. The stronger legal point is that the Malaysian framework relies heavily on judicial discretion, and this discretion requires clear evidentiary standards, child-sensitive procedures, and consistent assessment of the prospective spouses' physical, psychological, educational, and social readiness.

The Malaysian model therefore reflects an attempt to balance Islamic legal traditions, Malay socio-cultural norms, federal-state jurisdictional arrangements, and modern child-protection concerns. Its strength lies in its flexibility and capacity to respond to specific social circumstances. Its weakness, however, is the possibility of inconsistent protection across jurisdictions and between religious communities. The continuing debate on harmonising the minimum age of marriage at 18 years for both genders demonstrates that Malaysia's marriage-age policy remains an evolving field shaped by legal pluralism, religious interpretation, state autonomy, and the growing demand for stronger safeguards against child marriage [18], [19] [20].

Marriage Age Limits under Indonesian Law

The regulation of the minimum age of marriage in Indonesia reflects a more centralized and uniform model than that of Malaysia. The key turning point was Constitutional Court Decision No. 22/PUU-XV/2017, which held that the previous distinction between the minimum marriage age for males and females under Article 7 paragraph (1) of Law No. 1 of 1974 was discriminatory and inconsistent with constitutional guarantees of equality and child protection. Before the amendment, males could marry at 19 years of age, whereas females could marry at 16. This differentiated standard was criticized for legitimizing unequal treatment and increasing girls' vulnerability to school dropout, reproductive health risks, economic dependency, and unstable family life [21], [22].

In response to the Constitutional Court's ruling, the legislature enacted Law No. 16 of 2019, which amended Law No. 1 of 1974 by equalizing the minimum marriage age for both males and females at 19 years. This amendment is not merely a technical change in statutory wording; it represents a normative shift from gender-differentiated family law toward a more protective and egalitarian legal framework. By setting the same minimum age for both prospective spouses, Indonesian law seeks to strengthen child protection, reduce gender-based discrimination, and support the development of more mature family institutions [21], [23].

At the same time, Indonesia continues to recognize the possibility of marriage dispensation. Article 7 paragraph (2) of the amended Marriage Law allows parents to apply to the court when prospective spouses have not reached the age of 19. The procedure is further regulated by Supreme Court Regulation (PERMA) No. 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation Applications. This regulation is important because it requires judges to examine urgent reasons, hear the child and relevant parties, consider the child's best interests, and assess potential risks before granting a dispensation [24], [25].

Therefore, Indonesia's model combines a uniform statutory age threshold with a judicially supervised exception mechanism.

This structure creates a productive but difficult balance between legal certainty and contextual flexibility. On the one hand, the 19-year threshold provides a clearer national standard and directly responds to constitutional concerns about non-discrimination. On the other hand, the continued availability of dispensation means that the effectiveness of reform depends heavily on judicial practice, evidentiary assessment, legal awareness, and social interventions. If dispensation is granted too broadly, the protective function of Law No. 16 of 2019 may be weakened. Conversely, if PERMA No. 5 of 2019 is applied rigorously, the dispensation mechanism can serve as a safeguard for exceptional cases rather than as an alternative route that normalizes child marriage.

Marriage Age Limits in Malaysia and Indonesia from a Theological Perspective

From a theological perspective, Islam does not prescribe a fixed numerical minimum or maximum age for marriage in the Qur'an or Hadith. The more relevant normative question is whether a prospective spouse has attained the capacity to assume marital responsibilities. For analytical clarity, several related but distinct Islamic legal concepts must be differentiated. Baligh refers primarily to biological puberty and the beginning of religious accountability. Rasyd denotes prudential maturity, sound judgment, and the ability to manage one's interests responsibly. Ahliyyah refers to legal capacity, including the capacity to bear rights and obligations. Istiṭā'ah indicates the practical ability to undertake the responsibilities of marriage, including material, emotional, and moral responsibilities. Maṣlaḥah refers to public benefit or welfare-oriented legal reasoning, which allows legal policy to prevent harm and promote human well-being [26], [27], [28].

This conceptual distinction is important because baligh alone does not automatically represent comprehensive marital readiness. In classical fiqh, puberty may function as a threshold for certain forms of legal accountability, but the objectives of marriage require a broader level of maturity. Marriage involves rights, obligations, household leadership, conflict resolution, reproductive responsibility, and the protection of family welfare. Therefore, the concept of rasyd and the broader framework of ahliyyah provide a stronger theological basis for evaluating marriageable age than biological puberty alone.

The principle of maṣlaḥah and the objectives of Islamic law (maqāṣid al-syarī'ah) further justify the state's role in regulating the minimum age of marriage. The preservation of life (ḥifẓ al-nafs), intellect (ḥifẓ al-'aql), lineage (ḥifẓ al-nasl), and dignity provides a normative basis for preventing marriages that may expose children to health risks, educational deprivation, psychological harm, and family instability [13], [29], [30], [31]. Within this framework, the determination of a statutory marriage age is not a rejection of Islamic law but a form of contextual ijtihad aimed at translating Islamic ethical objectives into modern legal policy.

Historical narratives, including the age of the Prophet Muhammad when he married Khadijah, may be mentioned as illustrative examples of mature marital responsibility, but they should not be used as a binding legal standard or a universal age formula. The stronger theological argument is that Islam prioritizes responsibility, benefit, and harm prevention. Accordingly, the different legal models adopted by Malaysia and Indonesia should be understood as variations of ijtihad in responding to contemporary social realities rather than as contradictions of sacred texts. The key issue is not numerical age in isolation, but whether the legal system adequately protects prospective spouses and ensures their intellectual, emotional, moral, and social readiness for marriage.

Marriage Age in Malaysia and Indonesia: A Psychological Perspective

From a psychological standpoint, marriage is not merely a legal-formal event but a developmental transition that requires emotional regulation, identity stability, executive functioning, interpersonal competence, and readiness for long-term commitment. These indicators provide a more operational basis for evaluating marital readiness than age alone. Emotional regulation enables spouses to manage anger, frustration, and relational disappointment without resorting to impulsive or violent responses. Executive functioning supports planning, decision-making, financial management, and problem-solving. Identity stability helps individuals understand their values, life goals, and relational expectations before entering a permanent family institution. Interpersonal competence enables communication, empathy, negotiation, and constructive conflict resolution [32], [33].

In this regard, Indonesia's decision to increase the minimum marriage age to 19 years can be interpreted as a preventive legal policy that moves the statutory threshold closer to the transition from adolescence to early adulthood. Although 19 years does not automatically guarantee psychological readiness, it provides a stronger protective baseline than a lower age threshold. It also creates legal space for young people, especially girls, to continue education, develop social competence, and reduce vulnerability to premature family responsibilities. By contrast, Malaysia's permission for Muslim females to marry at 16 years, subject to judicial approval, places greater responsibility on the Syariah Court to ensure that any exception is based on rigorous assessment of maturity and welfare rather than merely on social pressure or family convenience.

The psychological risks of early marriage are closely related to immature emotional regulation and limited decision-making capacity. Adolescents are still developing stable identity structures, self-control, and long-term planning abilities. In marital life, these developmental limitations may appear in poor communication, difficulty managing economic pressure, dependence on parents or extended family, and vulnerability to conflict. The theory of emotion associated with James and Lange helps explain how physiological and emotional reactions may shape impulsive responses under stress [34]. However, for legal analysis, the more important point is that the capacity to regulate emotion and make reflective decisions should become part of the court's assessment in marriage dispensation cases.

The previous claim that the early twenties constitute the most suitable period for marital commitment should be stated cautiously. Rather than treating a specific age as a final psychological finding, this study frames the early-to-mid twenties as a conceptual recommendation derived from the synthesis of marital-readiness literature, developmental psychology, and legal-protection considerations. Studies on marital readiness emphasize that readiness is associated with personal maturity, relational competence, financial preparation, and social support [32], while research on later first marriage suggests that delaying marriage may be associated with more stable marital outcomes in certain contexts [34], [35]. Therefore, any recommendation of an ideal marriage age should be understood as a contextual and policy-oriented synthesis, not as a rigid universal standard.

In both Malaysia and Indonesia, psychological analysis confirms that physical maturity alone is insufficient for marriage. Legal policy should consider cognitive readiness, emotional stability, identity maturity, social competence, and the ability to assume family roles. This perspective strengthens the argument that raising the minimum age of marriage is a preventive measure to reduce marital conflict, protect children's rights, support educational continuity, and build healthier family institutions. The psychological dimension also reinforces the need for judges, religious authorities, and policymakers to apply child-sensitive and evidence-based standards when assessing marriage dispensation applications.

Discussion

The comparison between Malaysia and Indonesia reveals both convergence and divergence in the regulation of marriageable age. The point of convergence lies in the fact that both countries recognize marriage as a legally regulated institution and both retain exception mechanisms for marriages below the ordinary statutory threshold. Both systems also attempt to reconcile religious norms, social realities, and state responsibility in protecting children. However, the two countries diverge significantly in their legal architecture. Indonesia adopts a national and uniform model by equalizing the minimum age at 19 years for males and females, whereas Malaysia maintains a plural model shaped by religious classification, federal-state jurisdiction, and different institutional channels for Muslim and non-Muslim marriage.

The juridical consequence of this divergence is substantial. Indonesia's model offers stronger formal equality because the same age threshold applies to both genders and across the national legal system. Its main challenge lies in the implementation of marriage dispensation: the protective intent of Law No. 16 of 2019 depends on whether courts apply PERMA No. 5 of 2019 strictly and consistently. Malaysia's model, on the other hand, offers flexibility by allowing the Syariah Court or civil authority to consider contextual circumstances. Yet this flexibility can produce uneven protection, particularly when state-level enactments and judicial practices differ. Therefore, the Malaysian model requires stronger harmonisation, transparent judicial criteria, and more consistent child-protection standards to prevent discretion from becoming a pathway for normalizing underage marriage.

From the perspective of *maqāṣid al-syarī'ah*, the increase or harmonisation of the minimum marriage age can be justified as a preventive legal measure rather than as a merely administrative policy. The preservation of life, intellect, lineage, and dignity requires the law to prevent foreseeable harm arising from premature marriage, including educational disruption, reproductive health risks, psychological distress, and unstable family formation. In this sense, Indonesia's reform can be read as a more explicit *maqāṣid*-oriented legislative intervention, while Malaysia's framework still reflects a negotiated balance between *fiqh*-based flexibility and modern welfare concerns. Both models, however, should be evaluated by the extent to which they protect the welfare of prospective spouses, especially children and adolescent girls.

The psychological implication strengthens this legal and theological analysis. Marriageable age should not be reduced to a biological or administrative threshold; it must be connected to measurable indicators of readiness, including emotional regulation, executive functioning, identity stability, communication ability, conflict-management capacity, and economic responsibility. These indicators are directly relevant to marital resilience. If a legal system permits marriage at a younger age, the burden of proof should be higher and the assessment should be more rigorous. If a legal system raises the minimum age, the reform should be accompanied by education, counselling, reproductive health literacy, and community-based prevention so that statutory reform is not undermined by social pressure or widespread dispensation practices.

Overall, the findings indicate that the regulation of marriageable age in Malaysia and Indonesia should be understood as a multidimensional legal issue involving statutory design, theological interpretation, and psychological readiness. The novelty of this analysis lies in positioning marriage age as an indicator of multidimensional maturity rather than merely a formal legal number. A *maqāṣid*-based and psychologically informed framework allows

marriage-age policy to function as a preventive instrument for child protection, gender justice, and sustainable family resilience. Consequently, future reform in both countries should not focus only on raising the numerical threshold, but also on strengthening judicial assessment, harmonising legal standards, improving data transparency, and ensuring that every dispensation decision is guided by the best interests and developmental readiness of the child.

CONCLUSION

This study concludes that the regulation of the minimum age of marriage in Malaysia and Indonesia reflects two distinct yet comparable models of legal reform in Muslim-majority societies. Malaysia maintains a plural and flexible framework through the coexistence of Islamic family law for Muslims and civil law for non-Muslims, with room for judicial or administrative dispensation, whereas Indonesia has adopted a more unified and egalitarian standard by setting the minimum marriage age at 19 years for both males and females through Law No. 16 of 2019. From a theological perspective, the absence of a fixed numerical age in the primary Islamic texts confirms that marriageable age belongs to the domain of contextual *ijtihād*, in which the principles of *rusyd*, *istiṭā'ah*, *maṣlaḥah*, and *maqāṣid al-syarī'ah* may be used to justify state intervention for the protection of life, intellect, lineage, and social welfare. From a psychological perspective, the findings indicate that marital readiness cannot be reduced to biological puberty or formal legal eligibility, but must include emotional stability, cognitive maturity, identity formation, social competence, and the capacity to assume long-term family responsibilities. The novelty of this study lies in its integrative synthesis of comparative legal analysis, Islamic jurisprudential reasoning, and developmental psychology in reconstructing marriageable age as a multidimensional indicator of readiness rather than a merely administrative threshold. Therefore, raising the minimum age of marriage should be understood not only as a legal reform, but also as a preventive strategy to reduce child marriage, strengthen gender justice, protect children's rights, and build more resilient and sustainable families. The study implies that future marriage-age policies in Malaysia and Indonesia should move beyond formal age standardization by strengthening judicial assessment, premarital education, psychological readiness evaluation, and social protection mechanisms to ensure that marriage is entered into with genuine maturity, responsibility, and long-term family resilience.

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AUTHOR CONTRIBUTION

F.B.B.M.R. conceptualized the study, developed the main research framework, formulated the comparative juridical analysis between Malaysia and Indonesia, and led the interpretation of Islamic family law, *maqāṣid al-syarī‘ah*, and developmental psychology perspectives related to the minimum age of marriage. S.S.D.K. contributed to the literature review, organized relevant legal materials, analyzed Indonesian marriage law reform and marriage-dispensation regulations, and supported the comparative synthesis of theological, psychological, and child-protection arguments. Both authors contributed to the drafting of the manuscript, critical revision of intellectual content, refinement of the discussion and conclusion, and final approval of the submitted version. Both authors agree to be accountable for all aspects of the work.

CONFLICT OF INTEREST

The authors declare no conflict of interest.

DECLARATION OF USE OF AI IN SCIENTIFIC WRITING

During the preparation of this manuscript, the authors used generative artificial intelligence tools, particularly ChatGPT, to support the organization of ideas, refinement of academic language, improvement of sentence structure, and enhancement of overall readability. Grammarly was also used to assist with grammar, clarity, and stylistic consistency. These tools were used solely as writing-support instruments and were not employed to generate research data, fabricate sources, conduct independent legal analysis, or determine the scholarly conclusions of the study. All substantive arguments, legal interpretations, theological reasoning, psychological analysis, references, and final conclusions were critically reviewed, verified, and approved by the authors. The authors take full responsibility for the accuracy, integrity, originality, and ethical compliance of the manuscript.

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