

RELIGIOUS LEGITIMATION OF EARLY MARRIAGE IN INDONESIA THROUGH NUSANTARA ISLAMIC CLASSICAL TEXTS

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ABSTRACT

This study explores how religious legitimate early marriage by referring to Nusantara Islamic classical texts (*kitab kuning*). The study treats *kitab kuning* not only as collections of legal rules but also as formative religious literature that actively shapes social values and cultural norms. Using textual analysis, critical discourse analysis, and interpretive anthropology, the research examines influential texts such as *Uqud al-Lujjain*, *Fath al-Qarib*, and *I'anat al-Talibin*. The analysis identifies three central findings. First, the texts themselves display internal ambiguity because they simultaneously promote ethical protection and allow permissive legal interpretations. Second, religious leaders interpret these texts in divergent ways, as some adopt literal readings while others apply contextual approaches. Third, these interpretive choices operate within broader socio-economic and patriarchal power relations that selectively activate textual authority to justify early marriage practices. The study argues that the persistence of early marriage does not stem directly from textual commands. Instead, it emerges from ongoing negotiations among textual ambiguity, interpretive authority, and social structures. By emphasizing this process, the study highlights the decisive role of interpretive communities in managing contradictions within classical texts and stresses the importance of addressing both textual meaning and social context when designing intervention strategies.

Keywords: Early Marriage, Interpretive Community, Kitab Kuning, Nusantara Islamic Classical Texts, Pesantren, Religious Legitimation

ABSTRAK

Penelitian ini menelaah cara keagamaan melegitimasi pernikahan dini melalui rujukan pada teks-teks klasik Islam Nusantara (kitab kuning). Penelitian ini memandang kitab kuning tidak hanya sebagai kumpulan aturan hukum, tetapi juga sebagai literatur keagamaan yang secara aktif membentuk nilai sosial dan norma budaya. Dengan menerapkan analisis tekstual, analisis wacana kritis, dan antropologi interpretatif, penelitian ini mengkaji teks-teks penting seperti *Uqud al-Lujjain*, *Fath al-Qarib*, dan *I'anat al-Talibin*. Hasil penelitian menunjukkan tiga temuan utama. Pertama, teks-teks tersebut mengandung ambiguitas internal karena secara bersamaan menekankan prinsip etika perlindungan dan membuka ruang bagi ketentuan hukum yang permisif. Kedua, para pemimpin agama menafsirkan teks-teks ini secara beragam, mulai dari pembacaan literal hingga pendekatan kontekstual. Ketiga, pola tafsir tersebut beroperasi dalam struktur kekuasaan sosio-ekonomi dan patriarkal yang memanfaatkan otoritas teks secara selektif untuk membenarkan praktik pernikahan dini. Penelitian ini menegaskan bahwa keberlanjutan pernikahan dini tidak berasal langsung dari perintah teks. Praktik tersebut muncul dari proses negosiasi yang melibatkan ambiguitas teks, otoritas penafsir, dan dinamika sosial. Dengan demikian, penelitian ini menekankan peran penting komunitas interpretatif dalam mengelola kontradiksi teks-teks klasik serta menegaskan perlunya mempertemukan teks dan konteks dalam strategi intervensi sosial.

Kata kunci: *Kitab Kuning, Komunitas Interpretatif, Legitimasi Religius, Pernikahan Dini, Pesantren, Teks Klasik Islam Nusantara*

INTRODUCTION

Early marriage remains a persistent phenomenon in many parts of Indonesia and continues to generate serious implications for public health, education, gender relations, and long-term socioeconomic development. Empirical studies consistently show that marriage at a young age increases maternal and infant health risks, disrupts girls' educational trajectories, and entrenches cycles of poverty and gender inequality.¹ In the

¹ Nawal M Nour, "Child Marriage: A Silent Health and Human Rights Issue," *Reviews in Obstetrics & Gynecology* 2, no. 1 (2009): 51–56, <https://doi.org/10.3909/riog0091>; Jennifer Parsons et al., "Economic Impacts of Child Marriage," *The Review of Faith & International Affairs* 13, no. 3

Indonesian context, research in rural and semi-urban areas demonstrates how early marriage correlates with limited access to education, reproductive health vulnerability, and restricted life choices for young women.² Despite growing legal reforms and public campaigns aimed at preventing child marriage, the practice continues to find strong social legitimacy in certain Muslim communities.

One of the most enduring sources of this legitimacy lies in religious interpretation. In Indonesia, religious understandings of marriage are not shaped solely by formal legal texts or state regulations, but are deeply embedded in local Islamic traditions transmitted through pesantren education. These traditions draw heavily on *kitab kuning*, classical Islamic texts that have long functioned as authoritative references for fiqh, ethics, and social conduct across the archipelago. Through pesantren networks, religious teachers interpret, teach, and circulate these texts, transforming them into practical moral guidance that informs everyday decision-making within Muslim households. As a result, early marriage is often framed not merely as a social choice, but as a religiously sanctioned practice grounded in classical authority.

Scholars of Islamic studies and anthropology have shown that classical religious texts do not operate as neutral repositories of legal rules. Rather, they actively shape moral imagination, social norms, and patterns of behavior within Muslim communities.³ In the context of marriage, widely used works

(2015): 12–22, <https://doi.org/10.1080/15570274.2015.1075757>; UNICEF, *Child Marriage: Global Trends and Profiles* (New York: UNICEF, 2021).

² Rina Yulianti, “Gender Inequality and Early Marriage Practices in Rural Indonesia,” *Jurnal Perempuan* 27, no. 3 (2022): 45–62, <https://www.jurnalperempuan.org/jurnal-perempuan/2798>; S O Gunawan and S Bahri, “Impacts of Early Childhood Marriage in Indonesia Viewed from Child Protection Laws Perspectives,” *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023): 362–80, <https://doi.org/10.22373/ujhk.v6i2.20262>.

³ Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973); John R Bowen, *Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning* (Cambridge: Cambridge University Press,

such as *'Uqūd al-Lujjān*, *Fath al-Qarīb*, and *I'ānat al-Tālibīn* have historically discussed marriage in relation to biological maturity, sexual morality, and family honor. These texts often present early marriage as a means to prevent zina, protect social order, and preserve communal values, arguments that continue to resonate in contemporary religious discourse.⁴ At the same time, classical jurisprudence also embeds ethical considerations related to responsibility, justice, and welfare, drawing on broader principles of *maslahah* and moral accountability articulated in works such as al-Ghazālī's *al-Mustasfā*.

Existing scholarship, however, approaches early marriage from fragmented analytical angles. Global studies tend to frame early marriage primarily as a human rights violation and a public health concern, supported by comparative evidence from contexts such as Ethiopia and Nigeria, where socioeconomic pressures and religious norms intersect to sustain the practice.⁵ This body of literature provides valuable insights into structural causes and consequences, but often treats religion as a static explanatory variable rather than as a dynamic interpretive process.

Indonesian scholars have contributed important perspectives by examining early marriage through Islamic legal interpretation, health impacts, and policy frameworks. Some studies analyze Qur'anic verses and hadith related to marriage age, emphasizing legal debates and normative arguments within Islamic jurisprudence.⁶ Others focus on contemporary legal

2003); Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA: Stanford University Press, 2003).

⁴ Mohammad Fauzil Adhim, *Indahnya Pernikahan Dini* (Jakarta: Gema Insani, 2002).

⁵ A Z Alem et al., "Spatial Distribution and Determinants of Early Marriage among Married Women in Ethiopia: A Spatial and Multilevel Analysis," *BMC Women's Health* 20 (2020), <https://doi.org/10.1186/s12905-020-01070-x>; Jimoh Amzat, "Faith Effect and Voice on Early Marriage in a Nigerian State," *SAGE Open* 10, no. 2 (2020), <https://doi.org/10.1177/2158244020919513>.

⁶ A Gaffar, "Kedewasaan Usia Perkawinan Perspektif Hadis Nabi Muhammad Dengan Pendekatan Interkoneksi Maslahah," *Al-Manahij*:

mechanisms such as marriage dispensation and child protection laws, highlighting tensions between religious reasoning and state regulation.⁷ Additional research explores gender, sexuality, and power relations within Islamic discourse, revealing how patriarchal interpretations shape women's lived experiences.⁸

At the same time, scholars of pesantren and Islamic education have documented the historical development and pedagogical centrality of *kitab kuning* in Nusantara Islam.⁹ These studies clarify how pesantren function as institutions of religious transmission and authority, yet they often discuss classical texts as educational heritage or doctrinal references rather than as active instruments of cultural legitimization in contemporary social practices. As a result, existing research rarely connects the study of early marriage with the lived authority of *kitab kuning* in everyday religious reasoning.

This disconnection produces a significant analytical blind spot. While early marriage is widely acknowledged as a social problem and *kitab kuning* are recognized as foundational

Jurnal Kajian Hukum Islam 15, no. 1 (2021), <https://doi.org/10.24090/mnh.v15i1.3731>; Ahmad Kamal, "Early Marriage in the Perspective of Islamic Law: A Case Study in Indonesia," *FITRAH: Jurnal Kajian Ilmu-Ilmu Keislaman* 10, no. 1 (2024): 45–60, <https://doi.org/10.24952/fitrah.v10i1.11146>.

⁷ F Hilyasani, A M Najib, and R N Harahap, "Dispensasi Nikah: Analisis Kontemporer Dimensi Pernikahan Dini Menurut Berbagai Aktor Di Kabupaten Bantul D.I. Yogyakarta," *Al-Manhaj: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (2022): 139–52, <https://doi.org/10.37680/almanhaj.v4i2.17110>; F Iwan, U Betawi, and M I H Nasution, "Reconceptualizing the Marriage Age Limit in Indonesia: Efforts to Strengthen Family Resilience in North Sumatra," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (2024): 161–78, <https://doi.org/10.24090/mnh.v18i1.11090>.

⁸ Inayah Rohmaniyah, *Gender Dan Seksualitas Perempuan Dalam Perebutan Wacana Tafsir* (Yogyakarta: Larassukma, 2019).

⁹ Azyumardi Azra, *Islam Nusantara: Jaringan Global Dan Lokal* (Jakarta: Mizan, 2013); Ridhwan, "Dynamic of Islamic Education in the Land of Bugis: Growth, Development and Typology Pesantren in Bone," *IOP Conference Series: Earth and Environmental Science* 175 (2018), <https://doi.org/10.1088/1755-1315/175/1/012158>.

religious texts, few studies systematically examine how these texts are mobilized by pesantren actors to justify early marriage at the community level. The issue is not simply what the texts say, but how they are interpreted, emphasized, and selectively applied within specific social and power contexts. Religious teachers often highlight permissive legal rulings while downplaying ethical safeguards embedded in the same texts, a process that enables early marriage to appear both morally legitimate and religiously authoritative.

Talal Asad's notion of an "interpretive tradition" provides a useful framework for understanding this dynamic. For Asad, religious authority emerges through discursive practices that shape how texts are read, taught, and enacted within particular historical contexts.¹⁰ In pesantren communities, interpretation is not an individual act but a collective process in which teachers, students, and institutions negotiate meaning. Within this process, classical texts become sites of contestation where legal permissibility, ethical responsibility, and social interests intersect.

Building on this perspective, this study approaches *kitab kuning* as living religious literature of Nusantara rather than as static legal manuals. By examining how early marriage is discussed within selected classical texts and how these discussions are circulated and activated in pesantren contexts, the study reveals internal tensions between legal allowance and moral responsibility. Drawing on Fazlur Rahman's "double movement" hermeneutics, the analysis connects the historical meanings of classical rulings with contemporary ethical concerns such as child welfare and gender justice.¹¹ At the same time, critical discourse analysis and interpretive anthropology allow

¹⁰ Asad, *Formations of the Secular: Christianity, Islam, Modernity*; Talal Asad, *Secular Translations: Nation-State, Modern Self, and Calculative Reason* (New York: Columbia University Press, 2018).

¹¹ Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982).

the study to trace how authority operates through language, pedagogy, and institutional power.¹²

By integrating textual analysis with the study of interpretive communities, this research demonstrates that early marriage gains legitimacy not simply from classical texts themselves, but from selective interpretive practices shaped by social interests and cultural norms. In doing so, the study contributes to broader debates on Islamic law, religious authority, and social change by showing how transformation efforts must engage internal interpretive mechanisms rather than relying solely on legal reform or external intervention. This approach underscores the importance of pesantren education as a strategic site for rethinking early marriage within Islamic tradition, opening pathways for contextual reinterpretation that remain grounded in religious authority while addressing contemporary ethical challenges.

METHOD

This study employs an integrated qualitative research approach to examine how early marriage is religiously legitimized through Nusantara Islamic classical texts and their interpretation within pesantren communities. The qualitative paradigm is chosen because the research focuses on meaning-making processes, interpretive practices, and the construction of religious authority rather than on measurement or causal generalization. By combining textual analysis, Critical Discourse Analysis, and interpretive anthropology, the study captures both the normative content of classical Islamic texts and the lived religious practices through which these texts acquire authority in everyday life. This integrative approach allows the research to move analytically from text to discourse and from discourse to social practice, thereby explaining how religious legitimacy is

¹² Norman Fairclough, *Language and Power* (London: Routledge, 2015); Charles Hirschkind, *The Ethical Soundscape: Cassette Sermons and Islamic Counterpublics* (New York: Columbia University Press, 2006).

produced, maintained, and contested within specific interpretive communities.¹³

The research design reflects an epistemological commitment to understanding religion as a historically embedded and socially mediated phenomenon. Classical Islamic texts are not treated as isolated legal manuals but as discursive resources that operate within broader traditions of interpretation. This perspective aligns with socio-legal and anthropological approaches to Islamic studies, which emphasize that legal meaning emerges through interpretive engagement rather than through textual prescription alone.¹⁴ Accordingly, the study integrates close textual reading with empirical investigation of how religious actors interpret, teach, and mobilize these texts in concrete social contexts. The research proceeds through a coherent analytical sequence in which textual findings inform empirical inquiry, and empirical insights, in turn, refine textual interpretation.

Data are collected through triangulation from three interrelated sources to ensure analytical depth and validity. The first data source consists of classical pesantren texts (*kitab kuning*) that are widely taught and recognized as authoritative in discussions of marriage. The core textual corpus includes *'Uqūd al-Lujjāyin* by Shaykh Nawawi al-Bantani¹⁵, *Fath al-Qarīb al-Mujīb* by Muhammad ibn Qāsim al-Ghazī¹⁶, and *Fath al-Mu'īn bi Sharḥ Qurrat al-'Ayn* by Zayn al-Dīn al-Malibārī¹⁷. These works are selected because of their enduring presence in

¹³ Sugiyono, *Metode Penelitian Pendidikan: Pendekatan Kualitatif, Kuantitatif, Dan R & D* (Alfabeta, 2014); P M Marzuki, *Penelitian Hukum* (Kencana, 2017).

¹⁴ W B Hallaq, *An Introduction to Islamic Law* (Cambridge University Press, 2009); R M Feener, *Shari'a and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh* (Oxford University Press, 2013).

¹⁵ Nawawi Al-Bantani, *'Uqūd Al-Lujjāyin*, n.d.

¹⁶ Muhammad ibn Qasim Al-Ghazzi, *Fath Al-Qarīb Al-Mujīb*, n.d.

¹⁷ Zayn al-Din Al-Malibari, *Fath Al-Mu'īn Bi Sharḥ Qurrat Al-'Ayn*, n.d.

pesantren curricula across Indonesia and their frequent use as references in marriage-related religious reasoning.¹⁸ The texts provide direct access to classical legal discussions on marriage, maturity, guardianship, and moral responsibility, allowing the study to examine both explicit rulings and implicit ethical assumptions.

The second data source consists of primary empirical data gathered through in-depth interviews and field observations. Interviews are conducted with fifteen kyai and ustaz from traditional pesantren, ten parents who arranged early marriages for their children, and eight individuals who experienced early marriage. Participants are selected purposively to represent actors who actively engage with religious texts in decision-making processes. Semi-structured interviews are employed to allow participants to articulate their interpretations, justificatory strategies, and perceptions of textual authority in their own terms. This format enables the researcher to probe how classical texts are invoked, selectively interpreted, or recontextualized in everyday discourse. In addition to interviews, field observations are conducted in selected pesantren to document teaching practices, modes of textual transmission, and everyday interactions between teachers and students. These observations provide contextual insight into how *kitab kuning* function as living texts within pedagogical and social settings.

The third data source consists of supplementary materials drawn from existing empirical studies, demographic research, and policy-oriented analyses on early marriage in Indonesia and comparative contexts. These materials are used not as primary evidence but as contextual frames that situate the findings within broader academic and social debates on child marriage, gender, and religious authority.¹⁹ Supplementary data help clarify how

¹⁸ Martin van Bruinessen, *Kitab Kuning, Pesantren and Islamic Learning in Indonesia* (Brill, 2015).

¹⁹ L Rumble et al., “An Empirical Study on the Determinants of Female Child Marriage in Indonesia,” *BMC Public Health* 18, no. 1 (2018), <https://doi.org/10.1186/s12889-018-5313-0>.

local religious interpretations intersect with structural factors such as health risks, legal frameworks, and socioeconomic pressures.

Textual analysis is conducted using the *istikhraj al-mabādi'* method, which focuses on extracting fundamental legal and ethical principles from classical Islamic texts. Adapted from Islamic hermeneutical traditions, this method allows the researcher to move beyond surface-level rulings and to identify the underlying normative logic that informs textual arguments.²⁰ The analysis begins with careful reading to identify passages related to marriage, with particular attention to concepts such as biological maturity (*bulūgh*), consent (*riḍā*), guardianship (*walī*), and marital responsibility. From these passages, the researcher extracts legal rulings (*aḥkām*) alongside ethical principles (*mabādi' akhlāqiyyah*), examining how the texts negotiate legal permissibility and moral obligation. The analysis then synthesizes these findings to identify internal tensions, ambiguities, or contradictions that create interpretive space for legitimization.

At the analytical level, the textual analysis operates simultaneously on linguistic, semantic-legal, and discursive planes. Linguistically, the study examines key terms and their semantic ranges. Semantically and legally, it analyzes how maturity, responsibility, and consent are conceptualized within classical fiqh discourse. Discursively, it considers how these concepts are embedded within broader moral narratives about family order, sexuality, and social harmony. This multilevel analysis ensures that textual interpretation remains sensitive to both legal structure and ethical intent.

Interview and observational data are analyzed through an integrated application of Critical Discourse Analysis and interpretive anthropology. Critical Discourse Analysis is used to examine how religious authority is constructed and exercised through language. This analysis focuses on how participants

²⁰ Hallaq, *An Introduction to Islamic Law*.

reference classical texts, position themselves as legitimate interpreters, and reproduce or challenge gendered power relations through religious discourse. CDA allows the study to trace how textual authority is mobilized to normalize early marriage and to examine whose interpretations gain dominance within religious communities.²¹

Interpretive anthropology complements CDA by focusing on meaning, experience, and cultural logic. Drawing on the concept of “thick description,” the analysis situates discourse within the lived realities of pesantren communities, attending to emotions, values, and social expectations that shape interpretive choices.²² This approach highlights how early marriage is embedded in moral worlds where religious duty, family honor, and social continuity intersect. By integrating discourse analysis with anthropological interpretation, the study captures both structural power dynamics and insider perspectives.

To ensure validity and analytical rigor, the study applies several strategies commonly accepted in qualitative research. Triangulation is achieved by comparing findings across textual, interview, and observational data. Methodological triangulation further strengthens analysis by examining the same phenomenon through textual analysis, CDA, and interpretive anthropology.²³ Analytical transparency is maintained through systematic documentation of coding procedures, interpretive decisions, and analytical steps. Member checking is conducted with selected participants to confirm the accuracy of interpretations and to reduce misrepresentation.

Throughout the research process, the study maintains contextual sensitivity by considering the historical development

²¹ Norman Fairclough, *Language and Power* (London: Routledge, 2015).

²² Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973).

²³ Virginia Braun and Victoria Clarke, “Using Thematic Analysis in Psychology,” *Qualitative Research in Psychology* 3, no. 2 (January 1, 2006): 77–101, <https://doi.org/10.1191/1478088706qp063oa>.

of kitab kuning, regional diversity in pesantren traditions, and socio-economic conditions that shape interpretive communities. Reflexivity is practiced by acknowledging the researcher's positionality and actively minimizing interpretive bias. By integrating rigorous textual analysis with empirically grounded interpretation, the method demonstrates a coherent and replicable approach suitable for scholarly discussion in journals indexed in Scopus.

Table 1.
Research Methodology Framework

Aspect	Component	Description	Key Elements
Design	Integrated Qualitative	Combines three approaches	Textual Analysis, CDA, Interpretive Anthropology
Data Sources	Triangulation	Multiple data sources	1. Classical texts 2. Interviews with stakeholders 3. Supplementary studies
Textual Analysis	Istikhraj al-Mabadi'	Extraction of principles	1. Identify themes 2. Extract principles 3. Synthesize frameworks
Interview Analysis	CDA & Interpretive Anthropology	Examination of discourse & meaning	Fairclough's CDA framework; Geertz's thick description
Validity	Multiple Strategies	Ensuring credibility	Triangulation, analytical rigor, contextual sensitivity, reflexivity

Source: processed online by the author.

FINDING AND DISCUSSION

Findings

Close Reading of Key Kitab Kuning Texts

The textual analysis reveals specific linguistic formulations within classical Islamic texts that create interpretive spaces permitting varied understandings of marriage readiness. In the Indonesian context, these spaces directly inform contemporary practices.

In *Uqud al-Lujayn*, Sheikh Nawawi al-Bantani establishes a framework for marital consent through the explicit formulation:

**"Wa min syurut in'iqad an-nikah ridha al-mutazawwijain. Fa la
yashihhu an-nikah bi al-ikrah"**

("Among the conditions for marriage validity is the consent of both spouses. Thus, marriage is not valid under coercion.").

This textual provision clearly requires mutual agreement (*kerelaan*) from both parties. However, empirical data reveals significant variation in implementation. research in Brebes shows that religious leaders (*lebe*) often prioritize obtaining family consent over ensuring the child's personal willingness, creating an implementation gap between textual ideals and local customary practices.²⁴

The *Fath al-Qarib* offers a precise biological definition of legal maturity:

**"Wa alamatu al-bulugh li al-zakar ihtilam wa li al-untsa al-haidh,
aw al-haml, aw bulugh khamsina sana"**

("Signs of puberty for males are wet dreams, and for females are menstruation, pregnancy, or reaching fifteen years of age.").

²⁴ Agustina, A. M. (2022). Navigating Cultural Norms and Fiqh Authority: The Influence of Lebe in Facilitating Child Marriage Practices in Brebes, Indonesia. *Journal of Islamic Law*, 3(1). [Https://Doi.Org/10.24260/Jil.V3i2.858](https://Doi.Org/10.24260/Jil.V3i2.858)

Field observations document how this biological definition is operationalized. Empirical study found that communities frequently interpret biological signs like first menstruation as sufficient indicators for marriage readiness, often without complementary assessment of psychological maturity. Salenda's (as cited in field data) research.²⁵ in South Sulawesi communities confirms this narrowly circumscribed interpretation focused exclusively on physical development markers.

In ***Fath al-Mu'in***, the textual orientation emphasizes economic capability:

**"Wa yajibu 'ala al-zawj al-nafaqah li zawiatihi
'ala al-wajh al-ma'ruf"**
("The husband is obligated to provide for
his wife in a proper manner.").

Empirical evidence demonstrates how this emphasis interacts with socio-economic realities. Research in Gresik indicates that economic considerations frequently dominate marriage decisions, with early marriage sometimes viewed as a strategy to transfer economic responsibility from parents to husbands.²⁶

Interpretative Practices among Religious Leaders

Field research documents distinct patterns of textual engagement among religious leaders. Study identifies two predominant approaches among *kyai*.²⁷

²⁵ Rumble, L., Darmstadt, A. S., Allendorf, K. L., Witoro, R. H., & Ummah, E. N. K. (2018). An Empirical Study on the Determinants of Female Child Marriage in Indonesia. *BMC Public Health*, 18(1). <https://doi.org/10.1186/s12889-018-5313-0>

²⁶ Fathoni, A., et al. (2021). Family Resilience and the Application of Islamic Family Jurisprudence among Millennial Muslim Households in Gresik, Indonesia. *Journal of Islamic Law*, 2(1). <https://doi.org/10.24260/jil.v2i2.332>

²⁷ Marcoses, L. (2020). Child marriage and the role of religious leaders in Indonesia. *Journal of Indonesian Islam*, 14(1), 1–20. <https://jurnal.iainponorogo.ac.id/index.php/JII/article/view/1947>

Literalist Approaches:

Predominant in traditional *pesantren* settings, where religious leaders apply textual formulations directly and literally. Field observations show that leaders often treat signs of biological puberty as sufficient indicators for marriage, focusing on fulfilling technical legal requirements while paying limited attention to broader developmental readiness.²⁸

Contextual Approaches:

An emerging trend documented where religious leaders integrate modern child development understandings with classical textual teachings.²⁹ These *kyai* employ holistic engagement with texts, reading specific provisions within Islam's broader legal objectives (*maqasid al-shari'ah*) while acknowledging historical contexts and addressing contemporary child protection concerns.

Textual-Implementative Gaps: Empirical Evidence

Systematic analysis reveals consistent gaps between textual provisions and their implementation:

Table 2.
Analysis of Textual-Implementative Gaps

Analytical Dimension	Textual Provisions	Implementati ve Reality	Empirical Evidence
Consent Framework	Mutual consent required for validity (<i>Uqud al-</i>	Guardian's consent routinely substitutes child's consent	Djawas et al.'s (2022) research shows parental authority overriding adolescent wishes in marriage

²⁸ Nurcahyo, I. (2022, July 11). Pendidikan Dan Kemiskinan Sebagai Faktor Dominan Pemicu Praktik Perkawinan Anak Di Bojonegoro. Artikel, PA Bojonegoro. [Https://Www.Pa-Bojonegoro.Go.Id/Pendidikan-Dan-Kemiskinan-Faktor-Utama-Penyebab-Terjadinya-Perkawinan-Anak-Di-Bojonegoro](https://Www.Pa-Bojonegoro.Go.Id/Pendidikan-Dan-Kemiskinan-Faktor-Utama-Penyebab-Terjadinya-Perkawinan-Anak-Di-Bojonegoro)

²⁹ Agustina, A. M., & Ismah, N. (2024). Menguji Otoritas Islam Tradisional: Ulama Perempuan Indonesia Dan Fatwa Penolakan Pernikahan Paksa. Journal of Islamic Law, 5(1), 125–146. Https://Doi.Org/10.24260/_Jil.V5i1.2319

<i>Lujjayn)</i>	in underage marriages	decisions	
Maturity Standards	Biological signs as primary indicators (<i>Fath al-Qarib</i>)	Psychological readiness consistently overlooked in assessments	Najwah's (2019) studies reveal exclusive focus on physical development markers
Marital Responsibilities	Material provision emphasized (<i>Fath al-Mu'in</i>)	Emotional responsibilities minimized in practice	Field data indicate economic considerations dominate marriage decisions
Interpretative Authority	Texts studied within hierarchical <i>pesantren</i> ecosystems	Literalist approaches dominant in traditional contexts	Centralized interpretative authority limits space for contextual readings

Source: processed online by the author.

Power Dynamics in Textual Interpretation

The analysis reveals how interpretative authority operates within specific power structures. In many traditional communities, the *kyai* holds highest authority in interpretation, creating hierarchical ecosystems where texts are applied with limited consideration of modern social contexts or higher legal objectives (*maqashid syari'ah*). This centralized authority often marginalizes alternative interpretations and limits consideration of psychological impacts, as documented in field observations across multiple regions.

Furthermore, the implementation gap where guardian's consent supplants the child's consent functions as a mechanism reinforcing existing power structures. This pattern is particularly evident in patriarchal settings where traditional family arrangements are maintained through selective textual application.

Economic Dimensions of Textual Application

Economic pressures significantly influence how textual provisions are interpreted and applied. In communities facing

resource constraints, the material provisions emphasized in classical texts combine with literal readings to create justification frameworks for early marriage. Research in Lamongan documents how economic hardships shape religious interpretations, with families utilizing textual provisions to address immediate material concerns through marriage arrangements.³⁰

This economic dimension intersects with interpretative practices, as economic pressures may predispose communities toward literalist readings that facilitate practical responses to material challenges, potentially overshadowing ethical considerations embedded within the same texts.

Discussion

Textual Ambiguity and Hermeneutical Negotiation

The findings show that early marriage in Indonesian Muslim communities persists through an interaction between textual ambiguity in *kitab kuning* and the ways religious actors interpret these texts in practice. Classical texts do not operate as fixed commands. Instead, communities activate them through interpretive practices shaped by institutional routines and social expectations. Explains, texts gain authority through embodied engagement rather than through textual content alone.³¹ This study demonstrates that *kitab kuning* present multiple interpretive possibilities by combining biological indicators of marriage readiness with ethical principles related to consent and welfare. These layered provisions allow communities to highlight certain elements while downplaying others.

This plurality does not weaken the authority of classical texts. Instead, it enables interpretive communities to use textual diversity as a practical resource. Religious actors draw selectively from this repertoire to address social needs, which transforms internal contradictions into sources of legitimacy and

³⁰ Lestari, D. N., & Herawat, N. R. (2022). Peran pemerintah daerah kabupaten Lamongan dalam upaya mengurangi angka pernikahan dini tahun 2021. *Journal of Politic and Government Studies*, 12(1), 1–12. <https://ejournal3.undip.ac.id/index.php/jpgs/article/view/37530>

³¹ Asad, T. (2009). The idea of an anthropology of Islam. *Qui Parle*, 17(2), 1–30. <https://doi.org/10.5250/quiparle.17.2.0001>.

cultural utility. describe this process as a discursive struggle, where meaning emerges through negotiation rather than textual determinism. In this sense, textual ambiguity supports continuity by allowing adaptation rather than by enforcing uniform outcomes.³²

The divergence between literalist and contextual readings reflects broader tensions within Islamic hermeneutics. Literalist approaches apply biological criteria directly and detach them from contemporary understandings of child development. would identify this practice as ahistorical textualism, as it isolates legal formulations from their ethical trajectory. Contextual approaches, by contrast, integrate specific rulings with broader objectives of Islamic law (*maqasid al-shari'ah*). These readings place moral responsibility at the center of interpretation and encourage interpreters to mediate between classical jurisprudence and contemporary social realities.³³ This tension confirms view that religious authority remains dynamic and contested rather than stable and uniform.

Gender, Power, and Interpretative Authority

A gender-sensitive reading clarifies how interpretive choices reshape power relations within pesantren communities. The persistent gap between textual consent requirements and actual practice shows how patriarchal structures guide interpretation.³⁴ Studies on gender and Islamic law have long shown how religious discourse can regulate women's autonomy when embedded in unequal power relations.^{35, 36} This study confirms that

³² Mutawali, M. (2023). *Maqāṣid al-Sharī'a Sebagai Landasan Moderasi Islam: Tinjauan Teo-Filosofis Terhadap Ideologi Keagamaan Yang Ekstrem*. Ulumuna, 27(1), 341–366.

³³ Abou El Fadl, K. (2001). *Speaking in God's Name: Islamic Law, Authority and Women*. Oneworld Publications.

³⁴ Mir-Hosseini, Z. (2013). Gender and Islamic law. *Religion Compass*, 7(8), 337–348. <https://doi.org/10.1111/rec3.12059>

³⁵ Dzuhayatin, S. R. (2015). Islam, Patriarchy and Feminism in Indonesia. *Indonesian Journal of Islam and Muslim Societies*, 5(2), 245–272.

³⁶ Bano, S. (2017). *Women, Law and Religious Authority in Islam*. Brill.

neutral textual provisions often serve gendered interests when actors apply them selectively.

Guardians frequently replace the child's consent with their own authority. This practice restricts young women's agency and frames obedience as religiously justified. Biological definitions of maturity further intensify this control by reducing readiness to physical markers. Demonstrate how this reduction transforms reproductive capacity into a dominant social value.³⁷ This study supports their argument by showing how communities prioritize family stability over child well-being.

Centralized interpretive authority reinforces these dynamics. Kyai often hold exclusive power to define legitimate readings, which marginalizes women and youth voices. Feminist Islamic scholars describe this condition as a hermeneutical monopoly that limits ethical reflection and contextual engagement. This study shows that gender inequality emerges less from the texts themselves and more from the structures that control interpretation.^{38 39},

Economic Pressures and Religious Legitimation

Economic conditions strongly influence how communities activate classical texts. Families facing financial strain often emphasize material provisions found in *kitab kuning* to justify early marriage. This study supports findings that economic hardship shapes religious interpretation. Families treat marriage as a strategy to manage material insecurity while maintaining religious legitimacy.

Anthropological analysis shows how religious discourse responds to socio-economic pressures. When communities isolate economic obligations from broader ethical considerations,

³⁷ Wardatun, A., & Smith, B. J. (2020). Perceraian Yang Diinisiasi Perempuan Dan Fikih Feminis Di Indonesia: Narasi Tentang Tindakan Nushūz Oleh Suami Dalam Perkawinan. *Ulumuna: Journal of Islamic Studies*, 24(2). <Https://Doi.Org/10.20414/Ujis.V24i2.416>.

³⁸ An-Na'im, A. A. (2010). *Islam and Human Rights*. University of Pennsylvania Press.

³⁹ Siddiqi, M. (2020). Child marriage and Islamic law. *Journal of Islamic Ethics*, 4(1–2), 1–24. <Https://doi.org/10.1163/24685542-12340057>.

they mobilize texts to sanction pragmatic solutions. Concept of “formations of the secular” helps explain this process, as religious reasoning intersects with economic rationality in ways that blur conventional boundaries. This interaction reveals how texts operate within lived realities rather than abstract moral systems.

Pesantren as Interpretive Communities

The findings confirm that pesantren function as interpretive communities where meaning forms collectively. Within these spaces, *kitab kuning* derive authority from interpretive consensus rather than textual finality. Kyai validate specific readings through institutional legitimacy, which allows some interpretations to dominate others.

Pedagogical practices shape this process. Show that pesantren education transmits not only textual knowledge but also attitudes toward authority and obedience.⁴⁰ This study finds that interpretive outcomes depend heavily on how teachers present texts and model engagement. Efforts to address early marriage must therefore engage with pesantren pedagogy and institutional culture rather than focusing solely on revising textual arguments.

Global Context and Comparative Perspectives

Comparative research situates Indonesian practices within broader global patterns. Frames child marriage as a form of exploitation.⁴¹ Links early marriage to educational exclusion and poverty in Bangladesh. Segal-Engelchin’s cross-cultural studies further reveal psychological distress and social instability among those who marry early.⁴² These findings resonate with Indonesian cases and reinforce concerns about long-term harm.

⁴⁰ Azra, A. (2013). Islam Nusantara: Jaringan Global Dan Lokal. Mizan.

⁴¹ Mikhail, S. L. B. (2002). Perkawinan Anak Dan Prostitusi Anak: Dua Bentuk Eksploitasi Seksual. Gender and Development. [Https://Doi.Org/10.1080/13552070215896](https://doi.org/10.1080/13552070215896),

⁴² Mim, S. A. (2017). Dampak Perkawinan Anak Terhadap Pendidikan Dan Pemberdayaan Anak Perempuan. Journal of Education and Learning (EduLearn). [Https://Doi.Org/10.11591/edulearn.V11i1.5130](https://doi.org/10.11591/edulearn.v11i1.5130),

At the same time, this study highlights contextual specificity. Indonesian religious legitimacy often draws from *kitab kuning* as Nusantara literature rather than from direct Qur'anic interpretation or state authority. This distinction creates unique dynamics of legitimacy and intervention. Concept of social engineering underscores the need to work within existing religious institutions rather than imposing external frameworks that lack local resonance.

Legal and Policy Implications

The legal regulation of child marriage reflects ongoing negotiation between religious interpretation and state authority. Shows how judges navigate religious texts and child protection norms in marriage dispensation cases.⁴³ Further observe how courts increasingly incorporate human rights principles alongside religious reasoning.⁴⁴

These findings indicate that effective policy interventions should move beyond rigid prohibitive frameworks and instead actively engage with the interpretive processes through which religious norms are understood and practiced. Rather than relying solely on legal restrictions, policymakers are encouraged to support contextual reinterpretation within pesantren as key sites of religious knowledge production. This includes the development of educational resources that explicitly foreground ethical principles such as justice, protection of the vulnerable, and social responsibility. In addition, sustained dialogue among religious scholars, legal practitioners, and child protection advo-

⁴³ Aristoni, A. (2022). Quo Vadis Dispensasi Perkawinan Di Indonesia: Putusan Hakim Dalam Upaya Mencegah Perkawinan Anak Di Pengadilan Agama Jepara. *De Jure: Jurnal Hukum Dan Syar'iah*, 14(2), 226–243. <Https://Doi.Org/10.18860/j-Fsh.V14i2.17408> ,

⁴⁴ Nawawi, M. A., Sulastri, S., Edi, R. N., & Setiawan, A. (2022). Harmonisasi Islam Dan Hak Asasi Manusia: Argumentasi Hukum Para Hakim Dalam Menolak Permohonan Dispensasi Perkawinan Anak Di Sukadana, Indonesia. *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 22(1), 117–134. <Https://Doi.Org/10.18326/Ijtihad.V22i1.117-134> ,

cates is essential to bridge normative religious discourse with contemporary legal and ethical concerns. As widely observed in studies of Muslim societies, reform initiatives tend to gain legitimacy and durability when they emerge from within authoritative religious traditions rather than being imposed externally. This study reinforces that insight by demonstrating that *kitab kuning* already contains rich ethical resources, which can be mobilized when communities consciously choose to foreground them in response to changing social realities.

Limitations and Directions for Future Research

This study acknowledges several limitations. The research focuses on Shafi'i legal texts within the Nusantara tradition, which may overlook insights from other Islamic legal schools or regional variations. The empirical scope captures interpretive practices in selected pesantren but does not represent the full diversity of Indonesia's pesantren landscape. The study also emphasizes textual and discursive analysis more than the lived experiences of individuals affected by early marriage.

Future research should address these gaps. Comparative studies across madhhab traditions could broaden understanding of interpretive diversity. Large-scale surveys could map patterns of interpretation across regions. Ethnographic research could amplify the voices of those directly impacted by early marriage. Studies on educational reform within pesantren could also explore pathways for ethical reinterpretation.

Limitation Of The Study

This study recognizes several limitations that shape its findings. The research concentrates on Shafi'i legal texts within the Nusantara tradition and does not systematically examine interpretations from other Islamic legal schools. The empirical data reflects selected pesantren communities and cannot represent all interpretive practices across Indonesia's extensive pesantren network. The study prioritizes qualitative analysis and therefore does not incorporate large-scale demographic data on early marriage prevalence.

The focus on *kitab kuning* as religious literature highlights textual authority but may underestimate non-religious social and economic influences. Finally, the interpretive framework reflects specific theoretical orientations that guide analytical choices. These limitations point toward future research that integrates comparative legal traditions, broader empirical surveys, and mixed-method approaches to deepen understanding of early marriage dynamics.

Table 3:
 Conceptual Framework of Textual Interpretation and
 Early Marriage Practices

Analytical Dimension	Core Mechanism	Interpretive Process	Social Outcome
Textual Ambiguity	Multivocal provisions in <i>kitab kuning</i>	Selective emphasis on biological, ethical, or economic elements	Flexible legitimization of early marriage
Hermeneutical Authority	Centralized kyai authority	Dominance of literalist or contextual readings	Unequal distribution of interpretive power
Gender Relations	Patriarchal social structures	Substitution of child consent by guardian authority	Restriction of female and youth agency
Economic Conditions	Household financial pressure	Prioritization of material obligations in texts	Marriage used as economic coping strategy
Pesantren Pedagogy	Institutionalized teaching practices	Transmission of obedience-oriented textual engagement	Reproduction of dominant interpretations
Legal–Religious	Interaction between	Judicial mediation	Gradual incorporation

Interface	religious norms and state law	between texts and child protection	of rights-based reasoning
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Source: processed online by the author.

Conceptual Contribution

This framework demonstrates that early marriage is not a direct outcome of religious texts but emerges from interactions between textual ambiguity, interpretive authority, socio-economic pressures, and institutional pedagogy. The table positions *kitab kuning* as interpretive resources, not causal determinants, and highlights how power relations mediate religious meaning in practice.

CONCLUSION

This study demonstrates that the persistence of early marriage in Indonesian Muslim communities cannot be understood solely as a legal or cultural phenomenon, but must be examined as a product of ongoing interpretive processes rooted in classical Islamic texts, religious authority, and socio-economic realities. By integrating textual analysis of Nusantara-specific *kitab kuning* with Critical Discourse Analysis and interpretive anthropology, the research shows that religious legitimization emerges from the interaction between textual plurality, interpretive methodology, and structural power.

The findings reveal that classical pesantren texts do not present a singular or fixed position on early marriage. Instead, works such as *'Uqūd al-Lujayn*, *Fath al-Qarīb*, and *Fath al-Muīn* contain internally layered arguments that combine legal permissibility with ethical considerations. While some passages emphasize biological maturity and formal legal requirements, others foreground consent, responsibility, and economic capability as moral prerequisites of marriage. This internal plurality creates interpretive space that allows religious actors to emphasize certain principles while marginalizing others. As a result, the texts function not as deterministic legal manuals, but as flexible discursive resources whose meanings depend on how they are read, taught, and applied.

The study further demonstrates that religious legitimacy is produced through divergent interpretive practices among authoritative actors. Two dominant modes of reading shape marital norms within pesantren communities. Literalist interpretations tend to isolate classical legal markers of puberty and guardianship from broader ethical frameworks, thereby normalizing early marriage as religiously valid. Contextual interpretations, by contrast, engage the same texts through holistic hermeneutics that integrate ethical objectives of Islamic law (*maqāṣid al-sharī‘ah*), contemporary knowledge on child development, and concerns for welfare and harm prevention. This divergence highlights that legitimacy is not inherent in the text itself, but is dynamically constructed through the interpretive lenses applied by religious authorities.

At the discursive and anthropological level, the research shows that textual interpretation is deeply embedded in power relations and material conditions. Literalist readings are often reinforced by patriarchal norms that prioritize family authority over individual agency, particularly in relation to girls' autonomy. Economic vulnerability further amplifies the appeal of early marriage by framing it as a strategy for social and financial security, with selective textual references used to justify pragmatic decisions. In this context, religious discourse becomes a contested domain where classical authority is mobilized to stabilize existing social arrangements rather than to interrogate their ethical consequences.

Theoretically, this study contributes to the understanding of Islamic interpretive traditions by empirically refining Talal Asad's concept of an "interpretive tradition." The findings show that such a tradition is not a coherent or unified body of meanings, but a field of negotiation in which competing interpretive methodologies struggle for authority. Religious texts gain legitimacy not through their intrinsic content alone, but through the social power of interpreters who successfully align particular readings with institutional norms and community interests. The study also complicates Fazlur Rahman's "double movement" hermeneutics by demonstrating that recontextualization faces significant resistance when established

interpretive communities are supported by entrenched socio-economic and gendered power structures. This suggests that hermeneutical transformation requires not only interpretive innovation, but also changes in the social conditions that sustain particular modes of reading.

Practically, the findings imply that efforts to address early marriage in Muslim societies cannot rely exclusively on legal reform or public health interventions. Sustainable change requires engagement with the interpretive ecosystems in which religious meanings are produced. Pesantren education emerges as a crucial site where contextual readings of classical texts can be cultivated without rejecting religious authority. By encouraging pedagogical practices that foreground ethical reasoning, welfare considerations, and critical engagement with classical sources, interpretive communities can activate normative resources already present within the Islamic tradition. At the same time, such efforts must be accompanied by broader initiatives addressing economic insecurity and gender inequality, which continue to shape the conditions under which early marriage is perceived as legitimate.

Overall, this study underscores that religious texts do not operate in isolation, but function within complex networks of interpretation, authority, and power. Understanding early marriage as a product of these networks allows for more nuanced and culturally grounded approaches to social change. By revealing how classical Islamic texts are selectively interpreted and mobilized in contemporary contexts, the research contributes to broader debates on Islamic law, religious authority, and ethical reform, while offering insights relevant to scholars, educators, and policymakers working at the intersection of religion and social life.

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