

## **Legal Education on the Urgency of Marriage Dispensation: A Review of *Maṣlahah Mursalah* and Positive Law**

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### **ABSTRACT**

The current surge in requests for marriage dispensations among the public has attracted considerable interest in further examining the situation. This community service aims to provide insight and knowledge based on an analysis of the essence of marriage dispensations from an Islamic legal perspective. This activity was conducted online using the Zoom platform. This community service delivered legal dissemination by providing a review of court decisions regarding marriage dispensations for young men and women in the Karang Taruan community of Sidoharjo Village, Sragen. This community service material provides an analysis of the essence of dispensations granted for various reasons, such as premarital pregnancy, arranged marriages, and economic constraints. Dispensations have both positive impacts and negative impacts. In Islamic law, there is no specific age limit for marriage. The views of contemporary scholars vary. This research is expected to provide recommendations for Religious Courts to prioritize the interests of children, as well as the need for education on the negative impacts of early marriage as a provision and capital for children in the future, so as to minimize the risk of increasing early marriage and realize marriages that comply with religious law and state regulations. This community service activity has had a positive impact on youth Karang Taruna with a significant increase in the level of understanding and critical awareness of participants regarding the legal and sociological aspects and the negative impacts of disproportionate marriage dispensations.

**Keywords:** legal education; marriage dispensations; *maṣlahah mursalah*

### **ABSTRAK**

Meningkatnya permohonan dispensasi nikah baru-baru ini di kalangan masyarakat telah menarik perhatian besar dari kalangan akademisi dan sosial, sehingga mendorong perlunya kajian yang lebih mendalam. Kegiatan pengabdian kepada masyarakat ini bertujuan untuk memberikan wawasan dan pengetahuan melalui analisis mengenai esensi dispensasi nikah dalam perspektif hukum Islam. Kegiatan ini dilaksanakan secara daring melalui platform Zoom dan berfokus pada diseminasi hukum dengan mengulas putusan-putusan pengadilan terkait dispensasi nikah. Pelatihan ditujukan kepada remaja dalam organisasi kepemudaan Karang Taruna Desa Sidoharjo, Sragen. Materi yang disampaikan memuat analisis komprehensif terhadap berbagai alasan diberikannya dispensasi, seperti kehamilan pranikah, pernikahan yang diatur oleh keluarga, dan kendala ekonomi, sekaligus menyoroti dampak positif maupun negatifnya. Dari sudut pandang

hukum Islam, tidak terdapat batas usia tertentu untuk menikah, dan para ulama kontemporer memiliki pandangan yang beragam mengenai hal ini. Kegiatan ini diharapkan dapat memberikan rekomendasi kepada Pengadilan Agama agar mengutamakan kepentingan terbaik bagi anak, serta menekankan pentingnya pendidikan mengenai dampak negatif pernikahan dini sebagai bentuk kesadaran preventif dan pemberdayaan jangka panjang. Upaya ini bertujuan untuk mengurangi angka pernikahan dini dan mendorong terwujudnya pernikahan yang sesuai dengan prinsip-prinsip agama maupun peraturan negara. Kegiatan pengabdian kepada masyarakat ini memberikan dampak positif bagi para pemuda Karang Taruna, yang terlihat dari peningkatan pemahaman dan kesadaran kritis mereka terhadap aspek hukum, sosiologis, dan moral, serta dampak negatif dari dispensasi nikah yang tidak proporsional.

**Kata kunci:** pendidikan hukum; dispensasi nikah; *maṣlaḥah mursalah*

## INTRODUCTION

Marriage is generally defined as a physical and spiritual bond between a man and a woman as husband and wife, with the goal of forming a happy and eternal family (household) based on the One Almighty God. Marriage can also be defined as a strong contract (*mītsāqan ghalīzhā*) or a firm agreement between a man and a woman to live together in joy and sorrow (Syafi'i and Chaosa 2016). Marriage is the foundation of every society worldwide. Through marriage, a family is built that provides love and affection for its children, producing a new, devoted generation that provides fresh energy for social life, thus enabling growth, strength, and progress. Therefore, marriage is not merely a personal choice, but also a social obligation. Without marriage, the continuity of a society would be threatened, and its growth would be hampered (Hidayatulloh, 2020).

Marriage according to Islamic law is a very strong agreement, because there is a physical and spiritual bond between a man and a woman to create a harmonious, happy family, and blessed by Allah SWT. The purpose of marriage includes carrying out Allah's commands, achieving peace and happiness, having pious offspring, building a harmonious family, and maintaining personal purity. The conditions and pillars include prospective husband and wife who meet the requirements, the presence of a guardian, witnesses, and *ijab and Kabul* (Saputro et al., 2025). Marriage laws vary from obligatory to haram, depending on individual conditions. The wisdom of marriage includes preserving offspring, creating a harmonious family, increasing prosperity, and getting closer to Allah SWT. Marriage is also an important institution in Islam that aims to form a family that is *sakinah, mawaddah, and rahmah*. Marriage according to Islamic law in accordance with Article 2 paragraph (1) of Law No. 1 of 1974 concerning marriage is valid.

Important aspects of marriage include choosing the right partner, exercising rights and obligations, effective communication, maintaining trust, and resolving conflicts wisely. Choosing a life partner is a crucial step in marriage. Islam encourages choosing a partner who is pious, has noble morals, and shares the same vision and mission in life. Husband and wife have rights and obligations that must be fulfilled properly. Both must respect, appreciate, and cooperate in building a happy household. Good

communication is key to maintaining harmony in the household. Husband and wife must be open, honest, and willing to listen to each other's opinions. Trust is a strong foundation in marriage. Husband and wife must trust each other and uphold the trust given to them (Wijayanti, 2025). Conflict is normal in a household. However, conflict must be resolved wisely and peacefully, without hurting the other's feelings. By understanding the true purpose of marriage and properly exercising rights and obligations, husband and wife can build a happy, harmonious household that is blessed by Allah SWT. However, in some cases, there are situations where couples who wish to marry do not meet the age requirements set by marriage law. In conditions like this, marriage dispensation can be a solution.

A marriage dispensation is an approval granted to a couple who wishes to marry even though they have not yet reached the stipulated age limit. Islamic law contains rules governing marriage, including the requirements that must be met for a marriage to be considered valid. A dispensation itself is an exception to a legal regulation or statute that should be officially applied. A marriage dispensation is an exception granted to Article 7 paragraph 1 of Law Number 1 of 1974 concerning the minimum age limit for marriage for men and women who have not reached the minimum age due to certain circumstances or specific reasons (Kamarusdiana and Sofia, 2020).

Marriage dispensations have both positive and negative impacts. The positive impacts of dispensations include preventing adultery and premarital pregnancies, protecting children's rights, and realizing the purpose of marriage for some. This has resulted in many young marriages. Meanwhile, the negative impact of dispensations is that they have resulted in many young marriages. Early marriages have detrimental impacts and create new problems. First, couples who marry at a young age have a high risk of divorce. The age of marriage is considered the age at which a person is considered physically and mentally ready and capable to marry. The minimum age for marriage is understood as the minimum age at which a man or woman is permitted to marry. Islamic jurisprudence does not specifically mention marriage dispensations and has never implemented a minimum age limit for men or women to marry. The implementation of marriage is closely related to the purpose and wisdom of marriage itself. The majority of Islamic jurists permit marriage under the age of consent, but this does not necessarily mean that sexual intercourse is permissible. If intercourse results in physical or psychological harm to the wife, it is prohibited (Judiasih et al., 2020).

This prohibition applies to both underage and adult marriages. Before tying the knot, the prospective husband and wife must be mentally, physically, and emotionally prepared, including reaching maturity (Yonatan and Aditya Pramana Putra, 2023)). Second, regarding reproductive health, there is a risk of death for both mother and child. In terms of health, it is stated that women under 21 years of age have not yet fully developed reproductive organs for pregnancy and childbirth. Third, early marriage often leads to poverty, as the young couple is generally not financially prepared for work. Fourth, there is child exploitation, where they are forced to work and care for children after marriage. Therefore, in granting marriage dispensations, religious courts must always prioritize the best interests of the child, ensure the couple's physical, mental, emotional, and economic

readiness, and consider the social and economic factors underlying the request for marriage dispensation. Several cases related to marriage dispensation, particularly in the Karanganyar Religious Court, occurred. One example is the ruling dated November 4, 2024, case number 206/Pdt.P/2024/PA.Kra, in which a marriage dispensation request was granted on the grounds of avoiding adultery. Another is the ruling dated November 13, 2024, case number 198/Pdt.P/2024/PA.Kra, in which a marriage dispensation request was also granted on the grounds of an out-of-wedlock pregnancy and the applicant's underage status.

In this regard, marriage dispensation is an interesting issue to examine. Therefore, it is crucial to investigate how Islamic law analyzes dispensation cases. This service aims to analyze the Islamic legal perspective on marriage dispensation. By examining marriage dispensation cases, particularly those occurring in religious courts, it is hoped that this service will provide deeper insight into how Islamic law handles marriage dispensation issues. The focus is on the methods and solutions established in the Islamic legal system and how this relates to the social values that have developed in Indonesian society.

## **METHOD**

This community service activity utilizes a systematically designed legal counseling method to provide education regarding marriage dispensations. This type of activity is considered qualitative field research, where data is obtained directly from the responses of the target audience during the activity (Raden Rizky and Abdul Fadhil, 2024). The program will be implemented entirely online through the Zoom Meeting platform in June 2025, considering the efficiency of outreach and participant accessibility. The primary targets of this outreach are Youth Organization of Sidoharjo Village, Sragen Regency who are considered vulnerable to early marriage practices.

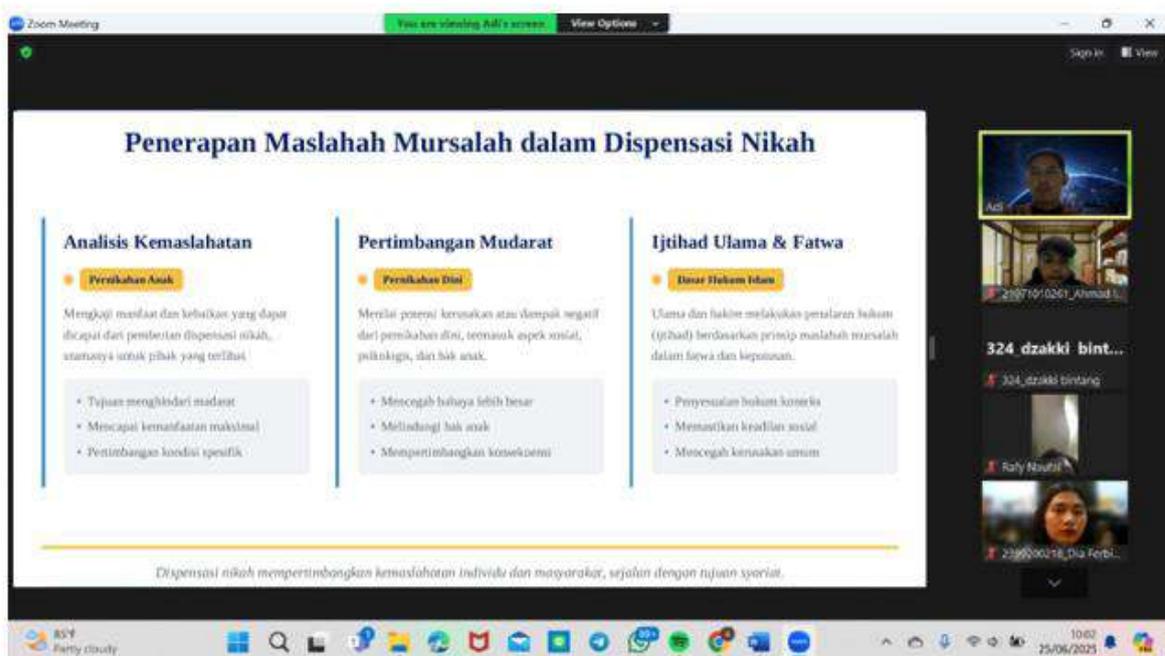
The data used in this activity comes from two sources: primary data obtained through pre- and post-test instruments completed by participants, and secondary data derived from library research on the Marriage Law and related legal literature. The approach used is a persuasive-educational one, in which the community service team not only explains the formal legal procedures in the Religious Courts but also provides an understanding of the sociological and health impacts behind marriage dispensation requests.

Data collection techniques were conducted through an online questionnaire (Google Form) to measure participants' level of understanding before and after the material was presented, as well as through participant observation during the discussion session. The implementation stages of this PKM include three main phases: the preparation stage, which includes problem identification and partner coordination; the implementation stage, which includes the presentation of counseling materials and an interactive question and answer session; and the evaluation stage. The data analysis method was descriptive qualitative by comparing the results of participant evaluations to measure the effectiveness of the counseling in improving public legal literacy regarding the requirements and consequences of marriage dispensations.

## RESULTS AND DISCUSSION

To address the aforementioned issues, particularly for the general public in the region and young people, efforts are being made to disseminate and educate them indirectly, using the media as a means of disseminating legal information about the essence of marriage and marriage dispensations. This service is aimed primarily at young adults, providing them with insight and knowledge on marriage. Furthermore, it aims to build legal awareness from an early age, fostering an understanding of marriage and the essence of marriage dispensations.

This legal counseling was conducted online for participants in collaboration with university students. This counseling is part of our research, and therefore needs to be disseminated to the general public and youth to provide insight and develop knowledge regarding marriage. In addition to raising public awareness, it also aims to empower youth to understand the essence of marriage holistically. Given the prevalence of self-marriage among teenagers, this is due to various internal and external factors. This online legal counseling, at the very least, will benefit the research findings we have reviewed and provide youth with a more thorough understanding of marriage, both within religious and state contexts. The theme of this service is normative law, utilizing several approaches, such as: the statutory approach, the empirical approach, and the religious approach. The empirical approach involves gaining knowledge and conclusions based on concrete evidence and observed experiences (Adiyanta, 2019). In addition, a case study approach is used by paying attention to concrete cases related to the issues being researched.



In the context of marriage dispensation, the case approach can be used to analyze court decisions related to applications for marriage dispensation, as well as the factors that judges consider in granting or rejecting such applications. In the context of marriage dispensation, the case

approach can be used to analyze court decisions related to applications for marriage dispensation, as well as the factors that judges consider in granting or rejecting such applications. Legislation governing marriage, such as Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage.

The Community Service (PKM) activity entitled Dissemination of Research Results on the Essence of Marriage Dispensation: A Legal Analysis from an Islamic Law Perspective was held entirely online through the Zoom Meeting digital video conference platform on Saturday, June 25, 2025. The online method was chosen to ensure accessibility and time efficiency for 20 young members of the Sidoharjo Village Youth Organization, Sragen Regency, as the main target partners. The preparation stage included the formation of a special communication group, distribution of electronic invitations and meeting links, and distribution of initial materials (pre-reading materials) in soft file form. Confirmation of attendance and technical connection testing (audio and visual) were carried out one day before the event to minimize technical problems during the main session.

The main session of the activity began with an official opening and a presentation of the background to the importance of understanding marriage dispensations. The main presentation focused on the results of the community service team's research on the legal, sociological, and psychological impacts of applying for and granting marriage dispensations under the legally stipulated age. The delivery method was designed dynamically, combining interactive visual presentations with data-driven narratives, and optimally utilizing screen sharing features. Emphasis was placed on an in-depth understanding of legal loopholes and the strategic role of the youth of the Sidoharjo Village Youth Organization (Karang Taruna) in Sragen Regency in efforts to prevent child marriage at the sub-district level.

Despite being held online, active interaction from the 20 Karang Taruna (Youth Organization) participants from Sidoharjo Village, Sragen Regency, was a priority. The moderated Q&A session was very productive, with participants actively raising case studies and critical questions related to the social impact of marriage dispensations in their communities. To encourage deeper discussion, the facilitator also utilized the breakout room feature, dividing participants into small groups (4-5 people) to analyze fictional scenarios regarding dispensation requests. The results of these group discussions were then presented again in a plenary session, sparking constructive debate on practical solutions that could be initiated by youth organizations.

The direct impact of this online dissemination was a measurable increase in the knowledge and critical awareness of 20 youth members of the Karang Taruna (Youth Organization) in Sidoharjo Village, Sragen Regency, regarding the issue of marriage dispensation. Participants no longer viewed this issue as merely a personal matter, but rather as a structural issue requiring community intervention. This activity successfully equipped them with an analytical framework and solid research data to serve as the basis for peer education and advocacy. This in-depth understanding is crucial for them to design relevant Karang Taruna work programs for child protection and strengthening family resilience in the Sidoharjo area of Sragen Regency.

Evaluation was conducted immediately after the session concluded through an online Google Form, assessing the relevance of the material, the effectiveness of the online delivery method, and participant satisfaction. The evaluation results showed a very positive response, with most participants expressing their readiness to apply this knowledge in Karang Taruna activities. As a sustainability plan, the community service team is committed to providing a simple e-book module summarizing key points on the essence of marriage dispensation. This module serves as a guide that Karang Taruna, Sidoharjo Village, Sragen Regency, can use to independently organize similar educational sessions in the future, ensuring the continued dissemination of research findings.

## **CONCLUSION**

The online dissemination of research findings on the essence of marriage dispensation has successfully achieved its primary target by effectively engaging 20 youth members of the Sidoharjo Village Youth Organization Sragen Regency. Based on the collected evaluation data, it can be concluded that there has been a significant increase in the level of understanding and critical awareness of participants regarding the legal and sociological aspects and the negative impacts of disproportionate marriage dispensation. The online implementation proved to be an efficient format and was able to facilitate in-depth discussions and two-way interactions, especially through the use of breakout rooms and constructive Q&A sessions. The success of this program demonstrates that the youth of the Sidoharjo Village Youth Organization Sragen Regency, have the capacity and high motivation to become agents of social change in preventing child marriage in their community.

Disseminating the research findings has important strategic implications, namely equipping Karang Taruna youth with a valid scientific foundation as a basis for community action. This in-depth understanding shifts their perspective from merely reactive to cases of child marriage to proactive in peer education and advocacy efforts. Practically, this knowledge can be directly integrated into Karang Taruna's work programs, enabling them to design more targeted, data-driven prevention campaigns that address the root of social problems in Sidoharjo Village. Thus, this activity is not only a transfer of knowledge, but also a transfer of strategic capacity.

To ensure the sustainability of the positive impact of this activity, several follow-up actions are recommended. First, the Kleco Youth Organization is encouraged to immediately form a special task force tasked with developing adaptive educational materials and regularly conducting peer education sessions for youth beyond the 20 core participants. Second, further collaboration with the sub-district government and local non-governmental organizations (NGOs) is needed to expand advocacy reach and synergize integrated child marriage prevention programs. The community service team recommends continued mentoring sessions to assist the Youth Organization in implementing the e-book module and monitoring the effectiveness of the educational program they have initiated.

**REFERENCES**

- Adiyanta, F. C. S. (2019). Hukum dan Studi Penelitian Empiris: Penggunaan Metode Survey sebagai Instrumen Penelitian Hukum Empiris. *Administrative Law and Governance Journal*, 2(4), 697–709. <https://doi.org/10.14710/alj.v2i4.697-709>
- Hidayatulloh, H. (2020). Dispensasi Nikah Di Bawah Umur Dalam Hukum Islam. *Jurnal Hukum Keluarga Islam Volume 5, Nomor 1, April 2020; ISSN: 2541-1489 (Cetak)/2541-1497 (Online).*, 5(April).
- Judiasih, S. D., Padjadjaran, U., Dajaan, S. S., Padjadjaran, U., Nugroho, B. D., and Padjadjaran, U. (2020). Kontradiksi antara Dispensasi Kawin dengan Upaya Meminimalisir Perkawinan Bawah Umur di Indonesia. *ACTA DIURNAL Jurnal Ilmu Hukum Kenotariatan*, 3(2), 203–222.
- Kamarusdiana, K., and Sofia, I. (2020). Dispensasi Nikah Dalam Persfektif Hukum Islam, Undang-Undang Nomor 1 Tahun 1974 dan Kompilasi Hukum Islam. *SALAM: Jurnal Sosial Dan Budaya Syar-I*, 7(1), 49–64. <https://doi.org/10.15408/sjsbs.v7i1.14534>
- Raden Rizky, A., and Abdul Fadhil, S. N. (2024). Penerapan Metode Ceramah dan Diskusi Dalam Meningkatkan Hasil Belajar PAI di SMA Negeri 44 Jakarta. *Jurnal Studi Al-Qur'an; Membangun Tradisi Berfikir Qur'ani*, 10(2), 117–124.
- Saputro, T. A., Nur, I., and Ikhsan, A. (2025). Marriage Dispensation as A Legal Political Instrument: Juridical Insights and Islamic Law Considerations. *REFORMASI*, 15(2), 317–330.
- Syafi'i dan Chaosa. (2016). Penetapan Dispensasi Nikah Oleh Hakim (Studi Komparatif Hukum Islam dan Hukum Positif). *Mahabits (Jurnal Hukum Keluarga)*, 01, 1–23.
- Wijayanti, N. J. (2025). Analisis Yuridis Pemberian Dispensasi Nikah dengan Alasan Sudah Tinggal Bersama ditinjau dari Hukum Islam. *Mahkamah: Jurnal Riset Ilmu Hukum*, 2(2), 26–36.
- Yonatan, H., and Aditya Pramana Putra, M. (2023). Urgensi Pembuatan Perjanjian Pra-Nikah Sebagai Perlindungan Hukum Terhadap Kehidupan Perkawinan. *Jurnal Kertha Wicara*, 12(11), 563–574.