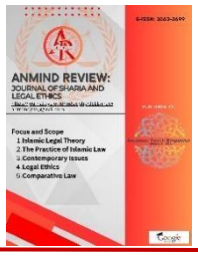
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Negotiating Islamic Law and State Norms in Child Marriage Practices in Coastal Indonesia

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A B S T R A C T

Despite national legal reforms aimed at curbing child marriage, the practice remains prevalent in Indonesia's coastal Muslim communities. This study explores the socio-legal dynamics underpinning early marriage in South Minahasa, North Sulawesi, by examining the interaction between Islamic jurisprudence, customary norms, and formal state law. Using a qualitative socio-legal approach, data were collected through in-depth interviews with religious leaders, adat authorities, legal practitioners, affected families, court documents, and field observations. Findings reveal that dominant interpretations of classical Islamic law, particularly the emphasis on biological maturity (baligh) as a prerequisite for marriage, legitimize child marriage at the grassroots level, often reinforced by socio-economic pressures and honor-based cultural expectations. Moreover, legal instruments such as marriage dispensation and unregistered (siri) marriages are widely used to bypass formal legal constraints. This plural legal reality places religious courts in a normative dilemma between enforcing state law and accommodating communal values. The study argues that preventing child marriage requires statutory enforcement and culturally sensitive engagement with religious authorities, community-based legal education, and a reinterpretation of Islamic norms through the lens of maqāṣid al-sharī'ah (higher objectives of Islamic law). These findings contribute to broader global discussions on legal pluralism, human rights, and the role of faith-based norms in shaping family law and child protection policies.

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1. INTRODUCTION

Child marriage is still a deep-rooted socio-legal challenge in Indonesia, especially in coastal and rural areas that are culturally heavily influenced by Islamic norms and local customary laws (Grinjs & Horri, 2018). Although Law Number 16 of 2019 has set the minimum age of marriage to 19 years for both men and women, the reality on the ground shows that the practice of early marriage is still widespread (Bukido et al., 2023; Warman et al., 2023). In the coastal area of South Minahasa, North Sulawesi, for example, child marriage still occurs with religious and customary-based justifications. This reflects the gap between the ideal state legal norms and the social practices of the community that are more oriented towards the values of the local community. This situation reflects the complexity of applying the law in a pluralistic society.

Through the lens of legal pluralism, as described by Sally Engle Merry in Berman (2020), the state's authority in applying formal law is often limited by the existence of other normative orders that coexist in society. In the context of Indonesian Muslim society, Islamic law (fiqh) does not determine the age limit for marriage numerically but based on biological maturity (puberty) (Faizal et al., 2022). In the classical fiqh view, a woman is considered puberty when she experiences her first period, and a man when she experiences wet dreams. Although this concept of puberty intends to guarantee readiness to enter domestic life, this interpretation ultimately creates a legal gray zone that allows for the legitimacy of early marriage on religious grounds, even if it is contrary to the positive legal age limit that the state has determined (Maisarah et al., 2019; Verskin, 2017).

This legal ambiguity is exacerbated by religious and traditional leaders' dominant role in local marriage practices. These figures had a high social and moral authority, even exceeded the influence of the state apparatus, and were often facilitators of serial marriages (unrecorded) or supporters of marriage dispensations in the Religious Courts (Rohman et al., 2023). In such conditions, efforts to reform state law become less effective because they face social mechanisms supporting violations of formal regulations. Data from the Amurang Religious Court shows an increase in marriage dispensations from 23 cases in 2021 to 25 cases in 2022. Meanwhile, the Central Statistics Agency (BPS) noted that the rate of early marriage in rural areas of North Sulawesi reached 32.24%, far above the national average. This places the area as one of the regions with the highest rate of child marriage in Indonesia.

From the point of view of socio-legal law, the sustainability of this practice of early marriage can be explained through the concept of "living law" from Eugen Ehrlich, who states that the laws that govern the behavior of society are often not written laws of the state, but social and cultural norms that are alive and believed by society (Butkevych, 2019). In coastal communities, the laws that operate are not merely legislation but the views of religious and customary leaders who emphasize the values of family honor, social harmony, and morality based on religious interpretations and local traditions (Zuwirda et al., 2023). With this framework, it is understandable why state law reform is often rejected or ignored by societies whose legitimacy is more based on local cultural and spiritual authorities.

In addition, the issue of child marriage can also be analyzed through the capability approach developed by Amartya Sen (Hicks, 2002). This approach emphasizes the importance of expanding the freedom of individuals to live the lives they value (Miletzki & Broten, 2017). Child marriage directly limits the space for adolescent girls to access education, health services, and economic independence (Efevbera & Bhabha, 2020). Although normatively justified by the community, this practice is contrary to the principles of gender justice and human welfare that are the foundation of Islamic ethics as well as international conventions such as the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Taslima, 2023).

The study is unique in that it not only investigates child marriage in coastal Muslim communities in Indonesia but also critically examines how local religious leaders reinterpret Islamic law through

the lens of contemporary socio-economic challenges, a dimension rarely explored in previous studies from Java, Madura, or Lombok (Grinjs & Horri, 2018; Hidayana et al., 2016). Furthermore, by combining the perspectives of progressive and conservative community actors, this study provides a more nuanced understanding of the negotiation between state laws, religious norms, and local culture. More broadly, this study also contributes to the global discourse on legal pluralism in the practice of child marriage in Muslim societies. In contrast to, several studies in Malaysia show that there are efforts to integrate state policies and religious fatwas in restricting child marriage (Imaduddin et al., 2024; Mohd. Razif, 2022), or cases in Pakistan and Morocco where changes in state laws have led to resistance from conservative religious groups (Buchler & Schlatter, 2013; Haddad, 2024), this study shows how negotiations between local religious, state, and cultural authorities in Indonesia take place dynamically and not always linear. Thus, the findings of this study can be a comparative reference in efforts to harmonize Islamic law and child protection, not only in Indonesia but also in various Muslim countries that face similar dilemmas between religious norms, state laws, and socio-cultural practices.

Based on this complexity, this study aims to critically examine how Islamic law is interpreted and applied in the regulation of child marriage in coastal communities of South Minahasa, as well as to uncover the normative logic that underpins the sustainability of the practice amid tensions between state law, religion, and local culture. This research not only focuses on descriptive aspects but also seeks to offer solutions and policy interventions sensitive to the local cultural context and simultaneously strengthen the protection of children's rights. By presenting a more comprehensive understanding of norm negotiations at the grassroots level, this article is expected to make a meaningful contribution to the international discourse on child marriage and legal pluralism in Muslim societies and serve as a comparative reference for other countries facing similar challenges.

2. METHODS

This research uses a qualitative approach with a socio-legal framework, which aims to describe in depth the dynamics between Islamic legal norms, state law, and social practices that develop in the context of coastal communities (Pangaribuan, 2023; Zoppei, 2017). This approach is relevant to understanding not only the normative dimension of the rule of law but also how the law is implemented, understood, and negotiated in the daily life of society.

The data in this study was obtained through three main techniques: in-depth interviews, participatory observation, and document study. Interviews were conducted with 18 key informants consisting of religious leaders (ustadz and mosque imams), local traditional leaders, officials of the Office of Religious Affairs (KUA), judges in the Religious Courts, as well as young couples and parents who are directly involved in the practice of child marriage. Informants are selected purposively based on their social position and knowledge of local legal and customary practices. All interviews were conducted face-to-face, lasting between 45 and 90 minutes, and were recorded using digital devices to maintain data accuracy.

Participatory observation is carried out in various community activities, including the proposal process, marriage contracts, and religious forums where the issue of child marriage is often discussed. This observation aims to capture the non-verbal, symbolic, and ritualistic dimensions surrounding the practice of child marriage in the coastal communities of South Minahasa. In addition, the researcher also accessed related legal and administrative documents, such as the marriage dispensation decision at the Amurang Religious Court, records from the KUA, and relevant national regulations, such as Law No. 16 of 2019 and Supreme Court Regulation No. 5 of 2019.

Data analysis was carried out with an inductive thematic approach. Data from the interviews were transcribed, coded, and then categorized into major themes such as the role of religious and customary authorities, perceptions of marriage age, dispensation mechanisms, and serial marriage

practices. A triangulation approach is applied to verify the consistency of data from various sources (Braun & Clarke, 2022). The validity of the findings was strengthened through member-checking techniques and discussions of provisional results with several key informants. With this strategy, the study's results represent empirical facts and provide a reflective understanding of child marriage's legal and social complexities in the study area.

3. RESULTS AND DISCUSSION

The Dominant Role of Religious Leaders in Influencing the Practice of Child Marriage

Religious leaders have a dominant influence in shaping public perception and legitimacy of the practice of child marriage, especially in coastal areas where Islamic teachings are the main reference in social and family life. In many cases, the decision to marry a minor is not only a family decision but also the result of approval, encouragement, or even encouragement from local religious leaders (Kartika Sri Rohana & Sainun, 2024).

This is due to the strong position of religious leaders as moral, spiritual, and social authorities in the community. They are seen not only as religious teachers but also as the foremost interpreters of Islamic law (fiqh), mediators of conflicts, and family advisors (Schacht, 2024). In this context, when religious leaders declare that menstruating girls can be married, the statement has a performative power: not just an opinion but a socially binding legal legitimacy.

The classical fiqh approach to which they refer generally departs from the doctrine of most sects, such as Shafi'i and Hanbali, which stipulate that the sign of puberty for women is the first menstruation. For men, it is a wet dream. In this view, puberty is the legal limit for marriage. This is in line with the view of Imam Al-Ghazali in *Ihya' Ulumuddin* and also Wahbah al-Zuhaili in *Al-Fiqh al-Islami wa Adillatuhu,* which emphasizes that puberty is the primary basis for the implementation of *taklif* (sharia obligations), including in marriage (Al-Ghazali, 1980; Al-Zuhailiy, 1969).

Based on the results of in-depth interviews conducted with eight religious leaders in South Minahasa, almost all respondents stated that they used the criteria of puberty as a reference in deciding whether someone can marry or not. One of the mosque's imams said:

> *"If a girl is menstruating, then religiously she is ready to be married. It should not be detained because it can bring slander."* (Interview, Saiful, Imam of Baitut Taqwa Mosque, South Minahasa, 2024)

This statement indicates that there are concerns about promiscuity or adultery that may occur if girls are not married soon. In the social context of coastal communities, this concern is reinforced by the value of family honor (*Izzah al-'a'ilah*) and women's dignity. If a girl looks close to a boy, it can cause prejudice from the surrounding community (Marwah, 2024). Therefore, marrying a child is a preventive measure against potential disgrace or slander.

This phenomenon also strongly emphasizes communitarian norms in traditional Islam, where community or family interests are often placed above individual rights, including the right of children to complete education or achieve psychological and emotional maturity. Religious leaders become the guardians of this norm and, simultaneously, become figures who can unite Sharia law and local customs in one package of social legitimacy.

From a legal perspective, this condition poses problems because many marriages are carried out based on "religiously ready" but are not followed by registration at the KUA (Musta'in, 2022). This causes the marriage status to become unofficial by the state, which has implications for the non-registration of wives and children in civil law administration such as marriage certificates, family cards, and birth certificates. Legally, children from serial marriages do not automatically receive the same legal protections as children from formal marriages, including inheritance rights, recognition of inheritance, and social security rights. Therefore, this practice has a social and systemic impact on the legal position of women and children.

On the other hand, religious leaders' dominance of classical interpretation also shows resistance to positive changes in state law, especially Law Number 16 of 2019, which clearly states that the age limit for marriage is 19 years for men and women. In several interviews, some religious leaders stated that the country's laws are "political products" that can change, while religious laws are fixed and sacred. This creates a sharp legal dualism at the grassroots level: state law is considered optional, while religious law is considered final.

Theoretically, the dominance of the role of religious leaders in this realm is very much in line with the concept of legal pluralism, which emphasizes that society is not only subject to one legal system. In everyday reality, people live in the shadows of *Multiple Legal Orders*—namely state law, religious law, and customary law (Berman, 2020). In this case, religious leaders become *Jurisprudential authorities* with epistemic and social power in deciding which laws apply to their communities.

Based on these findings, it can be concluded that religious leaders have a central and even dominant role in supporting and perpetuating the practice of child marriage in coastal communities. This influence comes not only from their spiritual capacity but also from their symbolic and social positions in the community. The classical interpretation of fiqh that makes puberty the main condition for the validity of marriage has become the primary basis for justifying the practice of early marriage, even though it is contrary to the positive law of the state.

The strength of this role impacts the lack of public awareness of the importance of marriage registration and legal protection of children while also showing the massive gap between state policies and religious practices at the grassroots level. Therefore, any effort to reduce the rate of child marriage must begin with a serious dialogue with religious leaders, as well as efforts to reinterpret Islamic law through the approach of maqashid al-shariah and contemporary ijtihad. Without shifting the normative position of religious leaders or actively involving them in legal awareness campaigns, state policies will continue to face strong social resistance.

Marriage Dispensation as a Middle Way between State Norms and Social Pressure

The application for marriage dispensation at the Religious Court is a middle ground taken by families in coastal communities to accommodate social realities, especially related to out-of-wedlock pregnancies and customary pressures, while still trying to comply with the country's legal procedures that set the age limit for marriage. Although normatively, this dispensation is designed as an exception, in practice, it is a regular mechanism showing the complexity of the relationship between state law and social norms.

Urgent social situations such as unplanned pregnancies, pressure from extended families, and community norms that uphold family honor—often lead parents to choose to marry their children immediately even though they have not yet reached the legal age limit (Wardani et al., 2023). In such conditions, applying for dispensation in the Religious Court is the only way to gain legal legitimacy and avoid social sanctions or negative social stigma.

Most families have no prior intention to violate the laws of the country. However, when faced with social pressures and family honor that was considered to be on the verge of collapse, they chose a middle ground by proposing dispensation as a form of compromise between two value systems: the formal legal system of the state and the system of social norms that live in society.

Empirical data from the Amurang Religious Court shows that applications for marriage dispensation are experiencing an increasing trend. In 2021, there were 23 applications, while in 2022, the number rose to 25. Although quantitatively, this figure seems small, in the context of a relatively small and remote area such as South Minahasa, the figure reflects a relatively high prevalence, considering that child marriage also occurs through informal channels such as serial marriages that are not administratively recorded. The child marriage rate in South Minahasa, which

reached 32%, is far above the Indonesian national average, which is in the range of 14%. This shows that the challenges in coastal areas are more complex than in other areas. When compared to neighboring countries such as Malaysia, some integrated policies between religious authorities and the state have been able to reduce the rate of child marriage. However, the challenge of legal pluralism also remains. Legal reform and community-based education have proven effective in Bangladesh in recent decades. Lessons from these countries can inspire new policy designs in Indonesia, especially in harmonizing religious law and protecting children's rights.

In an interview with a Religious Court judge, the normative dilemma they faced was revealed:

> *"We are aware that the law prohibits it, but social realities force us to consider factors of pregnancy, customary pressures, and the domestic viability of the prospective couple."* (Interview, Masyrifah, Judge of the Amurang Religious Court, 2023)

This statement shows how judges, as formal actors in the country's legal system, cannot completely disregard the social complexities that accompany child marriage cases. Judges are ambiguous: On the one hand, they have to enforce the law strictly, but on the other hand, they cannot ignore the social pressures that threaten family harmony and community structures.

In many cases, the request for a dispensation is accompanied by a document proving the existence of a pregnancy or a certificate from a community leader stating that the couple has been in a relationship and has "stepped over" local customary norms (Cahyani, 2023; Kurniati, 2021; Kusna, 2023). In the coastal communities of South Minahasa, women who become pregnant out of wedlock will be considered to tarnish the family's reputation, and the only way to restore a reputation is to marry, even if it means violating the legal age.

This practice clearly illustrates the concept of legal pluralism, in which legal decision-making does not stand alone but is always influenced by the community's social norms, values, and expectations. The state legal system does not work in a vacuum; He intersects and even negotiates with the customary law system and religious law that live and govern society informally (Warman et al., 2023; Zoppei, 2017). In the case of marriage dispensation, the judge not only acts as an interpreter of the law but also as a social mediator between the will of the law and the reality of the community.

Furthermore, this phenomenon also shows how religious justice institutions in Indonesia are instruments of law enforcement and sociocultural institutions that maintain social stability in Muslim society. In practice, the Religious Court functions as a normative institution and an arena where negotiations between state and local norms occur.

The application for marriage dispensation in the Religious Court is a concrete reflection of the efforts of the community and legal institutions in managing the tension between the positive laws of the state and the social pressures derived from customary and religious values. Although juridically dispensation is intended as a strict and limited exception, practice in the field shows that it is often used as the primary solution when families face social emergencies such as out-of-wedlock pregnancies.

The role of judges in this context is very strategic but also dilemmatic. They are not only law enforcers but also cultural actors who must consider the values of the community and the social consequences of any decision. This shows that legal reform to reduce the rate of child marriage is not enough only through increasing the age limit or legal sanctions alone, but must be accompanied by a cultural approach, socialization of maqashid al-shariah values, and the empowerment of families and women to be able to resist social pressures that are detrimental to children's rights.

Thus, the marriage dispensation is a legal loophole and an indicator of the state's failure to reach the social realms that customary and religious norms have dominated. Substantial reform is needed

at the normative level and in changing the social structure and community mindset about the meaning of marriage, honor, and child protection.

The Practice of Marriage Siri as an Effort to Avoid Regulation

Nikah siri, a marriage that is carried out without official registration at the Office of Religious Affairs (KUA), is a form of social resistance to the country's formal legal system that is considered inflexible, slow, and unresponsive to the needs of the local community. In the context of child marriage, *Nikah siri* is often used as a pragmatic solution by families to avoid strict legal procedures, especially in terms of age limits, administration, and costs.

The choice of serial marriage is motivated by several main factors, namely:

1. Marriage registration procedures that require administrative documents (birth certificates, parental permission, etc.) and potential formal and informal costs make most coastal communities reluctant to register their marriages. Moreover, for underage couples, marriage registration requires a dispensation from the court, which for the community is considered complicated and time-consuming.
2. Even though the state does not record it, *the community still considers Nikah siri valid* because it has met the requirements and harmony of marriage according to Islamic law. There is a wali, two witnesses, ijab-qabul, and dowry. Therefore, this practice has received moral and spiritual justification in a highly religious society.
3. Concern about Adultery and Disgrace. In many cases, families prefer to marry children in series when the girl is known to have a close relationship with a man. According to the traditional leaders interviewed:

"Instead of children committing adultery or getting pregnant first, it is better to get married. Although it has not been recorded, we believe it is religiously valid." (Interview with Burhan, Community Leader, South Minahasa, 2023)

In Islamic law, *Nikah siri* is not automatically considered invalid as long as the harmony and conditions of marriage are met. However, in the context of a modern legal country like Indonesia, the legal status of marriage that is not officially recorded becomes a big problem, especially when it comes to the civil rights of couples and children born of such marriages. The consequences of the series of marriages include:

1. The child does not have a birth certificate that includes the father's name, which impacts legal status, citizenship, and inheritance.
2. The wife has no legal protection for her rights, including joint property, alimony, and protection against domestic violence.
3. Unclear legal status in the event of divorce, polygamy, or child custody claims.

In Amartya Sen's view, *Nikah siri* can be understood as a form of denial of the basic capabilities of women and children. Capabilities, in this case, include access to legal protection, education, health, and participation in public life (Miletzki & Broten, 2017). By avoiding official registration, society closes opportunities for women and children to enjoy these fundamental rights.

Furthermore, *Nikah siri* also shows how resistance to state laws is not always carried out frontally, but through a cultural path wrapped in moral-religious arguments (Brake, 2012). For people who believe more in the fatwa of Ulama or customary traditions than in the formal decisions of state institutions, the legality of religious marriage is considered sufficient. Therefore, *Nikah siri* is not only a social practice, but also a representation of people's trust in the informal legal system that lives and develops in the community space.

In the study of legal pluralism (Griffiths, 1986), such practices are referred to as "semi-autonomous social fields," i.e., social areas with their own internal rules that are effective even though they are contrary to the formal laws of the state. In other words, coastal communities do not necessarily reject the state but have systems considered more suited to their conditions, values, and needs.

The practice of *Nikah Siri* in the context of child marriage is a social response to the incompatibility between the formal legal system of the state and the sociocultural reality of society. Although legally the practice creates much legal vulnerability for women and children, socially and religiously, this practice still gains strong legitimacy. In the context of a religious and collectivist coastal society, the legality of religion is much more meaningful than the administrative legality of the state.

This practice vividly demonstrates how legal pluralism operates at the grassroots, where the state's legal system competes with the social and spiritual legal system. Unfortunately, the consequences of this choice are actually to keep vulnerable groups, especially women and children, away from the range of legal protection they deserve (Butkevych, 2019; Marwah, 2024). Thus, the main challenge in the issue of *Nikah siri* is not only on the normative or formal legal side but also on the cultural aspect and public trust in the law itself.

A sensitive approach to local values is needed to address this practice. One of them is to educate the public about the importance of marriage registration from the perspective of maqashid al-shariah as a form of protection for the rights and welfare of children and women, not as a rejection of religious values. Policy interventions must also be directed at simplifying the marriage legalization process and integrating the role of religious leaders in the socialization of state law. Without an integrative and collaborative approach, *Nikah siri* will remain the dominant choice that distances children from justice and legal protection.

Socio-Economic and Cultural Factors as Drivers of Early Marriage

Socioeconomic and cultural factors play a crucial role in encouraging the high rate of child marriage in coastal areas. In many cases, early marriage is not an ideal option but is considered a survival strategy (*Survival Strategy*) by low-income families, as well as a way to maintain honor and social stability in a society that still upholds traditional values and traditions (Insani et al., 2024).

Three main reasons explain how social and cultural factors are the main drivers of early marriage practices (Bukido et al., 2023):

1. Family Economic Pressure: In vulnerable household economic conditions such as the absence of a permanent job, low income, and high burden of dependents marrying children, especially girls, it is seen as a way to reduce the burden on the family while "saving" the future of the child through the responsibility of the husband.
2. Social Stigma Against Virginity and Proposals: In local culture, women who reject proposals are considered 'difficult to match,' and families that let their daughters be close to men without marriage will be labeled as immoral families. Therefore, marrying children is the only way to maintain the family's dignity.
3. Low Education and Lack of Legal Awareness: Many parents do not understand the long-term impact of early marriage on girls' reproductive health, education, and economic opportunities. The lack of legal education and reproductive health in schools and the community causes this practice to continue to be repeated across generations.

The results of interviews with parents of underage married couples show that economic motives are often the primary trigger. A father who married his daughter at the age of 16 stated:

> *"We do not have any more money to send him to school, and there are men who want to take responsibility, yes we just let him. It is better than her getting pregnant out of wedlock."* (Interview, Abdul, parents of married couples below, South Minahasa, 2023)

This statement reflects the economic logic of poor households in coastal areas, where education is not a top priority, and early marriage is seen as a way out of poverty or potential social disgrace. This view is also reinforced by the still very patriarchal cultural norms, where girls are seen as dependents who must one day be handed over to men as husbands and 'protectors.'

On the other hand, local culture also exerts moral and symbolic pressure on women. For example, in some Indigenous communities in North Sulawesi, women who have been proposed should not refuse without a good reason because they are considered to be rejecting sustenance and will hurt the honor of the family. In an interview, one mother said:

> *"If there is a man who comes to propose and we refuse, the villagers will say we are arrogant. Maybe our child cannot get a soul mate anymore."* (Interview, Mina, parents of married couples below, South Minahasa, 2023)

In a society with a collectivistic social structure like this, *honor-based culture is* more important than the individual rights of children. Thus, early marriage is a form of adaptation to collective social pressure.

The problem is that this approach ignores the fundamental rights of children, especially the right to education and personal development. Data from the Central Statistics Agency (BPS) shows that areas with a high rate of child marriage also have a high dropout rate, especially at the junior high and high school levels. In North Sulawesi, the school participation rate of girls aged 16–18 years is below 70%, and many cases of drop-out occur after early marriage takes place (Simbolon & Sunbanu, 2024).

From the perspective of the capability approach, this condition is very problematic. Amartya Sen states that poverty is not only a lack of income but also a person's inability to expand meaningful life choices (Miletzki & Broten, 2017). When girls are married to avoid stigma or ease the economic burden of the family, they lose the ability to pursue education, employment, or even make decisions about their bodies and futures.

Socioeconomic and cultural factors have a significant influence on perpetuating the practice of early marriage in coastal communities. In many cases, deciding to marry a child is not purely an individual choice. However, it results from a combination of economic pressures, ignorance of the law, and social values deeply rooted in the local culture. People choose early marriage as a pragmatic solution to avoid economic risks and social stigma, even though it risks children's rights and welfare. Therefore, state law intervention must be complemented by family economic empowerment strategies, community-based legal education, and the involvement of indigenous and religious leaders in public education campaigns. A community-based approach integrating local values with child protection principles will be more effective than formal law enforcement. Child marriage will not end only with a minimum age ban. Structural and cultural changes are needed that allow families to feel safe and dignified without having to marry their children at an early age.

Harmonization of Islamic Law and State Law

The harmonization between Islamic law and state law on the issue of child marriage faces fundamental challenges stemming from the difference in normative and epistemological paradigms between the two. On the one hand, state law emphasizes the protection of children and regulating the legal age for the sake of legal certainty and human rights (Parkes, 2013). On the other hand, Islamic law, especially in classical interpretation, focuses more on biological readiness and the

consent of the guardian as a condition for the validity of marriage (Buchler & Schlatter, 2013). The tension between these two legal systems directly impacts normative confusion at the grassroots level. It widens the gap in practices such as early marriage, nikah seri, or marriage dispensation.

The challenge in uniting Islamic law and state law in the context of child marriage is not solely caused by differences in legal texts but mainly by the clash of paradigms that underlie each legal system. Islamic law, especially in the form of classical fiqh interpretation, is still the primary reference for most religious leaders and Muslim communities at the grassroots level. This interpretation views that the conditions for the validity of marriage are not determined by numerical age as regulated by the state but by biological signs of maturity such as menstruation or wet dreams. As a result, when the state regulates the minimum age of marriage at 19 years through Law Number 16 of 2019, this rule is considered contrary to Islamic law, especially in the context of a society that still adheres to a literal approach to sharia law (Fatmawati, 2020). This is the starting point for resistance and legal implementation dilemmas that often cause societal normative confusion.

Furthermore, this harmonization problem is exacerbated by weak communication and socialization between the state and religious leaders. Many legal policies, including changes in the age limit for marriage, were made in a top-down framework without the active involvement of local clerics in the legislative process or its socialization. This lack of involvement creates an emotional and ideological distance between the country's law enforcement and religious authorities at the local level. As a result, state law is seen as a product of secular power that does not represent Islamic values and is irrelevant to the reality of people's lives (Bukido et al., 2023). In many cases, this encourages religious leaders to adhere to the views of classical fiqh even though they are contrary to the prevailing positive laws.

Meanwhile, Indonesia's legal system's pluralistic structure also adds to this problem's complexity. On the one hand, Indonesia adopts a modern civil legal system that upholds human rights and child protection principles. On the other hand, the state also provides a formal space for Islamic law to be applied in family affairs through the compilation of Islamic Law (KHI). Ironically, although KHI is the primary reference in Islamic family law in Indonesia, it is not yet fully aligned with the development of national and international regulations related to child protection. Some of the provisions still refer to the minimum age of marriage of 16 years for women, as previously applicable before being revised by Law No. 16 of 2019 (Rohman et al., 2023). The inconsistency between the KHI, the Marriage Law, and the Supreme Court's rules creates a space for double interpretation that often confuses the field's public and law enforcement officials.

In the context of child marriage, the majority of religious leaders interviewed in South Minahasa stated that Islamic law has higher authority than state law, especially in matters of mu'amalah. An ustadz, who is also a recitation teacher in the community, said:

> *"The state can make rules, but if it is by sharia, then we cannot prohibit it. The law of God must be true, and the law of man can change."* (Interview, Ali, Religious Figure, South Minahasa, 2023)

This statement shows *a normative hierarchy* in the public's minds, where Islamic law is morally higher than state law. This is the main root of resistance to the state-mandated minimum age of marriage regulation.

However, it should be noted that in Islamic jurisprudence literature, there is considerable space for flexibility through the principles *of ijtihad* and *maqashid al-shariah*. In the contemporary view, many scholars such as Yusuf al-Qaradawi and Abdullah bin Bayyah emphasized that the protection of soul, intellect, and offspring (hifz al-nafs, al-'aql, and al-nasl) is the top priority of the sharia. Therefore, the restriction of the age of marriage for the benefit of children is in line with maqashid, not contrary to Islamic law.

Unfortunately, this principle of maqashid has not yet become mainstream in the religious education of coastal communities. Most communities still understand Islamic law textually and are not critical of the modern social context. In this condition, the top-down approach of state law is not strong enough to influence changes in perception, especially when the law is considered contrary to religious beliefs.

This tension is also a reflection of the dualistic legal system in Indonesia. The state adopts a positive legal system (civil law), but in terms of family law, Islamic law is given a vast space through the Compilation of Islamic Law (KHI). Ironically, KHI itself has not explicitly integrated the principles of child protection as emphasized in international conventions. The age limit in KHI still refers to the figure of 16 years for women before it was revised by Law No. 16/2019. The synchronization between the norms of the KHI, the Marriage Law, and the Supreme Court's regulations is an obstacle to the unification of legal norms (Faizal et al., 2022).

The harmonization between Islamic law and state law on the issue of child marriage still faces many conceptual and practical challenges. This tension is rooted in differing views on legal authority, sharia interpreting methods, and institutional legitimacy. As long as local authorities interpret Islamic law rigidly and textually without considering maqashid al-shariah, then state regulations will continue to experience resistance. Therefore, the solution needed is a revision of the law and *an epistemological reform strategy*. The government needs to encourage open dialogue with scholars, involve them in the legislative process, and promote the maqashid approach in the religious education of the community. Only by bringing together these two value systems, Sharia and children's rights in a contextual framework can efforts to reduce child marriage be more effective and sustainable.

4. CONCLUSION

This study shows that the practice of child marriage in coastal communities cannot be separated from the dominant influence of classical fiqh interpretations, cultural pressures, economic conditions, and limited understanding of formal law. The state's efforts to establish the marriage age limit have been impractical because they face social resistance and strong religious legitimacy. Marriage dispensation and *Nikah siri* are adaptive strategies that weaken legal protection for children. Therefore, the prevention of child marriage requires an integrative approach that involves the reinterpretation of Islamic law based on maqashid al-shariah, the involvement of religious and customary leaders, and the strengthening of education and community empowerment so that state laws and local values can go hand in hand in sustainably protecting children's rights.

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