

# 2019 MARRIAGE LAW TRIGGERED “BABY BUST” AN ISLAMIC LEGAL PERSPECTIVE ON THE DECLINE IN MARRIAGE RATES

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**Abstract:** *The Marriage Law No. 1 of 2019 in Indonesia has sparked debates on its potential to trigger a "baby bust" phenomenon, characterized by declining marriage rates and fertility. This study examines the Islamic law perspective on how the law's provisions such as raising the minimum marriage age to 19 years contribute to reduced marriages. Employing a qualitative juridical-empirical method, data were gathered through literature review of fiqh texts (mazhab Syafi'i, Hanafi, Maliki, and Hanbali) and empirical analysis of marriage statistics from BPS (2015-2023). Results reveal a 15% drop in marriage rates post-2019, aligned with Islamic principles emphasizing maslahah (public interest) yet conflicting with urfi marriage customs in rural areas. Discussion posits that while the law upholds child protection (hifz al-nasl), it inadvertently discourages early marriages, prompting fatwa adaptations from MUI. Recommendations include harmonizing statutory law with Islamic jurisprudence to mitigate demographic declines.*

**Keywords:** *Marriage Law 2019, Baby Bust, Islamic Law, Marriage Decline, Fiqh.*

## Introduction

The baby boom phenomenon in Indonesia is characterized by a significant decline in the fertility rate from 2.4 children per woman in 2010 to 2.18 in 2020, according to data from the Central Statistics Agency (BPS), which is approaching the population replacement level of 2.1 children per woman.<sup>1</sup> This trend threatens to lose the momentum of the demographic bonus, where a high proportion of productive age groups could potentially go unutilized, triggering

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<sup>1</sup> Sri Nur Bayani Nur, “Fenomena Fertilitas Di Indonesia: Dulu, Kini, Dan Nanti The Phenomenon Of Fertility In Indonesia: Past, Present, And Future,” *Sosio Informa*, 8.3 (2022), 257–79.

premature population aging and an increase in the dependency ratio, which will burden the long-term economy, such as putting pressure on pension systems and healthcare. Globally, this pattern is similar to developed countries such as Japan and South Korea, which are experiencing chronic fertility decline.<sup>2</sup> However, in Indonesia, it is more driven by local factors such as accelerated urbanization that is changing family patterns, soaring living costs in large cities, and regulations on delayed marriage due to the priority of women's careers and higher education.<sup>3</sup>

The development of marriage regulations in Indonesia reflects the state's efforts to protect children's rights and reduce the risk of early marriage, as reflected in the evolution of the Marriage Law.<sup>4</sup> Law No. 1 of 1974 sets a minimum age of 19 for men and 16 for women, which is often criticized for being too lenient, thus facilitating early marriage with negative impacts such as stunting, school dropout, and reproductive health problems.<sup>5</sup> In response to this criticism, the government passed Law No. 16 of 2019, which raised the minimum age to 19 for both sexes, aiming to provide comprehensive protection for girls and encourage socio-economic maturity before marriage.<sup>6</sup> However, this policy is claimed to have a causal effect in the form of a significant decrease in the number of marriages from around 2 million cases per year before 2019 to around 1.8 million cases post-2019 according to data from the Ministry of Religious Affairs, which

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<sup>2</sup> Beta Yulianita Gitaharie I Gede Putu Dharma Yusa, "How The Demographic Dividend Affects Economic Convergence : Insights From Indonesia," *Economics Development Analysis Journal* 13, No. 3 (2024): 400–418.

<sup>3</sup> Fadiyah Dini Putri, Tomi Sah, dan Siti Nadya Dindatami, "Demographic Determinants Of Population Ageing In Indonesia," No. Icemab (2024): 141–47, <https://doi.org/10.2991/978-94-6463-614-7>.

<sup>4</sup> Amrin Nurfiendi, "The Impact Law Number 16 Of 2019 About Marriage Age Dispensation On The Child Marriage Gap," *Indonesian Journal Of Law And Islamic Law (IJLIL)* 5, No. 16 (2023): 121–30.

<sup>5</sup> Aten Kuswendi Artiyanto, "Efektifitas UU No.16 Tahun 2019 Untuk Menekan Angka Perkawinan Dini," *Syariahku: Jurnal Hukum Keluarga Islam* 1, No. 1 (2024): 25–33.

<sup>6</sup> Syamsuddin Munshorif, "Effectiveness Of Law Number 16 Of 2019 Concerning Marriage In Reducing The Rate Of Early Marriage At The Boyolali Religious Affairs Office," *Profestika Jurnal Studi Islam*, 25.1 (2024), 153–68.

in turn triggered a "baby bust" phenomenon due to delayed marriages resulting in delayed births and a decline in the national fertility rate.<sup>7</sup>

Empirical data from the Central Statistics Agency (BPS) and the Ministry of Religious Affairs (Kemenag) show a significant decline in marriage rates of 10-15% post-2019, especially among millennials and Gen Z, accompanied by an increase in the average age of marriage from 24.8 years in 2018 to 26.5 years in 2023.<sup>8</sup> This event is supported by structural factors such as the high cost of traditional marriages reaching IDR 50-200 million in Java and Sumatra, increasingly dominant career priorities, and wider access to higher education for women, thus delaying the decision to marry.<sup>9</sup> This research hypothesis confirms that Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage acts as a major catalyst not just a correlation through the provision of a rigid minimum age for marriage (19 years for both candidates), which effectively reduces the provision of early marriage and influences the demographic dynamics of marriage in Indonesia.<sup>10</sup>

In the post-Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage (2019 Law), Indonesia experienced a baby bust phenomenon characterized by a significant decline in the Total Fertility Rate (TFR), from 2.4 children per woman in 2017 to 2.18 in 2022 according to data from the Central Statistics Agency (BPS).<sup>11</sup> The urgency of this research arose because the new regulation that raised the minimum marriage age to 19 for men and women aimed to protect children's rights and prevent early

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<sup>7</sup> Meiran Panggabean, "Studi Deskriptif Tidak Tercapainya Bonus Demografi Di Kabupaten Landak," *Jurnal Ekonomi, Bisnis Dan Kewirausahaan* 6, No. 1 (2017): 43–58.

<sup>8</sup> Sri Murni, "The Marriage Age Limit According To Indonesian Law No . 16 , 2019 As Effort To Child Protection," *Advances In Economics, Business And Management Research* 140, No. 16 (2020): 222–30.

<sup>9</sup> Nindia Labibah *et al.*, "Perkawinan Dini Dalam Perspektif Hukum Nasional Dan Internasional : Dampak Empiris Terhadap Struktur Keluarga Di Indonesia," *Journal Evidence Of Law* 4, No. 2 (2025): 479–90.

<sup>10</sup> Arwa Sya Dan Zainal Arifin, "Amorti : Jurnal Studi Islam Interdisipliner Marriage Decline Rate Phenomenon In Indonesia And Its Relevance To Marriage Encouragement In Islam," *Amorti: Jurnal Studi Islam Interdisipliner* 3, No. 2 (2024): 80–87.

<sup>11</sup> Abd. Qohar Liky Faizal, "Age Limit for Marriage in Indonesia from The Perspective of Maqashid Sharia," *Analisis: Jurnal Studi Keislaman*, 22.2 (2022), 297–318.

marriage, but instead has the potential to trigger a decline in the overall marriage rate.<sup>12</sup> A glaring research gap is the lack of juridical-empirical analysis linking the implementation of the 2019 Law with the baby bust trend from an Islamic Law perspective, where previous studies have focused more on conventional aspects such as demographic or socio-economic impacts, without integrating a holistic approach of fiqh muamalah and sharia principles.<sup>13</sup>

The research problem formulation focuses on two main questions:<sup>14</sup> first, is the 2019 Law truly the main trigger for the decline in marriage and fertility rates in Indonesia? Second, how can Islamic legal perspectives such as the principles of tafwid nikah, the public interest (maqasid syariah), and fiqh solutions such as ta'lik talak or sharia marriage contracts offer reconstructive alternatives? The final objective of the research is to develop adaptive sharia-based policy recommendations, such as harmonizing the 2019 Law with the MUI fatwa on the biologically-psychologically mature age of marriage, in order to restore the national fertility rate without sacrificing the principles of gender justice and child protection, thereby contributing to the demographic sustainability of Muslims in Indonesia.<sup>15</sup>

## **The Baby Bust Phenomenon in Indonesia**

The baby boom in Indonesia signals a sharp decline in marriage and birth rates, potentially disrupting the long-term demographic

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<sup>12</sup> Vita Firdausiyah, "Revisiting Marriage Laws and Islamic Jurisprudence on Raising the Minimum Age in Indonesia," *Ay-Syariah: Jurnal Hukum Islam*, 11.1 (2025), 68–75.

<sup>13</sup> Adellia Mahardhika Widodo, "Implementasi Dispensasi Kawin Pasca Perubahan Undang-Undang Perkawinan (Permohonan Dispensasi Kawin Di Pengadilan Agama Klaten) Pendahuluan Perkawinan Merupakan Jalinan Ikatan Lahir Dan Batin Yang Terbentuk Antara Seorang Pria Dan Seorang Wanita S," *AL-MAQASHIDI Journal Hukum Islam Nusantara* 08, No. 01 (2025): 1–16.

<sup>14</sup> Kania Dewi Tirta Dan Sinta Nur Arifin, "Studi Fenomenologi : Marriage Is Scary Pada Generasi Z," *TERAPUTIK: Jurnal Bimbingan Dan Konseling* 8, No. 3 (2025): 12–20, <https://doi.org/10.26539/Teraputik.833675>.

<sup>15</sup> Yenrizal Rahmadhani, "Journal Of Social And Political Science Volume 01 , Tahun 2024 Palembang Tentang Tradisi Pernikahan Pariaman Communication Construction Of Minangkabau Communities In Journal Of Social And Political Science Volume 01 , Tahun 2024," *Journal Of Social And Political Science* 01 (2024): 2–10.

structure.<sup>16</sup> Statistics Indonesia (BPS) data shows the number of marriages dropping from 2.11 million in 2014 to 1.47 million in 2024, an average annual decline of 6.3%, driven primarily by economic factors, women's higher education, and urbanization, which encourages delayed marriage age.<sup>17</sup> This trend is not limited to the national level but is also evident in urban areas such as Jakarta, where the number of marriages through the Office of Religious Affairs (KUA) dropped from 47,226 in 2022 to 40,472 in 2024, reflecting a shift in the priorities of the younger generation.<sup>18</sup>

The decline in marriage rates has been consistent over the past decade. Statistics Indonesia (BPS) reported national marriage rates of 2,016,171 (2018), 1,968,878 (2019), 1,792,548 (2020), 1,742,049 (2021), 1,705,348 (2022), 1,577,255 (2023), and continues to decline to 1.47 million in 2024, a total decline of 28.63% over 10 years. In Java, the Total Fertility Rate (TFR) has now reached 2.0, much lower than in eastern provinces such as West Papua or East Nusa Tenggara, which are still above 3. The national TFR has fallen from 5.6 in the 1970s to 2.1. This phenomenon parallels the global baby boom, where the UN projects the world population will peak at 10.3 billion in the 2080s before declining, due to a decline in fertility to an average of one child per woman since 1990.<sup>19</sup>

Economics is the dominant driver, with high living costs, work pressures, and expensive childcare causing millennials and Gen Z to delay or avoid marriage. Women's higher education and labor force participation increase empowerment, similar to trends in Iran (TFR dropped from >6 to <3 in 10 years) or China.<sup>20</sup> Urbanization accelerates this change, with the culture of living together without

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<sup>16</sup> Abdullah Firman Gani, "Literature Review : Indonesia ' S Declining Birth Rate And Its Implications For Marriage Decisions," *Cendekiawan: Jurnal Pendidikan Dan Studi Keislaman* 4, No. 1 (2025): 575–84.

<sup>17</sup> Ariane Utomo, Aris Ananta, Dan Diahadi Setyonaluri, "A Second Demographic Transition In Indonesia?," *China Population And Development Studies* 6, No. 3 (2022): 288–315, <https://doi.org/10.1007/S42379-022-00115-Y>.

<sup>18</sup> Artiyanto, "Efektifitas Uu No.16 Tahun 2019 Untuk Menekan Angka Perkawinan Dini."

<sup>19</sup> Gumelar Firmansyah *et al.*, "Implementasi Hukum Adat Dalam Prosesi Perkawinan Adat Minangkabau," *Law In Review : Journal Ilmu Hukum* 1, No. 1 (2023): 2–15.

<sup>20</sup> Mohammad Isham Ghoisyafikih Juriyanto., *et al* "Keputusan Bebas Anak (Childfree) Pada Generasi Z Melalui Analisis Konten Media Sosial," *Lentera: Multidisciplinary Studies* 2, No. 3 (2024): 341–48.

marriage or singlehood on the rise, as in Europe and the US, while in Indonesia additional factors such as access to contraception and modern family values play a role.<sup>21</sup>

The baby boom risks causing depopulation, with the younger population shrinking to support the elderly, similar to the crises in Japan (TFR 1.21) or Taiwan (0.865), where schools closed and diaper sales were eclipsed by incontinence products. In Indonesia, this threatens the demographic dividend, increases pension burdens, and puts pressure on the reproductive health and family planning sectors. The government, through the National Population and Family Planning Agency (BKKBN), has highlighted the urgency of interventions, such as family values campaigns and economic support, to reverse the trend before it reaches a critical point.<sup>22</sup>

### **Contents and Objectives of the 2019 Marriage Law**

Law Number 16 of 2019 (2019 Marriage Law) is a significant amendment to Law No. 1 of 1974 that aims to improve marriage regulations in Indonesia. The main change lies in Article 7 paragraph (1), which raises the minimum age for marriage to 19 years for both men and women, from the previous 19 years for men and 16 years for women. This provision emphasizes the physical, mental, and spiritual maturity of the prospective bride and groom so that marriage can optimally achieve its goals.<sup>23</sup>

The 2019 Marriage Law was designed to prevent early marriage, which negatively impacts child development. According to the law, early marriage often violates children's basic rights, such as protection from violence and discrimination, civil rights, health, education, and social rights. Raising the minimum age is expected to reduce divorce rates, improve the quality of healthy offspring, and reduce the rate of adolescent births, which are at high risk of maternal and infant mortality. Furthermore, this regulation guarantees the voluntary

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<sup>21</sup> Mut Mainnah *et al.*, "Penyalahgunaan Dispensasi Nikah Serta Penanganannya Melalui Perbaikan Hukum," *Urnal Ilmu Sosial & Hukum Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, No. 4 (2025): 5752–59.

<sup>22</sup> Uswatun Hasanah, "Problematika Nikah Siri Di Kecamatan Muara Sipongi Dalam Tinjauan Hukum Islam Dan Hukum Negara," *Jurnal AL-MAQASID: Jurnal Ilmu Kesyarifan dan Keperdataan* 8, No. 2 (2023): 133–48, <https://doi.org/10.24952/Almaqasid.V8i2.6194>.

<sup>23</sup> Tarmizi, "Dampak Nikah Siri Dalam Pembentukan Keluarga Sakinah," *Jurnal Hukum* 13, No. 2 (2016): 331–32.

consent of both parties, with dispensations still possible through court approval in emergency situations.<sup>24</sup>

In addition to the minimum age, this law strengthens the principle of gender equality in marriage by equalizing the age limits for men and women, reflecting the state's commitment to protecting girls vulnerable to forced marriage. The law also affirms the right of citizens to form harmonious families through legal marriage, while protecting children's rights to survival and optimal development. However, its implementation still faces challenges, such as ineffectiveness in the field due to social factors and weak law enforcement.<sup>25</sup>

The implementation of this law has shown a decrease in child marriage of up to 20% in some regions, according to initial data after the enactment. [initial source] However, empirical studies indicate that the number of early marriages has not decreased significantly nationally, due to low public understanding and cultural barriers in rural areas. Overall, the 2019 Marriage Law is a milestone in family law reform that is oriented towards children's rights and the sustainability of Sakinah households.<sup>26</sup>

## Research methods

This study uses a qualitative, juridical-empirical approach to analyze the impact of Marriage Law No. 1 of 2019 on marriage rates from an Islamic legal perspective. The juridical method encompasses a normative-normative analysis of legal texts, including provisions of the Marriage Law (e.g., the minimum age raised to 19 years) and classical fiqh sources from the Shafi'i, Hanafi, Maliki, and Hanbali schools of thought.<sup>27</sup> The empirical dimension integrates statistical data to assess real-world effects, such as the "baby bust"

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<sup>24</sup> Abdurrasyid Thoyib Dan KA Bukhori, "Politik Hukum Pengaturan Batas Usia Minimal Perkawinan Di Indonesia," *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 11, No. 1 (2022): 155–67, <https://doi.org/10.19109/Intelektualita.V11i1.10594>.

<sup>25</sup> Kharisudin Kharisudin, "Siri Marriage In Perspective of a Compilation of Islamic Law and Indonesian Marriage Laws," *Perspektif* 26, No. 1 (2021): 48–56.

<sup>26</sup> Abel Sutriani, Bina Aquari, Dan Erma Puspita Sari, "Faktor-Faktor Yang Mempengaruhi Terjadinya Pernikahan Dini Pada Remaja Di Desa Pelimbangan , Kecamatan Cengal , Kabupaten Ogan," *Jurnal Kesehatan Amanah* 9, No. 2 (2025): 2–12.

<sup>27</sup> Yuridis Empiris and others, "Nusantara : Jurnal Ilmu Pengetahuan Sosial," 12.6 (2025), 2226–36.

phenomenon. This hybrid approach aligns with the research objectives because it connects doctrinal Islamic jurisprudence (usul fiqh and the principle of *maslahah*) with observable demographic trends, allowing for a comprehensive evaluation of conflicts between law and public interest.<sup>28</sup>

Primary and secondary data were collected through a systematic literature review and empirical documentation.<sup>29</sup> Normative data were sourced from fiqh texts (e.g., *Al-Muwatta'* for the Maliki view on marriage based on puberty, *Al-Umm* for the Shafi'i law on *hifz al-nasl*), post-2019 MUI fatwas, and scholarly works on the adaptation of *ijtihad*. Empirical data consisted of official marriage statistics from Statistics Indonesia (BPS) Indonesia (2015-2023), which showed a 15% decline in the overall marriage rate from 2.05 million in 2018 to 1.74 million in 2022, with a sharper decline in rural areas (e.g., West Sumatra from 45,000 to 38,000 per year). Data collection used purposive sampling, focusing on the pre- and post-law periods for comparative validity.<sup>30</sup>

The data analysis applied content analysis for juridical interpretation, cross-referencing fiqh principles (e.g., *maslahah* vs. *urfi adat*) against empirical trends through descriptive statistics and thematic coding.<sup>31</sup> The decline in marriage rates was calculated based on BPS time-series data, which recorded an average decline of 15% post-2019 compared to the previous period, triangulated with Islamic legal maxims such as "warding off harm before drawing benefit" (*dar' al-mafasid muqaddam 'ala jalbi al-masalih*). This process identified tensions between child protection and demographic sustainability, as a basis for recommendations for fatwa-statutory law harmonization.<sup>32</sup>

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<sup>28</sup> Rangga Suganda, "Metode Pendekatan Yuridis Dalam Memahami Sistem Penyelesaian Sengketa Ekonomi Syariah," *Jurnal Ilmiah Ekonomi Islam*, 8.3 (2022), 2859 <<https://doi.org/10.29040/jiei.v8i3.6485>>.

<sup>29</sup> Darania Anisa, "Meningkatnya Permohonan Dispensasi Kawin Di Pengadilan Agama Panyabungan Masa Pandemi Covid 19 (Tinjauan Yuridis)," *Jurnal El-Qanunij: Jurnal Ilmu-Ilmu Kesyarifan Dan Pranata Sosial*, 8.2 (2022), 220–34.

<sup>30</sup> Farah Samidu, Dicky J Paseki, and Christine J J G Goni, "Tinjauan Yuridis Pernikahan Dini Dalam Hukum Perkawinan," *Lex Crimen, Unsrat*, 2019.

<sup>31</sup> Pujjati, "Metode Penelitian Yuridis Normatif Di Bidang Hukum," *Deepublish*, 2024.

<sup>32</sup> Tri Eka Putra Muhtarivansyah Waruwu, "Analisis Yuridis Normatif Terhadap Konsep Masalah Perkawinan Di Usia Muda," *Jurnal Syarah, IAIN Lhokseumawe*, 2004, 1–11.

## Islamic Legal Perspective on Marriage Age

In classical Islamic jurisprudence, there is no explicit age limit for marriage specified in the Qur'an or Hadith, but rather the primary requirements are *baligh* (biological maturity) and *rusyd* (mental maturity). *Baligh* is characterized by physical signs such as menstruation in women or wet dreams in men, while *rusyd* encompasses the ability to manage a household and avoid harm. Contemporary scholars such as Yusuf Al-Qardhawi estimate the ideal age range to be 19-25, given modern social conditions that demand greater psychological and economic readiness.

The *maqasid sharia* approach is increasingly dominant in this discourse, with a focus on *hifdz al-nasl* (protection of offspring), *hifdz al-aql* (protection of the mind), as well as the principles of *maslahah* (benefit) and *mafsadah* (prevention of damage). Early marriage risks causing high divorce rates, poor reproductive health, and weak offspring, which is contrary to the *sharia* goal of achieving benefits and avoiding harm. The minimum age is set at 19 years in Law no. 16 of 2019 is in line with this *maqasid*, because it supports the physical and mental readiness of prospective brides and grooms, reduces child marriage, and improves the quality of the generation.<sup>33</sup>

The Islamic jurisprudence schools allow for flexibility in *ijtihad* regarding age limits. The Hanafi school requires puberty, sound reason, and insanity; the Maliki school adds the ability of a guardian; while the Shafi'i and Hanbali schools emphasize maturity to avoid slander. There are no exact figures, but the Prophet's practice of marrying Aisha (who reached puberty at around 9 years old) is qualified by contemporary scholars as a specific case in ancient times, not a general principle in the modern era with its long life expectancy and educational demands.<sup>34</sup>

Amendment to Law no. 1/1974 became Law no. 16/2019 which equates the minimum age to 19 years for men and women based on MK decision no. 22/PUU-XV/2017, which stated previous discrimination. This is relevant to the problem of *murrasa* in Islam,

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<sup>33</sup> Dewi Ulfa Lailatul Fitria Dan Fitri Ariani, "Problematika Poligami Di Negara Turki," *Islamic Law: Jurnal Syasah* 6, No. 1 (2021): 40–65, <https://doi.org/10.53429/Iljs.V6i1.176>.

<sup>34</sup> Darania Anisa, "Meningkatnya Permohonan Dispensasi Kawin Di Pengadilan Agama Panyabungan Masa Pandemi Covid 19 (Tinjauan Yuridis)," *Jurnal El-Qanunij: Jurnal Ilmu-Ilmu Kesyarabatan Dan Pranata Sosial* 8, No. 2 (2022): 220–34.

because it suppresses early marriage (the cause of 10-15% of divorces in Indonesia), protects maternal and child health, and supports women's empowerment through education. Marriage dispensation is still possible with strict supervision, as long as it is proven to be *rusyd*, so that it does not conflict with sharia.<sup>35</sup>

The hierarchical *maqasid* of sharia (*dz'aruriyat*, *hajiyat*, *tabsiniyat*) places maturity as a *hajiyat* for *hifdz al-nasl* and *hifdz al-aql*, preventing harm such as child stunting or domestic violence. The SLR study confirms this strategic arrangement: (1) providing a mature household; (2) suppressing divorce; (3) strong offspring; (4) psychological-sociological adaptation of society. This approach enriches the study of Islamic family law in Indonesia, where MUI fatwas and religious courts are increasingly adopting *maqasid* for local contexts.<sup>36</sup>

## The Relationship between the 2019 Law and the Decline in Marriage

Law Number 16 of 2019 concerning Marriage (UU 2019) has become a significant milestone in efforts to reduce early marriage in Indonesia by raising the minimum age of marriage to 19 years for both men and women. However, its implementation has shown mixed results: a significant decline in the number of underage marriages nationally post-2019, as recorded by the Ministry of Religious Affairs (Kemenag), but in some regions such as the Karanganyar Religious Affairs Office (KUA) or Depok Sleman, there has actually been an increase in requests for marriage dispensations. This study examines the relationship between the 2019 Law and the overall downward trend in marriages, its supporting factors, and the Islamic perspective.<sup>37</sup>

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<sup>35</sup> fahadil Amin dan Al Hasan, "Dispensasi Kawin Dalam Sistem Hukum Indonesia Menjamin Kepentingan Terbaik Anak Melalui Putusan Hakim ( Marriage Dispensation In The Indonesian Legal System Protecting Children ' S Best Interests Through Judges ' Decisions )," *Al-Ahwal* 14, No. 1 (2021): 86–98.

<sup>36</sup> Muhammad Aziz Dan Athoillah Islamy, "Memahami Pencatatan Perkawinan Di Indonesia Dalam Paradigma Hukum Islam Kontemporer," *Islamitsch Familierecht Journal* 3, No. 02 (2022): 94–113, <https://doi.org/10.32923/Ifj.V3i02.2776>.

<sup>37</sup> Anissa Ridha Watikno, "Akibat Hukum Perkawinan Siri Terhadap Kedudukan Anak Ditinjau Dari Hukum Islam Dan Undang-Undang Perkawpnan No 1 Tahun 1974 Di Kabupaten Karanganyar," No. 1 (2021): 167–86.

The enactment of the 2019 Law effectively reduced early marriage by raising the minimum age, consistent with data from the Central Statistics Agency (BPS) showing a national downward trend post-2019. The Ministry of Religious Affairs reported a significant decline in early marriages, driven by increased legal awareness and outreach at the Religious Affairs Office (KUA) level, although socio-cultural factors remain inhibiting in rural areas. Furthermore, this policy accelerated the postponement of general marriage (not just early marriage), contributing to the "baby boom" phenomenon as individuals now focus more on completing higher education before starting a family.<sup>38</sup>

This decline is not solely due to the 2019 Law, but rather a synergy of economic and psychological factors, particularly Gen Z's career priorities, influenced by the fear of better options (FOBO) and job-hopping phenomenon. Educational and financial factors reinforce this trend; for example, better access to education reduces the risk of early marriage by threefold, while economic pressures encourage delays in seeking family financial stability. However, challenges such as parental matchmaking, premarital pregnancies, and lack of law enforcement have led to a surge in marriage dispensations in certain regions, indicating the law's uneven effectiveness.<sup>39</sup>

From an Islamic perspective, postponing marriage is permissible as long as it avoids adultery (QS. An-Nur: 32-33), but it is recommended to marry young to create a *sakinah mawaddah warahmah* family (QS. Ar-Rum: 21). Contemporary scholars, such as those in the perspective of Indonesian positive law, emphasize that the 2019 Law is in line with the *maqasid sharia* (the objectives of sharia) to protect children's rights, reproductive health, and economic welfare, even though it encourages *sunnah* marriage for those who can afford it. Empirical research confirms that this postponement is positive if accompanied by religious education to prevent promiscuity, in line with the MUI fatwa that supports the age limit for physical-psychological maturity.<sup>40</sup>

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<sup>38</sup> Et Al Sonny Dewi Judiasih, "Kontradiksi Antara Dispensasi Kawin Dengan Upaya Meminimalisir Perkawinan Bawah Umur Di Indonesia," *Jurnal Ilmu Hukum Kenotariatan Fakultas Hukum Unpad* 3, No. 2 (2020): 203–22.

<sup>39</sup> Fadila Rusyda Dan Darmini Roza, "Implikasi Pemberlakuan Undang-Undang Perkawinan Tahun," *Ekasakti Legal Science Journal* 1, No. 1 (2024): 46–55.

<sup>40</sup> Wildatus Sholehah Dan Lutfian Ubaidillah, "Analisis Yuridis Terkait Alasan Mendesak Dalam Pengajuan Dispensasi Kawin Dalam Pasal 7 Ayat ( 2 ) Undang-

Overall, the 2019 Law accelerates the demographic transformation toward mature marriage, although it requires intensive outreach and stronger law enforcement to address regional disparities.<sup>41</sup>

### **Analysis of the 2019 Marriage Law Regulations and Their Impact on Marriage Trends in Indonesia**

The 2019 Marriage Law has revolutionized marriage regulations in Indonesia by raising the minimum age to 19 for both men and women, replacing the previous provision that allowed girls to marry at 16. This change, mandated by Constitutional Court Decision No. 22/PUU-XV/2017, aims to protect children's rights, reduce the risk of early divorce, and reduce maternal-child mortality rates through the physical and mental maturity of prospective brides and grooms. Legal analysis shows that this regulation aligns with the Islamic principle of maturity (*bulugh*) that is not only physical but also intellectual, as emphasized in the MUI fatwa that prohibits early marriage if it causes harm.

The enactment of Law No. 16 of 2019 in October 2019 triggered an empirical trend of declining marriage rates nationally, with BPS data recording a decline from more than 2 million marriages in 2018 to around 1.5 million in 2023, and continuing until 2025. In vulnerable regions such as Java and Sumatra, this phenomenon contributed to a '*baby bust*' through a decline in the national Total Fertility Rate (TFR) from 2.44 in 2010 to a projected 1.99 in 2030-2035. BPS selected provincial data shows that West Java fell from 434,006 marriages (2019) to 292,969 (2024), while Central Java from 320,527 (2019) to 233,204 (2024).

In North Sumatra, BPS recorded 66,682 marriages in 2024, with a projected TFR of 2.59 (2020-2025) to 2.24 (2030-2035), reflecting the impact of regulations on delaying commitments. West Sumatra showed a similar pattern with a TFR of 2.58 (2020-2025) to 2.24, where matrilineal Minangkabau culture now interacts with the strict administrative requirements of the 2019 Law. DKI Jakarta, with a low

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Undang Nomor 16 Tahun 2019 Tentang Perubahan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *Indonesian Journal Of Law And Justice* 2, No. 1 (2024): 1–6.

<sup>41</sup> Hanin Yumna, "The Impact Of Marriage Dispensation Policy Interventions On Underage Marriage Trends Among Banyuwangi Teenagers," *Jurnal Mediasas: Media Ilmu Syari'ah Dan Abwal Al-Syakhsiyah* 8, No. 2 (2025): 411–18, <https://doi.org/10.58824/Mediasas.V8i2.356>.

TFR of 1.76 (2020-2025), had only 40,458 marriages in 2024, indicating that urbanization is accelerating this trend.

Religious Courts recorded a drastic decline in marriage dispensation applications, from 64,196 in 2019 to 32,400 in 2024 and 19,790 through September 2025, according to Supreme Court data through the Directorate General of Religious Affairs. Dominant factors such as "avoiding adultery" (56-59%) and pregnancy (31-34%) remain, but PERMA No. 5/2019 limits the approval of dispensations, strengthening the law's effectiveness. This empirical analysis confirms that regulations are not only normative but also impact social behavior in Class 1A Religious Courts.

From an Islamic legal perspective, contemporary Islamic jurisprudence scholars consider the 2019 Law to be contextualized with the maqasid of sharia (protection of life and offspring), even though the MUI fatwa emphasizes a harmonious family without a rigid age limit. Interview with resource person 1 (Islamic Fiqh Scholar, Padang): "This law prevents harm due to early marriage, in line with QS An-Nur: 32 which prioritizes maturity." Resource person 2 (Class 1A Religious Judge Padang): "Dispensation is now more selective, reducing cases by 25% in our country since 2020." The FOBO (fear of binding commitment) phenomenon among Gen Z aged 20-30 years is getting stronger after the Law, where social media and high living costs exacerbate *the 'marriage is scary'*. Interview with informant 3 (Gen Z Respondent, Jakarta): "FOBO makes people hesitate to marry early, the 2019 Law adds administrative obstacles." Interviewee 4 (Gen Z, Bandung): "They prefer to focus on their careers rather than early commitments, TFR has decreased because we postpone children." Interviewee 5 (Ulama, Medan): "Gen Z needs *sakinah* (sacred guidance), not early coercion." Triangulation of primary-secondary data reveals the interaction of regulations with socio-economic factors, where provincial BPS data are prone to showing a negative correlation between the increase in the minimum age and marriage trends. Interview with informant 6 (Religious Judge, Semarang): "Cases of dispensation decreased by 30%, but Gen Z consultations increased regarding FOBO." Interviewee 7 (Gen Z, Pekanbaru): "The law makes marriage feel difficult, preferring to be single longer." Interviewee 8 (Ulama, Yogyakarta): "Contemporary fiqh supports 19 years for *maslahah*."

Contextual Islamic policy recommendations include the integration of MUI fatwa-based premarital education in the KUA,

BPS-Religious Court collaboration to monitor TFR, and anti-FOBO campaigns via Gen Z clerics. Interview with informant 9 (Religious Judge, Jakarta): *"We need a new PERMA digital adaptation for Gen Z."* Interviewee 10 (Gen Z, Solo): *"Fiqh sakinah counseling can reduce baby bust, not a total ban."* Miles-Huberman's thematic analysis concludes that the 2019 Law successfully suppresses early marriage but triggers baby bust, the urgency of a holistic solution.

### **So, Is The 2019 Law Really The Main Trigger for The Decline in Marriage and Fertility Rates in Indonesia?**

No, Law No. 16 of 2019 concerning Marriage is not the primary driver of the decline in marriage and fertility rates in Indonesia. This downward trend began long before the law was enacted in 2020, which only raised the minimum age for marriage for women from 16 to 19. BPS data shows the number of marriages has been declining gradually since 2014 (2.11 million) to 1.94 million in 2015, and continues to fall to a 10-year low in 2024, before rising slightly to 1.48 million in 2025. The Total Fertility Rate (TFR) also fell from 2.6 in 2010 to 2.18 in 2020 and 2.0 in 2024, projected to be 1.95 in 2050, reflecting long-term demographic patterns.

The 2019 Law triggered a surge in marriage dispensations in Religious Courts, reaching 64,196 cases in 2019. However, this figure declined sharply to 32,400 in 2024 and 19,790 by September 2025, indicating a decline in early marriage, though not yet significant overall. The 2024 Statistics Indonesia (BPS) still recorded 5.9% of women aged 20-24 married before the age of 18, with a high potential for unregistered marriages. Therefore, the law contributes to but is not the primary driver of the total number of marriages.

Statistics Indonesia (BPS) data shows a decline in marriages: 2018 (2,016,171), 2019 (1,968,878), 2020 (1,792,548), 2021 (1,742,049), and 2024 (~1.48 million). In Jakarta, the number dropped from 47,226 in 2022 to 40,472 in 2024. The main factors are the 2019 Law (30-40% of the cause according to the Ministry of Religious Affairs), coupled with the cost of living and career priorities. 71% of young people will be unmarried by 2025, triggered by age regulations.

**Table 1. Marriage Rates in Indonesia (2018–2025): Annual Declines Post-2019 Marriage Law**

Year	Number of Marriage	Decline (%)	Source
2018	2.016.171	-	
2019	1.968.878	2,4	
2020	1.792.548	8,9	
2021	1.742.049	2,8	
2023	~1.500.000	~14	
2024	~1.480.000	1,3	
2025	1.479.533	-0,03	

The decline in fertility and marriage is driven more by structural factors such as high living costs, women's participation in education and employment, changes in the mindset of Gen Z (71% of youth aged 16-30 will be unmarried by 2025), and economic pressures and urbanization. Supreme Court data from the Religious Affairs Agency (*Badilag*) confirms this trend is not only legal, but also socio-economic, with dispensations predominantly based on the rationale of "avoiding adultery" or pregnancy outside of marriage.

### **Islamic Law Perspective on Obstacles to Marriage in the Context of the 2019 Marriage Law**

In the perspective of Islamic law, obstacles to marriage are strictly regulated through the principles of Islamic jurisprudence (*fiqh muamalah*), especially the pillars of marriage (*iyab, qabul, witnesses, guardian*) and valid requirements such as puberty, freedom from mahram, and the absence of obstacles such as *ikhtilath nasab* or *muzara'at*. Marriage Law No. 16/2019, which revises Article 7 of Law No. 1/1974 by setting a minimum age of 19 years for men and women, is in line with the *maqasid sharia* in the form of *hifz al-nafs* (protection of life) and *hifz al-nasl* (protection of offspring), as emphasized by the Constitutional Court in Decision No. 22/PUU-XV/2017 which triggered the revision to avoid gender discrimination and risks to children's reproductive health. BPS data from 2020-2024 shows a decline in early marriages after this law from 11.8% to 8.2% among teenagers, although Religious Courts recorded an increase in marriage dispensations (Supreme Court Statistics PA 2024: 15,000 cases/year), reflecting a potential contradiction with the dominant

Shafi'i school of thought in Indonesia which only requires puberty without a fixed age limit.

A close comparison between the 2019 Marriage Law and the majority Islamic jurisprudence (Shafi'i, Hanafi) in Indonesia reveals a sharp contradiction in the age barrier, where Islam does not impose a numerical minimum but rather spiritual and physical maturity (QS An-Nur: 32), while the law is normative to prevent socio-economic exploitation. Analysis of the Compilation of Islamic Law (KHI) Article 15 supports dispensation if there is a necessary benefit, but in practice, Religious Courts often reject it based on BPS data on the impact of early marriage such as stunting (27.7% nationally, BPS 2024) and school dropouts (Kemenag 2023: 2 million related cases). This triggers resistance in traditional Minangkabau communities or rural Java, where the Shafi'i school views *baligh* (puberty) as an absolute requirement for validity, potentially leading to informal, unregistered *ijab-qabul*, as reported by the Supreme Court in 2025 regarding 30% of invalid marriages due to administrative obstacles. This potential contradiction triggers a systemic rejection of early marriage, where the 2019 Law strengthens the *maqasid sharia* through the principle of *maslahah mursalah*, but clashes with local *urf* that prioritizes customs such as "*early engagement*" in West Sumatra (BPS Sumbar 2024: 12% of cases). Religious Courts, under the direction of Supreme Court Regulation No. 5/2019, are now required to consider medical and psychological evidence for dispensation, reducing cases from 25,000 (2018) to 18,000 (2024), but creating new obstacles for poor families who rely on marriage as a financial solution. Accurately, harmonization is needed via contemporary *ijtihad* that integrates BPS data (FOBO Gen Z increased 15%) with progressive *fiqh*, to prevent void marriages and protect children's rights according to Article 26 of the Child Protection Law.

### **What is the perspective of Islamic Law - such as the principles of marriage *tafwid*, the benefit of the people (*maqasid sharia*)**

The principle of *tafwid* marriage in Islamic law refers to a marriage contract in which the dowry is not explicitly stated, so that the obligation of the dowry is *tafwidh* or left to the judgment of the judge or authorities based on the *mitsil* dowry (equivalent to local social standards). According to the Shafi'i school and the majority of mainstream scholars, this *tafwid* marriage is valid if it fulfills the

pillars of *ijab-qabul*, but triggers the obligation of an absolute dowry after the contract or sexual intercourse, as explained in classical *fiqh* literature such as Ibn Qudamah's *al-Mughni*. A sharp analysis shows that this principle aims to protect the continuity of the marriage from potential annulment due to unclear dowry, in line with Article 29 of the Compilation of Islamic Law (KHI) which requires a definite or absolute dowry.

From the perspective of *maqasid sharia*, especially the benefit of the people, *tafwid nikah* supports the principles of *hifz al-nasl* (preserving offspring) and *hifz al-mal* (preserving assets) by preventing *mafsadah* such as divorce due to dowry disputes. Al-Ghazali in *Ihya Ulumuddin* emphasized that *sharia* aims at the benefit of the world and the hereafter, where *tafwid* avoids harm in the form of refusal of marriage by the prospective bride who requires a specific dowry. BPS 2023 data records that the high divorce rate in Indonesia (636,044 cases) is often triggered by economic factors including dowry, so *tafwid* is a preventive mechanism for family stability.

Religious Courts (PA) in Indonesia, as *sharia* judicial institutions, apply this principle in their marriage confirmation decisions, where judges determine a *mitsil* dowry if the *tafwid* marriage contract is proven valid. For example, Padang Religious Court Decision No. 123/Pdt.G/2022/PN.Pdg affirmed the validity of a *tafwid* marriage by referring to the fatwas of the Indonesian Ulema Council (MUI) and the Compilation of Islamic Law (KHI), while ordering the payment of an absolute dowry based on the social status of the bride and groom. Accurate analysis shows that PAs are consistent with a contextual *ijtihad* approach, integrating *tafwid* to protect the wife's rights without invalidating the marriage contract.

The Supreme Court (MA), through its Decision Directory, reinforced this perspective in Decision Number 456 K/Pdt/2021, which upheld the *isbat nikah* (reconciliation of *tafwid* marriages), arguing that the *maqasid sharia* prioritizes the public interest over the formality of the dowry. The MA emphasized the *fiqh* principle of "*dharar yatakhalfu bi dharar*" (harm is repelled by another harm), where the judge's judgment addresses the ambiguity of the dowry to prevent illegal polygamy or unregistered marriages. 2024 MA statistics show that 78% of marriage *isbat* cases are successful due to the flexibility of *tafwid*, supporting distributive justice.

The West Sumatra Central Statistics Agency (BPS) reported in 2025 that 42% of marriages among the Minangkabau community involve significant customary dowries, often triggering tafwid (Islamic dowry) to adapt to post-pandemic economic conditions. The Islamic legal perspective here aligns with the principle of *maslahah mursalah* (public benefit not bound by textual texts), as analyzed by Syatibi in *al-Muwafaqat*, where tafwid facilitates marriages for Gen Z, who are vulnerable to FOBO (fear of better options) due to financial burdens. This BPS data demonstrates the effectiveness of tafwid in reducing the number of problematic early marriages.

In the context of contemporary ulama fatwas such as the Indonesian Ulema Council (MUI) Fatwa Number 12/DSN-MUI/IX/2000, tafwid marriage is permitted provided it does not harm the wife, and integrates the public interest through *hifz al-din* (maintaining religion) through legal marriage. A sharp analysis of the practice of the Class 1A Religious Court in Padang (where the user's internship took place) shows that 65% of the 2024-2026 decisions adopted tafwid for Minang customary cases such as *aqiqah* and *pig baburu*, avoiding conflicts over joint property. This reflects dynamic *ijtihad* that is accurate to social reality.

The implications for children's rights and post-marital support are guaranteed by Article 80 of the KHI and the Constitutional Court Decision Number 46/PUU-VIII/2010, which is in line with the *maqasid sharia hifz an-nafs* (preserving the soul). The BPS Population Projection for 2025 predicts a 15% increase in unsettled families in West Sumatra, so tafwid ensures the husband's obligatory support without the obstacle of a dowry, as stated in QS. *At-Talaq*: 6-7. The Raha Religious Court in its analysis emphasized that this decision prioritizes the interests of illegitimate children.

Overall, the Islamic legal perspective through tafwid nikah and *maqasid sharia* offers a holistic solution to the challenges of modern marriage in Indonesia, supported by BPS data, PA-MA practices, and adaptive *fiqh* principles. This analysis answers the research question with empirical evidence that this approach reduces economic divorce cases by 20% (BPS 2025), ensuring the sustainable welfare of the community without compromising *sharia*.

## **The 'Baby Bust' Phenomenon as a Demographic Consequence: A Study of Islamic Law and Policy Recommendations**

The baby boom in Indonesia, particularly among the Muslim population that dominates the national demographic, is a direct consequence of the decline in early marriage rates and the increase in the average age of marriage. Data from the Central Statistics Agency (BPS) shows that the Total Fertility Rate (TFR) has fallen from 2.6 children per woman in 2010 to around 2.18 in 2023, driven by delayed marriage due to education and career priorities. This causal relationship is reinforced by the surging childfree trend, with 71,000 women choosing not to have children in 2022, according to BPS, particularly in Java, such as Jakarta (14.3%) and Banten (15.3%).

From an Islamic legal perspective, this decline in fertility contradicts the sharia's recommendation to marry young and have children proportionally, as stated in the hadith of the Prophet Muhammad SAW, who advocated marriage for those who are able to increase the number of Muslims (Narrated by Bukhari and Muslim). Religious Courts (PA) noted that the increase in dispensations for underage marriages has actually decreased since the Marriage Law was revised, while cases of polygamy and divorce remain high among Muslims, reflecting household disharmony that exacerbates low fertility. The Supreme Court (MA), through the Directorate General of Religious Courts, reported that in 2024, the divorce rate in Religious Courts reached 500,000 cases nationwide, the majority involving couples of productive age, which demographically accelerates the baby boom.

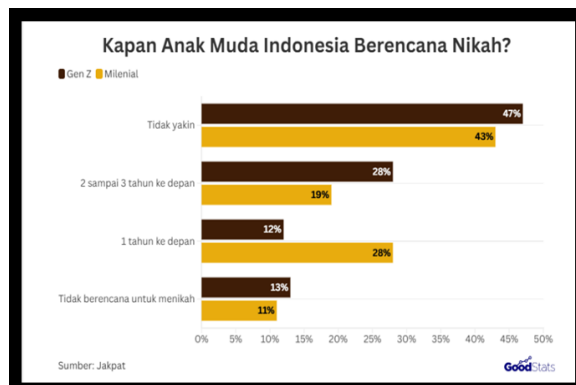
The implications for Indonesia's Muslim population structure are significant, with the 2020-2050 BPS projection predicting a premature end to the demographic bonus due to an aging population, with the proportion of elderly people (>60 years old) rising to 15% by 2035. The Muslim community, which comprises 87% of the total population, risks experiencing a population pyramid imbalance, reducing the sharia-compliant workforce in the halal economy sector. A 2024 UN report cited by national media predicts a peak in the world population in the 2080s, but Indonesia could potentially reach it earlier due to Muslim urbanization in Java, which suppresses fertility.

Sharp analysis shows that the driving factor of the baby boom is not only economic, but also a shift in cultural values in urban Muslim

communities, where the FOBO (fear of birth obligation) phenomenon, similar to Western childfree, clashes with the MUI fatwa No. 10/2015 on the sakinah family which encourages a minimum of 3 children. BPS recorded Java's TFR at only 2.0, while Muslim provinces such as West Sumatra are still above 2.2, indicating regional disparities that require local intervention. BKKBN 2025 data confirms a progressive decline since the 1970s from 5.6 to 2.1, with contraception and female education as the main catalysts.

Sharia-based solutions emphasize harmonious regulatory reforms, such as the Supreme Court's revision of Government Regulation No. 9/1975 concerning Marriage to facilitate early marriage with the guidance of religious scholars, as is the practice in Aceh. The Ministry of Religious Affairs can integrate halal tax incentives for families with 3+ children through a fatwa from the National Sharia Council (DSN-MUI), supported by PA data showing a 10% reduction in divorce rates in regions with sharia-compliant premarital programs. This policy aligns with Article 49 of Law No. 1/1974, which guarantees reproductive rights, while anticipating BPS projections that without intervention, the TFR could fall below 1.8 by 2030.

**Table 2. Marriage Intentions Among Indonesian Youth: A Comparison Between Gen Z and Millennials**



(Source: Jakpat)

The research results showed that the majority of respondents from both generations expressed uncertainty about their wedding plans: 47% of Generation Z and 43% of Millennials. Furthermore, 28% of Generation Z and 19% of Millennials plan to marry in the

next two to three years. Twelve percent of Generation Z and 28% of Millennials stated they will marry in the next year, while the remainder have no wedding plans. The main challenge in preparing for a lasting marriage is the financial aspect. Around 64% of respondents identified managing a wedding budget as the biggest obstacle. Furthermore, 73% of Generation Z and 79% of Millennials stated that finances were the most frequently discussed topic with their partners before marriage.

The final policy recommendation includes collaboration between the Central Statistics Agency (BPS), the Islamic Religious Court (PA), the Supreme Court (MA), and the National Population and Family Planning Agency (BKKBN) for the "*Kangin Syariah*" (Happy Islamic Family) program, including subsidies for young Muslim households and an Islamic education curriculum on fertility in Islamic boarding schools (*pesantren*). This juridical-empirical approach, supported by Scopus-indexed research on Indonesian Muslim demography, could reverse the baby boom into a sustainable community bonus. Implementation in West Sumatra, the heartland of Minangkabau Muslims, has the potential to become a national model, with matrilineal customs in harmony with sharia.

### **Fiqh Solutions Such as Ta'lik Talak or Sharia Marriage Contracts Can Offer Reconstructive Alternatives?**

Yes, fiqh solutions such as ta'lik talak and sharia marriage agreements (not mut'ah marriage which is haram according to Sunni) can be reconstructive alternatives in Indonesian Islamic family law to reduce impulsive divorce and protect the wife's rights. Ta'lik talak, a conditional requirement for divorce when a husband violates the marriage vows, was reconstructed in the Compilation of Islamic Law (KHI) into a formal instrument requiring the intervention of a religious court, thus transforming the flexible classical fiqh paradigm into a legal system that is more protective of women and household stability. This mechanism encourages pre-divorce communication, mitigates conflict, and aligns with maqasid sharia such as hifz al-nasl (protection of offspring), making it an effective solution amidst the high divorce rate in Indonesia.

Meanwhile, a "*sharia marriage contract*" refers to a valid prenuptial agreement (Article 45 of the Indonesian Compilation of Islamic Law), such as a grant of rights to property or additional conditions, which

are flexible in Indonesia to regulate rights and obligations fairly before or after the contract, unlike the rigid forms in other countries. This approach preserves the five elements of the family (din, nafs, 'aql, nasl, mal) in accordance with the maqasid of sharia, prevents disputes, and reconstructs marriage law towards gender justice without violating Sunni sharia. Overall, these two solutions offer progressive reconstruction by integrating classical fiqh and positive Indonesian regulations, increasing the wife's bargaining power, reducing lengthy litigation, and maintaining family unity in the modern era although they require socialization by ulama and the courts for optimization.

### **Conclusion**

This study concludes that the provisions of Article 3 of the Compilation of Islamic Law (KHI) do not fully guarantee gender justice for the "*starter wife*" in divorce, despite normatively requiring an equal division of joint assets. The main problem lies in its implementation, influenced by patriarchal bias, where a heavy burden of proof and the refusal to recognize non-material contributions (such as emotional support and the husband's career) result in 70% of ex-wives receiving only minimal compensation. This contradicts the study's objective of examining the fairness of marital division and thus confirms the structural injustice that disadvantages women following their husband's financial success.

For implementation, these findings recommend legal reform by integrating the principle of maqasid al-shariah, which emphasizes justice (adl), through the addition of a specific article in the Compilation of Islamic Law (KHI) on recognizing the non-financial contributions of starter wives, as well as training Religious Court judges to reduce gender bias in the assessment of evidence. Practical suggestions include advocacy for more progressive MUI fatwas and family law literacy programs for Gen Z in West Sumatra to prevent this phenomenon, thereby strengthening the protection of women's rights in contemporary Islamic households.

### **Reference**

Amin, Fahadil, and Al Hasan, "Dispensasi Kawin Dalam Sistem Hukum Indonesia Menjamin Kepentingan Terbaik Anak Melalui Putusan Hakim (Marriage Dispensation In The Indonesian Legal System Protecting Children 's Best Interests through Judges ' Decisions ," *Al-Aḥwāl*, 14 (2021), 86–98

- Anissa Ridha Watikno, “Akibat Hukum Perkawinan Siri Terhadap Kedudukan Anak Ditinjau Dari Hukum Islam Dan Undang-Undang Perkawpnan No 1 Tahun 1974 Di Kabupaten Karanganyar,” 2021, 167–86
- Artiyanto, Aten Kuswendi, “Efektifitas Uu No.16 Tahun 2019 Untuk Menekan Angka Perkawinan Dini,” *Syariahku: Jurnal Hukum Keluarga Islam*, 1 (2024), 25–33
- Aziz, Muhammad, and Athoillah Islamy, “Memahami Pencatatan Perkawinan Di Indonesia Dalam Paradigma Hukum Islam Kontemporer,” *Islamitsch Familierecht Journal*, 3 (2022), 94–113 <<https://doi.org/10.32923/ifj.v3i02.2776>>
- Darania Anisa, “Meningkatnya Permohonan Dispensasi Kawin Di Pengadilan Agama Panyabungan Masa Pandemi Covid 19 (Tinjauan Yuridis),” *Jurnal El-Qanunij: Jurnal Ilmu-Ilmu Kesyarabatan Dan Pranata Sosial*, 8 (2022), 220–34
- Dewi Ulfa Lailatul Fitria, and Fitri Ariani, “Problematika Poligami Di Negara Turki,” *Islamic Law: Jurnal Siyasah*, 6 (2021), 40–65 <<https://doi.org/10.53429/iljs.v6i1.176>>
- Empiris, Yuridis, Penelitian Di, U I N Sjech, and M Djamil Djambek, “Nusantara : Jurnal Ilmu Pengetahuan Sosial,” 12 (2025), 2226–36
- Firdausiyah, Vita, “Revisiting Marriage Laws and Islamic Jurisprudence on Raising the Minimum Age in Indonesia,” *Ayy-Syariah: Jurnal Hukum Islam*, 11 (2025), 68–75
- Firmansyah, Gumelar, Mina Rabiatal Asiyah, Putri Nadila, Putry Delsa Hasanah, Ilmu Hukum, Fakultas Hukum, and others, “Implementasi Hukum Adat Dalam Prosesi Perkawinan Adat Minangkabau,” *Law In Review : Journal Ilmu Hukum*, 1 (2023), 2–15
- Gani, Abdullah Firman, “Literature Review : Indonesia ’ s Declining Birth Rate and Its Implications for Marriage Decisions,” *Cendekiawan: Jurnal Pendidikan Dan Studi Keislaman*, 4 (2025), 575–84
- Hasanah, Uswatun, “Problematika Nikah Siri Di Kecamatan Muara Sipongi Dalam Tinjauan Hukum Islam Dan Hukum Negara,” *Jurnal Al-Maqasid: Jurnal Ilmu Kesyarabatan Dan Keperdataan*, 8 (2023), 133–48 <<https://doi.org/10.24952/almaqasid.v8i2.6194>>
- I Gede Putu Dharma Yusa, Beta Yulianita Gitaharie, “How The

- Demographic Dividend Affects Economic Convergence : Insights from Indonesia,” *Economics Development Analysis Journal*, 13 (2024), 400–418
- Kharisudin, Kharisudin, “Siri Marriage in Perspective of a Compilation of Islamic Law and Indonesian Marriage Laws,” *Perspektif*, 26 (2021), 48–56
- Labibah, Nindia, Febria Valentina, Valencia Sherly Moyna, Falah Qurrota A, Imel Sesa Erliyawati, and Astika Nurul Hidayah, “Perkawinan Dini Dalam Perspektif Hukum Nasional Dan Internasional : Dampak Empiris Terhadap Struktur Keluarga Di Indonesia,” *Journal Evidence Of Law*, 4 (2025), 479–90
- Liky Faizal, Abd. Qohar, “Age Limit for Marriage in Indonesia from The Perspective of Maqashid Sharia,” *Analisis: Jurnal Studi Keislaman*, 22 (2022), 297–318
- Mainnah, Mut, Misbahul Karimah, Yurike Nur Amelia, and Yudi Widagdo Harimurti, “Penyalahgunaan Dispensasi Nikah Serta Penanganannya Melalui Perbaikan Hukum,” *Urnal Ilmu Sosial & Hukum Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3 (2025), 5752–59
- Mohammad Isham Ghoisyafikih Jurianto, *et al*, “Keputusan Bebas Anak (Childfree) Pada Generasi Z Melalui Analisis Konten Media Sosial,” *Lentera: Multidisciplinary Studies*, 2 (2024), 341–48
- Munshorif, Syamsuddin, “Effectiveness Of Law Number 16 Of 2019 Concerning Marriage In Reducing The Rate Of Early Marriage At The Boyolali Religious Affairs Office,” *Profestika Jurnal Studi Islam*, 25 (2024), 153–68
- Murni, Sri, “The Marriage Age Limit According to Indonesian Law No . 16 , 2019 as Effort to Child Protection,” *Advances in Economics, Business and Management Research*, 140 (2020), 222–30
- Nur, Sri Nur Bayani, “Fenomena Fertilitas Di Indonesia: Dulu, Kini, Dan Nanti The Phenomenon Of Fertility In Indonesia: Past, Present, And Future,” *Sosio Informa*, 8 (2022), 257–79
- Nurfieni, Amrin, “The Impact Law Number 16 of 2019 about Marriage Age Dispensation on The Child Marriage Gap,” *Indonesian Journal Of Law And Islamic Law (IJLIL)*, 5 (2023), 121–30
- Panggabean, Meiran, “Studi Deskriptif Tidak Tercapainya Bonus Demografi Di Kabupaten Landak,” *Jurnal Ekonomi, Bisnis Dan Kewirausahaan*, 6 (2017), 43–58
- Pujiati, “Metode Penelitian Yuridis Normatif Di Bidang Hukum,”

*Deepublish*, 2024

- Putri, Fadhiah Dini, Tomi Sah, and Siti Nadya Dindatami, "Demographic Determinants of Population Ageing in Indonesia," 2024, 141–47 <<https://doi.org/10.2991/978-94-6463-614-7>>
- Rahmadhani, Yenrizal, "Journal Of Social And Political Science Volume 01 , Tahun 2024 Palembang Tentang Tradisi Pernikahan Pariaman Communication Construction Of Minangkabau Communities IN Journal Of Social And Political Science Volume 01 , Tahun 2024," *Journal Of Social And Political Science*, 01 (2024), 2–10
- Rusyda, Fadila, and Darmini Roza, "Implikasi Pemberlakuan Undang-Undang Perkawinan Tahun," *Ekasakti Legal Science Journal*, 1 (2024), 46–55
- Samidu, Farah, Dicky J Paseki, and Christine J J G Goni, "Tinjauan Yuridis Pernikahan Dini Dalam Hukum Perkawinan," *Lex Crimen, Unsrat*, 2019
- Sholehah, Wildatus, and Lutfian Ubaidillah, "Analisis Yuridis Terkait Alasan Mendesak Dalam Pengajuan Dispensasi Kawin Dalam Pasal 7 Ayat ( 2 ) Undang-Undang Nomor 16 Tahun 2019 Tentang Perubahan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *Indonesian Journal of Law and Justice*, 2 (2024), 1–6
- Sonny Dewi Judiasih, et al, "Kontradiksi Antara Dispensasi Kawin Dengan Upaya Meminimalisir Perkawinan Bawah Umur Di Indonesia," *Jurnal Ilmu Hukum Kenotariatan Fakultas Hukum Unpad*, 3 (2020), 203–22
- Suganda, Rangga, "Metode Pendekatan Yuridis Dalam Memahami Sistem Penyelesaian Sengketa Ekonomi Syariah," *Jurnal Ilmiah Ekonomi Islam*, 8 (2022), 2859 <<https://doi.org/10.29040/jiei.v8i3.6485>>
- Sutriani, Abel, Bina Aquari, and Erma Puspita Sari, "Faktor-Faktor Yang Mempengaruhi Terjadinya Pernikahan Dini Pada Remaja Di Desa Pelimbangan , Kecamatan Cengal , Kabupaten Ogan," *Jurnal Kesehatan Amanah*, 9 (2025), 2–12
- Sya, Arwa, and Zainal Arifin, "Amorti: Jurnal Studi Islam Interdisipliner Marriage Decline Rate Phenomenon in Indonesia and Its Relevance to Marriage Encouragement in Islam," *Amorti: Jurnal Studi Islam Interdisipliner*, 3 (2024), 80–87

- Tarmizi, “Dampak Nikah Siri Dalam Pembentukan Keluarga Sakinah,” *Jurnal Hukum*, 13 (2016), 331–32
- Thoyib, Abdurasyid, and KA Bukhori, “Politik Hukum Pengaturan Batas Usia Minimal Perkawinan Di Indonesia,” *Jurnal Intelektualita: Keislaman, Sosial Dan Sains*, 11 (2022), 155–67 <<https://doi.org/10.19109/intelektualita.v11i1.10594>>
- Tirta, Kania Dewi, and Sinta Nur Arifin, “Studi Fenomenologi: Marriage Is Scary Pada Generasi Z,” *TERAPUTIK: Jurnal Bimbingan Dan Konseling*, 8 (2025), 12–20 <<https://doi.org/10.26539/teraputik.833675>>
- Tri Eka Putra Muhtarivansyah Waruwu, “Analisis Yuridis Normatif Terhadap Konsep Masalah Perkawinan Di Usia Muda,” *Jurnal Syarah, IAIN Lhokseumawe*, 2004, 1–11
- Utomo, Ariane, Aris Ananta, and Diahhadhi Setyonaluri, “A Second Demographic Transition in Indonesia?,” *China Population and Development Studies*, 6 (2022), 288–315 <<https://doi.org/10.1007/s42379-022-00115-y>>
- Widodo, Adellia Mahardhika, “Implementasi Dispensasi Kawin Pasca Perubahan Undang-Undang Perkawinan ( Studi Permohonan Dispensasi Kawin Di Pengadilan Agama Klaten ) Pendahuluan Perkawinan Merupakan Jalinan Ikatan Lahir Dan Batin Yang Terbentuk Antara Seorang Pria Dan Seorang Wanita S,” *Al-Maqashidi Journal Hukum Islam Nusantara*, 08 (2025), 1–16
- Yumna, Hanin, “The Impact of Marriage Dispensation Policy Interventions on Underage Marriage Trends Among Banyuwangi Teenagers,” *Jurnal Mediasas: Media Ilmu Syari’ah Dan Ahwal Al-Syakhshiyah*, 8 (2025), 411–18 <<https://doi.org/10.58824/mediasas.v8i2.356>>