#### Journal of Posthumanism

2025

Volume: 5, No: 4, pp. 239–252 ISSN: 2634-3576 (Print) | ISSN 2634-3584 (Online)

posthumanism.co.uk

DOI: https://doi.org/10.63332/joph.v5i4.1044

# The Interpretation of Religion and Early Marriage Practices in Cirebon Regency: The Perspective of Nahdlatul Ulama (NU) Scholars in the Context of State Law and Socio-Cultural Aspects

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#### Abstract

Child marriage is a complex social issue in Indonesia, particularly within the Nahdlatul Ulama (NU) community. This study aims to understand how religious, social, and economic perspectives influence the practice of early marriage in Cirebon Regency, focusing on the viewpoint of NU scholars. Using a phenomenological approach, this research analyzes the subjective experiences of scholars involved in the practice of child marriage. The main findings reveal that although state law sets the minimum marriage age at 19, the more flexible religious interpretation regarding physical and mental maturity (aqil baligh) dominates the views of the scholars. Social and economic factors also play a significant role, with early marriage often seen as a solution to reduce financial and social burdens. This study highlights the tension between state law and social and religious norms in determining the legal age for marriage. The implications of these findings suggest that a more inclusive policy approach, considering local religious and social values, is necessary to reduce the practice of early marriage in Indonesia.

**Keywords:** Interpretation, Religion, Early Marriage, Nahdlatul Ulama, State Law, Socio-Cultural

# Introduction

Child marriage remains a complex and pressing issue in Indonesia, particularly in the context of law, social, and cultural aspects (Gobena & Alemu, 2022). Legally, Law Number 16 of 2019 sets the minimum marriage age at 19 for both parties. However, despite the implementation of this regulation, the practice of child marriage continues to occur, especially in rural areas such as Cirebon Regency in West Java. This indicates a discrepancy between state regulations and prevailing social practices in society.

In Cirebon Regency, many people still follow a more flexible interpretation of Islamic teachings regarding the age of marriage, which prioritizes the physical and mental readiness of an individual to marry, based on the concept of aqil baligh (maturity). In the view of scholars, age is not the main factor in determining one's suitability for marriage; rather, it is an individual's ability to take on responsibilities within the family and society (Lipinsky & Goldner, 2024). Therefore, marriage is considered valid if the individual has reached maturity according to Islamic law, which is usually marked by the signs of baligh.

This phenomenon is further exacerbated by social, cultural, and economic factors. In traditional

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240 The Interpretation of Religion and Early Marriage Practices in Cirebon Regency societies like Cirebon, early marriage is often seen as a solution to social problems, such as avoiding free mixing and maintaining the dignity of the family (Mu dkk., 2024). Additionally, economic factors also play a significant role, where early marriage is viewed as a way to reduce the financial burden on families, particularly those with limited economic resources.

The issue of child marriage is not only limited to legal aspects but also involves a complex social and cultural dimension (Nisa, 2020). Therefore, it is important to understand how religious, social, and cultural laws interact and influence the practice of early marriage in Indonesian society, particularly within the Nahdlatul Ulama (NU) community in Cirebon Regency.

This study focuses on the subjective experiences of NU scholars involved in the practice of early marriage in the region. The aim is to uncover how religious views, social norms, and cultural pressures play a role in facilitating or hindering child marriage, as well as to provide insight into how Islamic law and state law interact in the local context.

Child marriage is a phenomenon rooted in various interconnected social, cultural, and religious aspects that are often deep and complex. In the context of this phenomenon, studying the experiences of subjects, especially NU scholars in Cirebon Regency, becomes crucial to provide a clearer picture of how religious interpretation affects the practice of early marriage (Adedokun dkk., 2016). This phenomenological study leads to a deeper understanding of religious thoughts and views regarding the legal age for marriage, which often intersects with local social norms.

In Islamic law, the concept of aqil baligh (physical and mental maturity) serves as the main benchmark for determining an individual's readiness for marriage. For many NU scholars, marriage is deemed valid when an individual has reached this maturity, even if their biological age has not yet reached the limit set by state law. For instance, many scholars in Cirebon Regency adhere to the view that a child who has reached the age of baligh, whether male or female, is considered ready for marriage, even if they are under 19 years old.

However, despite this view being widely held within the NU community, it contradicts the provisions of Law Number 16 of 2019, which sets the minimum marriage age at 19. This difference in perspective creates tension between state law and religious interpretation, particularly in cases involving marriage dispensations (Kamal dkk., 2015). In many instances, religious courts in Cirebon Regency often grant dispensations to validate child marriages, based on considerations of social and religious benefit.

Along with the differences in interpretation between religious law and state law, methodological challenges arise in exploring the meaning of scholars' experiences with early marriage. One major challenge is the limited data that can holistically reflect the subjects' experiences in this practice. This is because child marriage is often conducted secretly or based on deep social and cultural pressures, making it difficult to capture the full nuances of this phenomenon. Therefore, the phenomenological approach offers an advantage in this research, as it allows for a deeper exploration of the meanings of the scholars' experiences and views on this phenomenon.

This phenomenon also reflects significant differences between urban and rural areas, where in rural areas such as Cirebon, social and religious norms often dominate in guiding social behavior. Early marriage in this region is seen as a solution to avoid the negative effects of free mixing and as a means to preserve family dignity (Beard, 1982). Therefore, it is essential to uncover how NU scholars in Cirebon perceive their role in preserving this tradition, despite pressure from state laws that regulate the marriage age limit.

This research aims to further explore how religious, cultural, and social factors influence the views and practices of early marriage in Cirebon Regency, and how NU scholars respond to and interpret state regulations in their local context.

While there is a wealth of research on child marriage in Indonesia, much of the existing literature tends to focus on legal aspects and their impact on health and education, often using quantitative or sociological approaches (Pandey & Singh, 2015). Some studies have also highlighted the role of the government in reducing early marriages through policies and social programs. However, there is a lack of research exploring religious perspectives, particularly how scholars, especially within Nahdlatul Ulama (NU), view and interpret child marriage within the framework of Islamic law.

Most existing research tends to emphasize non-compliance with Law Number 16 of 2019 regarding the minimum marriage age, without delving deeper into the reasons behind the practice in the context of religious and local cultural interpretations (Linn dkk., 1976). In Cirebon Regency, although state law has regulated the minimum marriage age, the practice of early marriage continues to occur, supported by local scholars who adhere to Islamic principles that are more flexible regarding the age of marriage, based on signs of baligh as an indicator of maturity (Yakubu & Salisu, 2018). This phenomenon shows a significant knowledge gap between the state law perspective and the religious interpretation accepted by the local community.

This knowledge gap underscores the need for more in-depth research on how NU scholars in Cirebon Regency view the legal age of marriage and how they formulate religious justifications to support the practice of early marriage (Abdulla dkk., 2023). This study will fill that gap by investigating how scholars view early marriage from religious and cultural perspectives and how these differing views affect social practices at the local level.

One major issue that has yet to be extensively explored in the literature is how local interpretations of Islamic law contribute to the continuation of child marriage practices, despite regulations requiring a minimum age for marriage (Fausi, 2024). This study focuses on the experiences and subjective views of scholars regarding religious law and its application in their local context, as well as how these perspectives play a role in maintaining or changing early marriage practices in Cirebon Regency.

Overall, while much research exists on early marriage from legal, health, and sociological perspectives, no research has deeply examined this phenomenon from a religious standpoint, particularly the perspective of NU scholars in Cirebon (Mutyaba, 2011). Therefore, this study aims to fill this knowledge gap and provide new insights into the interaction between state law and religious interpretations in the context of child marriage in Indonesia.

This study uses a phenomenological approach to explore the subjective experiences of Nahdlatul Ulama (NU) scholars in Cirebon Regency regarding the practice of child marriage (Setiyawan dkk., 2024). The main focus of this research is to understand how NU scholars interpret and translate the concept of maturity according to Islamic law, and how they relate it to the state regulations regarding the minimum age for marriage.

In this study, we demonstrate that while Law Number 16 of 2019 sets the minimum marriage age at 19, many NU scholars prioritize assessments of physical and mental maturity, known in Islamic law as aqil baligh (Ilkkaracan, 1998). The scholars interviewed revealed that the age of

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Moreover, the findings also show that despite state laws regulating the marriage age limit, social, cultural, and economic factors play a large role in sustaining early marriage practices. Many families in Cirebon Regency, due to economic limitations or social pressures, choose to marry off their children at a younger age, even though this contradicts state law provisions (Okonofua, 1995). Scholars, particularly those who serve as religious leaders and community figures, often legitimize this practice, especially in situations where they believe early marriage can prevent free mixing or other social harm.

Overall, this study shows that early marriage in Cirebon Regency persists due to the complex interaction between the more flexible religious law and the stricter state law (Haq dkk., 2022). This research also illustrates how NU scholars play a crucial role in providing understanding to the community about Islamic law and how their religious views interact with local social and cultural values. The findings provide new insights into the practice of child marriage and suggest the importance of a more inclusive approach to understanding early marriage, which takes into account both religious law and state law.

## **Research Methods**

## **Study Design**

This study employs a phenomenological approach to explore the experiences and meanings attributed by Nahdlatul Ulama (NU) scholars in Cirebon Regency regarding the practice of child marriage (Nisa, 2011). A phenomenological approach was chosen because it allows the researcher to gain a deep understanding of the phenomenon from the participants' perspectives and to uncover the subjective meanings they assign to it. Thus, phenomenology can provide insights into how scholars and the local community interpret the age of marriage, maturity, and the interpretation of Islamic law within the context of local culture.

## **Participants**

The participants in this study are scholars from various sub-districts in Cirebon Regency who have knowledge and involvement in the practice of child marriage. Participant selection was carried out using purposive sampling, selecting individuals who possess in-depth knowledge and relevance to the phenomenon under study (Jacubowski, 2008). A total of 10 scholars were interviewed, with inclusion criteria encompassing scholars involved in granting marriage dispensations and those with direct experience regarding the application of religious law in the local context.

The demographic profile of the participants includes male scholars, with an average age of 50 years, most of whom come from pesantren and madrasah aliyah educational backgrounds (Nishat dkk., 2023). This group was selected based on their expertise in interpreting Islamic law related to marriage and their ability to offer diverse perspectives on the practice of child marriage in their area.

## **Data Collection**

Data in this study was collected through in-depth interviews with scholars and local religious

leaders. The interviews were conducted in person using a semi-structured interview guide, allowing participants the freedom to express their views in an open and detailed manner (Kenneth dkk., 2016). Each interview lasted between 60 to 90 minutes, with a total of 10 interviews conducted across various sub-districts in Cirebon Regency.

The data collection process ensured a comfortable and safe environment for participants to speak freely (Bhattarai dkk., 2022). Interview questions were designed to explore personal experiences, religious views, and the reasons behind their support or opposition to early marriage in their community. The collected data was then analyzed qualitatively to identify key themes emerging from the participants' experiences.

## **Data Analysis**

The data obtained from the interviews was analyzed using thematic analysis techniques. The analysis process began by transcribing the interviews and reading them repeatedly to gain a deep understanding (Hallfors dkk., 2013). Then, the data was broken down into meaningful units, such as statements reflecting scholars' views on the age of marriage, maturity, and the interpretation of religious law. Subsequently, the main themes related to the research topic were identified and grouped.

This analysis was conducted with consideration of the social, cultural, and religious context, and the findings were linked to Islamic law theories and sociology of law (Astutik & Nurmala, 2020). Each theme was analyzed to reveal the meaning attributed by the participants and to understand how they interpret the practice of child marriage in their daily lives.

## **Results**

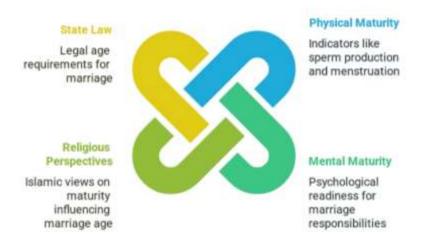
# Theme 1: NU Scholars' Perspective on Child Marriage

In this study, the NU scholars in Cirebon Regency emphasize that the legal age for marriage, according to their views, does not always align with state law but is more influenced by the concept of aqil baligh (maturity) in Islam. Most scholars explain that the age for marriage can be determined based on physical and mental maturity, such as the signs of baligh, like the onset of sperm production in males and menstruation in females, which are seen as indicators of readiness for marriage. For instance, K.H. Shofiyudin, a scholar from Gempol, stated:

"What matters is physical and mental readiness, not just age. Once they have reached \*baligh\*, they are ready to take on responsibilities in marriage."

This emphasis on physical readiness reflects a strong local interpretation of the concept of baligh in Islam, which does not always conform to the minimum age limit set by state law. This highlights the ongoing conflict between religious law and state law, particularly in rural areas.

Figure 1. Understanding Marriage Readiness



## Theme 2: Differences in the Interpretation of Religious and State Law

Although Law Number 16 of 2019 sets the minimum marriage age at 19, child marriage continues to occur in Cirebon Regency, especially within the NU community. This study found that despite state law regulating the marriage age limit, many religious figures consider Islamic law more relevant within the cultural and belief context of society. K.H. Arif Hidayat, a scholar from Kaliwedi, expressed:

"For us, Islamic law is more important. If they are \*aqil baligh\*, then they are ready to marry. Age is not the main issue."

This response indicates the tension between positive law as regulated by the state and the religious understanding accepted by the local community. Additionally, the strong influence of religious norms, especially in rural areas, shows that local interpretations play a dominant role in determining the legal age for marriage.



Figure 2. Should the legal marriage age be aligned with religious interpretations?

# Theme 3: Socio-Cultural and Economic Factors in the Practice of Child Marriage

In addition to religious interpretation, socio-cultural and economic factors also play a significant role in the continuation of child marriage practices in Cirebon Regency. This study found that early marriage is often driven by family economic factors and social pressure. Many families, especially those in economically difficult situations, choose to marry off their children in hopes of reducing the financial burden. For example, K.H. Nasian from Arjawinangun explained:

"Here, families facing economic hardships often choose to marry off their children earlier to lighten the household burden. It's also a tradition that has been in place."

Beyond economic factors, socio-cultural elements, such as strong traditions of arranged marriages in certain social circles, further reinforce this practice. Many families believe that marrying off their daughters at a young age is a way to ensure social security and avoid stigma related to free mixing.

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Figure 3. Economic Factors Drive Child Marriage in Cirebon



Theme 4: The Role of Religious Leaders in Addressing the Issue of Early Marriage

Religious leaders play a crucial role in the issue of child marriage in Cirebon society. Scholars often act as intermediaries in early marriages, providing religious "dispensations" or approval for marriages where the individuals have not yet reached the age stipulated by state law. This is done to accommodate the existing social situation, even though such marriages are legally invalid according to state law. K.H. Moh. Yasin from Susukan explained:

"If this marriage is conducted to avoid worse actions, such as adultery, then we, as scholars, grant permission. We always consider the social benefit for the community."

This view shows that scholars in Cirebon Regency regard child marriage as a solution to the social and cultural issues faced by the community, despite it being in conflict with the law. Therefore, they often view dispensations as a more relevant middle ground to safeguard social welfare.

The findings of this study reveal the tension between religious and state law regarding the legal age for marriage in Cirebon Regency, influenced by local views that are more flexible regarding the concept of baligh in Islam. Child marriage is often driven by socio-cultural and economic factors, with scholars playing an essential role in legitimizing the practice. Although state law has established a minimum marriage age, this practice persists due to the strong influence of religious interpretations that prioritize physical and mental maturity as the criteria for a valid marriage.

Figure 4. Balancing Religious and State Perspectives on Child Marriage



## **Discussion**

This study found that child marriage in Cirebon Regency is influenced by a flexible religious interpretation regarding physical and mental maturity, which prioritizes signs of baligh over the age limit set by state law (Madaki, 2023). In addition, social, cultural, and economic factors also play an important role in preserving the practice of early marriage, despite the differences of opinion between state law and religious law.

The findings answer the main research question posed in the Introduction about how the perspectives of NU scholars relate to early marriage in Cirebon Regency. This study shows that NU scholars in Cirebon tend to prioritize physical and mental readiness (aqil baligh) as an indicator of marriageability, rather than the age limit set by Law Number 16 of 2019. These findings make an important contribution to the understanding that early marriage is not only influenced by rigid religious norms but also by local interpretations rooted in traditions and more flexible religious teachings in the local cultural context.

Furthermore, this study reveals that although state law sets the minimum marriage age at 19, the practice of child marriage persists due to the strong influence of religious interpretation, which considers marriage valid once an individual has reached physical and mental maturity (Omer dkk., 2021). This finding leads to the understanding that the differences between religious law and state law often result in more diverse policies influenced by the social and religious context prevalent in the local community.

This study confirms the findings of various previous studies that suggest early marriage in

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Indonesia is often seen as a solution to social and economic problems, especially in rural areas. Research by Latifiani (2021) and Gojali et al. (2020) indicates that the social and economic pressures faced by families in rural areas often lead them to choose early marriage as a way out (Aditya & Waddington, 2021). This aligns with the findings in Cirebon Regency, where social and economic factors are the main drivers in sustaining this practice. In this context, early marriage is not only viewed as a religious matter but also as a way to maintain social and economic stability within families.

Additionally, this study also highlights the strong influence of social and cultural norms in shaping the community's views on early marriage (Barkah dkk., 2023). This corresponds with the findings of Rahmatillah and Nurlina (2020), who argued that although state law sets marriage age limits, many Indonesians, especially in areas with strong traditions, still view early marriage as valid if it meets the criteria of physical and mental maturity, not just chronological age. This view is largely influenced by more flexible religious interpretations that can be adapted to local contexts, explaining why early marriage continues despite conflicting state regulations.

Furthermore, this study shows that the religious views on early marriage in Cirebon Regency emphasize physical and mental readiness, which may lead to broader interpretations of an individual's maturity. This expands the understanding of how Islamic law provides room for early marriage practices, even when they conflict with the age limits set by the state. Fauzi's (2019) research offers a similar perspective, where many religious figures grant dispensations for early marriage as a solution to prevent social harm, such as adultery, which is seen as a greater threat than legal violations.

However, the findings of this study differ from the stricter views of some previous studies that emphasize the importance of enforcing state law to prevent early marriage. Studies by Fauzi (2019) and Suryani (2020) show that strict government regulations on early marriage are seen as more effective in protecting the rights of women and children. Nevertheless, in Cirebon Regency, more flexible religious interpretations regarding physical and mental maturity open the door for the continuation of early marriage. This indicates a tension between the more rigid state law and the more adaptable religious views that are suited to the local context.

From an Islamic jurisprudence perspective, this study also supports the application of the sadd al-zari'ah theory, which focuses on preventing actions that may lead to harm, such as adultery. Based on this principle, early marriage is viewed as a solution to avoid social and moral damage that may arise from premarital relationships. This concept demonstrates how early marriage practices are not only seen as violations of state law but also as implementations of efforts to safeguard social welfare in accordance with Islamic teachings. These findings highlight the dynamic interaction between social norms, religion, and state law, which collectively shape social practices in the community.

Finally, this study invites a broader view of the practice of early marriage, considering the role of local culture, flexible religious interpretations, as well as social and economic factors. While state regulations set the minimum marriage age at 19, early marriage practices continue to be upheld by communities in areas like Cirebon Regency. Therefore, this finding makes an important contribution to the understanding that early marriage is not just a legal issue but also encompasses social, religious, and cultural dimensions that need to be considered in any policy aimed at addressing this phenomenon.

This research provides important insights into the factors influencing child marriage practices in Cirebon Regency, particularly in the context of religious, social, and cultural views. The findings suggest that religious interpretation, particularly within the Nahdlatul Ulama (NU) community, plays a significant role in shaping views on early marriage (Muller, 1990). The more flexible religious perspective on the marriage age, which prioritizes physical and mental maturity (aqil baligh), serves as a key foundation for the practice of early marriage in this region, despite conflicting with state law that sets the minimum marriage age at 19.

The findings of this study have significant implications for Indonesian law, society, and culture, particularly regarding early marriage. Given the differences between religious and state law and the strong influence of social and cultural values, simply regulating the legal marriage age may not be sufficient. A more inclusive approach that integrates local religious and social norms is necessary for more effective policy-making. Religious leaders can act as mediators between state law and community needs, offering a more contextualized perspective on early marriage. The study also highlights the value of a phenomenological approach in understanding the complex social dynamics surrounding early marriage, as it provides insight into how religious and social norms shape local and national policies. However, several limitations should be noted, including the study's focus on scholars' subjective experiences in Cirebon Regency, a limited sample size of only 10 participants, and potential interpretation biases in qualitative analysis. Future research should explore how religious and state law interact in other regions, examine the role of religious leaders in shaping public policy, and assess the broader impacts of early marriage on health, education, and social welfare. A more comprehensive understanding of these factors could lead to more effective solutions for reducing early marriage in Indonesia.

## Conclusion

This study reveals the complex interplay between religious law, social norms, and state law in the practice of child marriage in Cirebon Regency, particularly from the perspective of Nahdlatul Ulama (NU) scholars. While Law Number 16 of 2019 sets a minimum marriage age, flexible religious interpretations based on physical and mental maturity continue to legitimize early marriage in the region. This highlights a tension between rigid state law and the more adaptable social and religious perspectives on marriage age. Additionally, economic and social factors drive the persistence of early marriage, as many families perceive it as a solution to financial difficulties and social pressures. Scholars, as respected religious authorities, often grant dispensations for underage marriages, emphasizing social benefits and the prevention of premarital relationships.

The study suggests that policies focusing solely on marriage age limits are insufficient in addressing early marriage. A more culturally and religiously sensitive approach is needed, involving collaboration between the government, religious scholars, and the community to develop more inclusive and effective policies. Scholars play a crucial role in bridging state law and local society, making it essential for policies to balance religious perspectives with child and women's rights protections. This research offers valuable insights into how religious interpretations, social norms, and economic factors shape marriage practices, opening opportunities for further studies on their impact on social policies in Indonesia and the development of holistic solutions to reduce early marriage.

## Acknowledgment

This research was successfully conducted with the generous support of the Indonesia Bangkit Scholarship Program, the Ministry of Religious Affairs of the Republic of Indonesia, and the Education Fund Management Institution (LPDP) of Indonesia. The authors sincerely appreciate the full funding provided under Scholarship Registration Number: PG-05-222- 0004373. This invaluable support has played a crucial role in facilitating this study, which seeks to contribute to the advancement of knowledge and the development of practices in the Islamic Family Law in Indonesia.

#### **Conflict Of Interest**

The authors declare that there are no conflicts of interest related to this research.

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