

RECONSTRUCTION OF ISLAMIC FAMILY LAW IN FACING THE PHENOMENON OF EARLY MARRIAGE IN THE DIGITAL ERA: A QUALITATIVE ANALYSIS STUDY OF SOCIAL REGULATIONS AND PRACTICES IN MUKOMUKO REGENCY, BENGKULU PROVINCE

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Abstract. The phenomenon of early marriage is still a complex problem in the practice of Islamic family law in Indonesia, including in Mukomuko Regency, Bengkulu Province. The development of digital technology has expanded the space for social interaction that accelerates the occurrence of pre-marital relationships among adolescents, thus causing legal, social, and moral dilemmas. This study aims to qualitatively analyze the reconstruction of Islamic family law in the face of the phenomenon of early marriage in the digital era, with a focus on regulations, social practices, and legal reform efforts at the local level. Data were obtained through in-depth interviews with religious leaders, judges of the Religious Court, and local communities, as well as an examination of laws and regulations documents. The results of the study show that Islamic family law in Indonesia is still normative and less adaptive to digital social transformation. Legal reconstruction is needed by integrating the approach of fiqh maqashid, family law education, and responsive policies based on local realities. The implications of this research are expected to strengthen the synergy between Islamic law regulations and state policies in preventing early marriage in the digital era.

Keywords: Islamic family law, early marriage, digital age, legal reconstruction

I. INTRODUCTION

According to [1] The reconstruction of Islamic law is intended as an effort to reinterpret legal norms to suit contemporary social dynamics. According to [2] The approach of maqashid al-shari'ah is an important epistemological framework to understand the main goal of Islamic law, which is to realize benefits (maslahah) and avoid harm (mafsadah). In the context of early marriage, maqashid al-shari'ah demands the protection of the soul (hifz al-nafs), reason (hifz al-'aql), offspring (hifz al-nasl), and the right to education (hifz al-'ilm) [3]. Thus, Islamic family law needs to be reconstructed in order to not only assess the validity of marriage formally, but also to pay attention to the psychological maturity and welfare of the child [4].

According to [5], Islamic family law is one of the areas of law that is closest to the lives of Muslims, as it concerns personal, social, and religious relationships. According to [6], Islamic family law in Indonesia is based on a combination of sharia norms and state regulations, such as the Compilation of Islamic Law (KHI) and Law number 1 of 1974 concerning Marriage. However, reality shows that the application of family law often experiences tensions between the ideality of the text and the social context. [7] calls this phenomenon "the tension between normativity and legal reality." In the context of early marriage, classical fiqh texts generally allow marriage for

children who have reached puberty, while Indonesia's positive law seeks to limit the age of marriage to protect children's rights [8].

This research uses the theory of social constructivism of Islamic law, which views that Islamic law is always formed through the interaction between texts, contexts, and social actors [9]. [10] explains that social reality is constructed through a process of social construction that involves meanings, symbols, and social practices of society. Within this framework, [11] The practice of early marriage is understood not simply as a violation of the law, but as a result of the interaction between religious values, local culture, and digital influences. Therefore, the reconstruction of Islamic family law is directed at finding a common ground between divine norms and contemporary social realities that are constantly changing in the digital age [12].

[13] The digital era brings very rapid social transformation. Social media, messaging apps, and online content facilitate interactions of adolescents that were previously difficult. According to the results of the study [14], digital media has an ambivalent role: on the one hand it becomes a means of education, on the other hand it becomes a meeting space that accelerates the emotional connections of adolescents and encourages the desire to marry young. Early marriage in Mukomuko is not only due to cultural and

economic factors, but also the influence of digital media that shapes perceptions of love, honor and social maturity. This phenomenon demands a reinterpretation of family law in order to emphasize not only formal legality, but also the moral and social readiness of young couples [15].

According to [16], the rapid social changes in the digital age have brought a significant impact on family structures and patterns of relationships between individuals in Indonesian Muslim society. One of the obvious implications of this transformation is the increasing cases of early marriage, which poses a serious challenge to the practice of Islamic family law [17]. According to [18], although Law Number 16 of 2019 has set the minimum age of marriage to 19 years for both men and women, the practice of underage marriage still occurs, especially in the Mukomuko Regency area, Bengkulu Province. Data from the Mukomuko Religious Court in 2023 shows that more than 27% of marriage dispensation applications are submitted by couples under the age of 19. This figure shows that there are still strong social traditions and economic pressures that encourage families to marry children at a young age, coupled with the influence of social media and increasingly intense digital interaction among teenagers [19].

In the context of Islamic law, early marriage is often associated with aspects of religious perfection and moral protection [20]. However, a normative approach that is not accompanied by an understanding of *maqashid al-shariah* has the potential to cause new problems such as domestic violence, early divorce, and loss of children's educational rights [21]. Therefore, the reconstruction of Islamic family law is very important so that religious teachings can be interpreted contextually and responsive to digital social changes [22].

Some previous studies [23]; [24]; [25] shows that the implementation of Islamic family law in Indonesia is still textual and has not fully paid attention to the socio-cultural conditions of the community. Meanwhile, another study by [26] highlighting that the policy of marriage dispensation in the courts is still often given without adequate socio-psychological considerations.

From these conditions emerged *research gap* important, namely the need for a new approach in understanding Islamic family law that is not only text-oriented, but also considers the digital reality and social context of local communities. Therefore, this study seeks to answer the main questions: 1. How does the practice of early marriage occur in Mukomuko Regency in the context of the digital era? 2. What are the views of religious leaders and legal officials on this phenomenon? 3. What is the relevant model of Islamic family law reconstruction to deal with this reality? The main objectives of this study are: (1) Describe the social and legal conditions related to early marriage in Mukomuko Regency; (2) Analyze the social-digital factors that affect the practice of early marriage; and (3) Formulate a model of Islamic family law reconstruction based on *maqashid al-shari'ah* that is adaptive to the changing times.

Theoretically, this research contributes to the development of contextual and progressive Islamic law [27]. Practically, the results of the research are expected to be a reference for regional policymakers and religious justice institutions in formulating policies to prevent early marriage

that are in line with the principles of Islamic justice and the digital reality of local communities.

II. RESEARCH METHODS

[28] This research uses a qualitative approach with the type of field research (*field research*). This approach was chosen because the phenomenon of early marriage is not only related to legal norms, but also to social construction, religious values, and the influence of digital culture in the lives of the Mukomuko community. The qualitative approach provides space for researchers to understand the subjective meaning and views of social actors on the practice of early marriage.

The research was conducted in Mukomuko Regency, Bengkulu Province, an area with the character of a local religious community and culture that still holds strong social traditions. This location was chosen because of the high number of marriage dispensations and the strong influence of social media on adolescent behavior. The subjects of the study consisted of: 1. Religious leader (Ustadz Ahmad Fauzi) Chairman of the Indonesian Ulema Council (MUI) Penerik District. 2. Judge of the Mukomuko Religious Court (Judge Siti Rahmah, S.H.I.) - has experience handling marriage dispensation cases. 3. Community representative (Mrs. Lestari, 45 years old) - a parent who married his child at the age of 17.

Data was collected through in-depth interviews (*in-depth interview*) with the three main informants. Participatory observation, to understand the social context and local cultural values. Documentation of the decision of the Religious Court, KUA data, and the report of the Mukomuko BKKBN [29]. Data analysis was carried out using the Miles and Huberman method in [30] through three stages: Data reduction, by sorting out the data from interviews and observations that are relevant to the focus of the research; data presentation (*data display*), by compiling descriptive narratives and interview excerpts; drawing conclusions and verification, to find substantive meanings and contextual legal reconstruction models. The validity of the data was obtained through triangulation of sources and member checks, by comparing the results of interviews from religious leaders, judges, and the community and adjusting them to applicable legal documents.

III. RESULTS AND DISCUSSION

Social Conditions and Early Marriage Practices in Mukomuko

Mukomuko Regency is an area with a majority Muslim population and has strong social traditions. Based on data from the Mukomuko Religious Court in 2023, there were 86 applications for marriage dispensation, of which 71 were granted. The average age of married women is 16-17 years, while men are 18-19 years old. From the results of interviews with the community, the main reason for early marriage is the "shyness" factor due to teenage relationships that are known to the public through social media. A resident, Mrs. Lestari, said:

"My son often communicates through Facebook with his girlfriend. When their relationship became known to the family, we felt embarrassed if we didn't get married soon. After all, in this village, people say it's better to get married young than to sin."

This phenomenon shows that social pressures and traditional norms of decency are still very strong, even reinforced by public exposure through digital media [31]. In this case, digital technology plays a dual role: on the one hand it opens up access to information, but on the other hand accelerates social pressure on adolescent behavior [32].

Perspectives of Religious Figures: Between Text and Context

An interview with Ustaz Ahmad Fauzi reveals a dilemma in interpreting early marriage:

"In terms of classical fiqh, getting married at a young age is okay as long as you have reached puberty and are capable. But in the current context, many young people are not mentally and economically ready. So we need a new understanding of the benefits of marriage in this digital age."

This view shows that there is an awareness among religious leaders about the need to reconstruct the interpretation of Islamic law from a textual to a contextual approach. Within the framework of maqashid al-shari'ah, marriage should be a means of safeguarding offspring (hifz al-nasl) and honor (hifz al-'ird), not just the legalization of social relations [33]. Religious leaders also highlighted the role of digital media in shaping public perceptions of love and marriage. According to him, many teenagers are influenced by the content romanticizing young marriages on TikTok and Instagram, without understanding the social and economic responsibility behind it.

Perspective of Religious Court Judges: Challenges of Regulatory Implementation

The judge of the Mukomuko Religious Court, Siti Rahmah, S.H.I., explained that the majority of marriage dispensation applications that entered the court were based on out-of-wedlock pregnancies and family social pressure.

"We often face dilemmas. Legally positive, we have to consider the aspect of the child's welfare. However, if the application is rejected, the family feels embarrassed and social conflicts can occur. On the other hand, regulations have not provided clear guidelines for judges to assess the psychological readiness of prospective young brides."

From this statement, it can be seen that the practice of Islamic family law is still reactive, not preventive. Judges often play the role of validators of social decisions that have been formed, rather than as agents of legal change that affirm the principle of maqashid. This condition is strengthened by the lack of coordination between religious institutions, schools, and local governments in providing family law education for adolescents. In fact, if the legal approach is associated with digital education and moral development, the potential for preventing early marriage will be much greater [34].

Analysis: Reconstruction of Islamic Family Law in the Digital Era

Based on field data and interviews, three main problems that demand the reconstruction of Islamic family law in Mukomuko can be identified:

1. The gap between legal norms and digital reality. Regulations such as Law No. 16 of 2019 and KHI have not accommodated the impact of digital transformation on adolescent behavior.
2. The legal approach is too formalistic. Judges and religious leaders are still oriented towards the text of fiqh and

administrative legality, and have not fully internalized the value of maqashid al-shari'ah.

3. Lack of family law education and digital literacy. Lack of education about marital responsibilities makes teenagers easily influenced by social media narratives.

To answer this problem, this study offers a model of Islamic family law reconstruction based on maqashid al-shari'ah, which emphasizes three main strategies:

- a. Conceptual Reconstruction (Normative Level)

Reinterpreting Islamic family law by considering the principles of benefit (maslahah mursalah) and child protection. This approach places maqashid as the basis of legal istinbath, not just a moral justification [35].

- b. Structural Reconstruction (Institutional Level)

Strengthening the synergy between the Religious Court, KUA, the Education Office, and MUI in preventing early marriage through digital-based premarital education and family law guidance for school teenagers [36].

- c. Cultural Reconstruction (Social Level)

Encourage religious and community leaders to build a new awareness that marrying young is not a moral solution, but must be based on spiritual, emotional, and economic readiness. The use of educational da'wah social media can be an effective cultural strategy [37].

Integration of Maqashid Values and Digital Reality.

The results of the study show that the reconstruction of Islamic family law cannot be carried out only through regulatory changes, but also through a paradigm shift in legal interpretation. The new paradigm of Islamic law in the digital era needs to combine three dimensions: the normative dimension, to maintain the authenticity of sharia law, the sociological dimension, to understand changes in people's behavior due to technology, and the educational dimension, to build inclusive and sustainable family law awareness. Thus, the maqashid al-shari'ah approach can be applied as an epistemological foundation for contextual and adaptive reform of Islamic family law to the changing times.

IV. CONCLUSION

The phenomenon of early marriage in the digital era, as found in the context of Mukomuko Regency, shows the tension between Islamic family law norms and the social reality of society. Changes in adolescent interaction patterns through digital media have accelerated the emergence of emotional relationships that lead to early marriage. Social pressure, shame, and conservative religious interpretations are the dominant factors that strengthen these practices. The results show that Islamic family law at the practice level is still normative, not fully adaptive to digital challenges and social transformation. The role of religious leaders and legal officials is often reactive to cases that occur, not preventive through family law education. Reconstruction of Islamic family law based on maqashid al-shari'ah is needed to bridge the gap between text and context, by emphasizing the value of benefit, child protection, and social equality. Thus, efforts to reconstruct Islamic family law must be directed at a paradigm shift from legal-formalistic to a dynamic, contextual, and reality-based approach to maqashid in a digital society.

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