Abstract: Early childhood marriage has many negative impacts, especially for girls. For girls aged 10 to 14 years. With the high school dropout rate, there are fewer job opportunities for women. Apart from being a wife, sexual partner or taking care of children, quite a few women still want to have a career at work. Psychological and mental problems also cannot be underestimated. At an immature age, quarrels will often occur and often lead to violence, both physical and verbal. This researcher uses a juridical analysis approach because the study or research context uses cases in the field and is analyzed using legislation. If you look at this research based on its type, this research uses a type of library research. The data used are books about child marriage and the mashlahah family. Men and women must be able to work together and live in harmony. One form of cooperation and the embodiment of harmonious living is marriage. Humans marry and build households. In fact, it's not just humans who marry or pair up, all creatures have partners. As stated in QS.Adz-Dzariyat 51: 49 which means "we have created everything in pairs so that you remember" and also in QS.Yasin 36:36
which says truly! "Glorified is He who created all pairs, both from what the earth grows and from themselves (humans) and from (creatures) that they do not know." A marriage must form family functions.

Keywords: Child Marriage, Mashalahah Family, Badriyah Fayumi's Thoughts

Introduction
Child marriage is becoming increasingly worrying every year. In 2022 nationally, there will be around 52 thousand marriage dispensation cases that will go to religious courts and of this number, around 34 thousand of them will be driven by love factors so that parents ask the court to get their children married immediately. Then around 13,547 applicants applied for marriage because they were already pregnant and 1,132 applicants admitted to having had intimate relations. Another factor is economic reasons and reasons for arranged marriages considering that their children are already puberty, already menstruating and growing pubic hair in boys.1

The high rate of child marriage is a threat to the fulfillment of children's basic rights. Not only does it have a physical and psychological impact on children, marriage at a young age can also worsen poverty rates, stunting, dropping out of school and even the threat of cervical cancer/uterine cancer in children. Amendments to the Marriage Law in 2019 where the minimum age of marriage for women and men is 19 years is the government's effort to prevent children from marrying too early. However, in the field, requests for marriage applications continue to occur and this is very worrying. These children are the future hope for developing Indonesia and cases of child marriage are a big obstacle. This is a shared responsibility because the issue of child marriage is complex and multisectoral in nature.

Law Number 16 of 2019 concerning Amendments to Law (UU) Number 1 of 1974 concerning Marriage. This law is a hope regarding various efforts to prevent or eliminate child marriage in Indonesia. The fundamental change to this regulation is the change in the minimum marriage age to 19 years for the prospective bride and groom. Before this law was revised, the minimum age limit for the bride was 16 years and the groom was 19 years. Apart from being discriminatory, the old law has placed girls as the main victims of the practice of child marriage.

Currently, forced child marriage is a form of sexual violence as stated in Law 12 of 2022 concerning the Crime of Sexual Violence.²

Early childhood marriage has many negative impacts, especially for girls. For women aged 10 to 14 years, the risk of death during childbirth is five times greater, because medically their reproductive organs are not yet mature enough to carry out their functions. According to research from Canada and Indonesia, the prime physical age of the uterus is above 20 years and less than 35 years.

Another impact is that women are at a much higher risk of complications related to childbirth, such as obstetric fistula, infection, heavy bleeding, anemia and eclampsia. Not only is it dangerous for the mother, the child born is also not free from risk. In addition, the risk of death in babies doubles before the age of one year. Mothers are at risk of giving birth to children prematurely and stunting (lack of nutritional intake). Due to early marriage, many girls drop out of school. With the high number of children dropping out of school, this affects the low level of the Human Development Index (HDI).³

With the high school dropout rate, there are fewer job opportunities for women. Apart from being a wife, sexual partner or taking care of children, quite a few women still want to have a career at work. Psychological and mental problems also cannot be underestimated. At an immature age, quarrels will often occur and this often leads to violence, both physical and verbal.⁴

Research Method

This researcher uses a juridical analysis approach because the study or research context uses cases in the field and is analyzed using Mrs. Badriyah Fayumi’s thoughts. If you look at this research based on its type, this research uses a type of library research. The data used are books about child marriage and mushalahah families.

Results and Discussion

Badriyah Fayumi’s Perspective of Child Marriage

Child marriage is where underage children, before puberty, are married or betrothed to someone older or to another minor. Most child marriages occur between girls and adult boys. In accordance with Law of the Republic of Indonesia Number 23 of 2002, a child is defined as someone who is not yet 19 years old, including those who are still in the

³ Djamal Latieef, H.M, Aneka Hukum Perceraian di Indonesia, (Jakarta: Ghalia Indonesia, 1982), 12.
⁴ Yayuk Fauziyah, Dekonstruksi Fiqih Patriarkis Dan Ulama Perempuan,” ISLAMICA: Jurnal Studi Keislaman 5, no. 1.
womb. Children automatically do not have the ability to give consent, so child marriage is highest in West African and Sub-Saharan African countries, while the largest number of child marriage cases is in South Asia.⁵

Child marriage is usually synonymous with arranged marriages carried out by parents for economic reasons. According to the data, girls are children. The view of society that prioritizes women's virginity and that women have a shorter reproductive period than men and that women are unable to work to earn an income makes cases of child marriage in various regions difficult to eliminate. Society needs to be educated that marriage is something sacred. He believes that currently there are still many people who think that marriage is only a sexual outlet or an effort to avoid adultery. Religious figures play an important role in explaining to the public about the negative impacts of child marriage.⁶

Children must avoid adultery. However, the way to save it is not through child marriage, because early marriage is very vulnerable to problems with the reproductive health, psychological maturity, economic, social and spiritual stability of those who do it. Of course, this affects the future of their children, who in fact are the next generation. According to Nyai Badriyah, this statement is strengthened by QS An-Nisa verse 9 regarding the prohibition of having a weak generation. This means that if small children have been mated, then this is a path to a weak generation. "Yes, everything is weak. "His abilities, his thinking, or his reproductive organs."

**Mashlahah Family Concept**

One of the welfare discourses that has developed from an Islamic perspective is the maslahah family. This discourse basically wants to invite traditional Muslims to be more aware of a quality life. If we observe, this relatively large cluster of the Indonesian population is relatively behind on welfare issues. Perhaps the biggest obstacle is a view of life that is deeply rooted in Islamic traditions so that it is less interested in modern values. For traditional Muslims, Islamic treasures are an irreplaceable source of reference. Therefore, to raise awareness about welfare, terms that are familiar to their understanding are needed. The term maslahah family actually has the same meaning as family well-being.

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⁵ Nur Shofa Ulfiyati, Pandangan dan Peran Tokoh KUP dalam Mencegah Pernikahan Anak, (Pasuruan: Jurnal Hukum dan Syari’ah, 2019).
⁶ Husein Muhammad, Refleksi Kiai atas Wacana Gender dan Agama, (Yogyakarta: LkiS, 2001), 68.
The maslahah family can also be understood as a product of a holistic approach to development. Holistic development not only emphasizes increasing access to education and health but also family welfare as the basis for growing Indonesia's intelligent, civilized and knowledgeable future generations. According to the Nahdlatul Ulama Family Benefits Institute (LKKNU), maslahah means goodness and prosperity. Both within the family, for all its members, men and women, also out to neighbors, the wider community, the world's population, and the universe. In other words, maslahah is an effort to determine matters related to human interests based on the principle of attracting benefits and avoiding damage.

**Joint Property According to Constitution Marriage**

According to Marriage Law no. 1 of 1974, Article 1 states wedding is spiritual and physical connection between men and women as husband's partner wife, with objective For form a prosperous and lasting family, based on trust to God Almighty. This matter show that connection husband wife involve close ties, encompassing dimensions physical and spiritual, so they unite No only in matter material but also deep spiritual thing . Related with Article 35 of the Marriage Law No.1 of 1974 regulating about treasure object in marriage with determine :

1) Entire acquired wealth during the marriage period considered as treasure together.

2 ) Assets owned by husband and wife individually, incl acquired assets as present or legacy, still become not quite enough answer each individual except There is other agreements between both of them.

Article 36:

1) About treasure together, husband and wife own authority For do required action agreement from both of them.

2) Regarding treasure owned by personal, fine husband nor wife own right fully on their respective assets and rights do action law related ownership they Alone.

Articles the show that in A House ladder there is 2 type the most important treasure. Personal property and inherited assets are terms used to refer to wealth owned by the husband or wife before wedding them, as well their assets get as present or inheritance. Husband or wife own authority full on use treasure This without need agreement from party
else, or a set carried by each husband or wife can integrated become treasure together or treasure marriage.  

Joint Assets are acquired wealth during wedding, fine through business individual husband, wife, or both of them. Because of origin suggested treasure the No mentioned in provisions, for use treasure together, agreement from second split party husband and wife required. During marriage end Because divorce, handling rule about treasure together customized with laws followed by husband and wife, According to religious law, custom customs, or other applicable provisions. If any wedding end Because divorce (no Because death), o leh Because that, article the determine that arrangement treasure together will customized with religious beliefs adhered to by the husband wife or in accordance with tradition customs that apply in the area.

In a theoretical framework, the maslahah family is related to the concept of maqosid sharia. For example, regarding maintaining the health of mothers and children, providing education for children and ensuring basic family needs. These three examples reflect the principles of protecting life (hifzdun nafs), protecting descendants (hifdzun nasl), protecting reason (hifzdul 'aql), and protecting property (hifdul mal). Alissa Wahid formulated three basic principles in the maslahah family, namely; justice (mujadi), reciprocity (mubindah) and balance (muwazanah). These three principles can only be strengthened if they are accompanied by the five pillars of the maslahah family. The first is the pillar of husband and wife (zawaj) which emphasizes equality of status and position in the family. Second, the pillar of the great agreement (mitsaqon gholidzho) which makes the marriage bond and commitment sacred. Third, the pillar of good relationships (mu'asyarah bil ma'ruf) which considers propriety, appropriateness and dignity of the family. Fourth, the pillar of joy (taradhin) which emphasizes not being demanding easily and being able to control oneself. Lastly, deliberation as a means to process and connect the four pillars above.

At the practical level, Ida Fauziyah said that family maslahah can be a reference in developing family resilience. In this regard, the maslahah family is an effort to develop families that are happy, prosperous and obedient to religious teachings within the NU environment. The Maslahah Family is a concept to describe a family that is happy, prosperous and obedient to religious teachings within the NU

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7 Djamilah dan Reni K, “Dampak Perkawinan Anak di Indonesia” dalam Jurnal Studi Pemuda vol. 3, No. 1, Mei 2014, 12
environment. In particular, the concept of the maslahah family was developed by LKK-NU. Maslahah comes from the root word sha-lu-ha which literally means good, beneficial and important. Maslahah is a personal (individual), family and community interest, because maslahah is the maintenance of primary human needs, whether religion, soul, property, lineage, as well as reason or honor. Therefore, maslahah is the ideal of every person or group, especially Muslims.

The al-Maslahah theory has been put forward by Islamic legal thinkers, such as ash-Syatibi and al-Ghazali. According to al-Ghazali, maslahah is an expression that is essentially intended to achieve benefits or avoid difficulties. What is meant is maintaining religion, soul, mind, offspring and property. Meanwhile, al-Khwarizmi defines maslahah as "maintaining the goals of Islamic law by rejecting disasters or damage that harm creatures." From the definition above, it can be concluded that maslahah is a means of determining matters related to human interests based on the principle of attracting benefits and rejecting mafsadat (damage).

Judging from its content, maslahah is divided into two, namely: general benefit (al-maslahat al-'am), namely benefit for the benefit of many people, and special benefit (al-maslhat al-khash), namely benefit for personal interests. A maslahah family is a family that can fulfill or maintain primary (basic) needs, both physical and spiritual. The fulfillment or maintenance of birth needs means that the family is free from poverty and physical illness. Meanwhile, the fulfillment or maintenance of inner needs means that the family is free from poverty of belief (faith), fear, stress and other inner illnesses.

In the Guidelines for the Implementation of Family Planning and Population Education Programs published by the LKKNU and BKKBN, it is stated that maintaining a balance between physical and mental needs is:

1. Maintaining the health of mothers and children, such as ensuring the physical and mental safety of mothers during pregnancy, childbirth and breastfeeding as well as ensuring the safety of children from the womb.
2. Maintaining children's mental safety, physical and spiritual health and providing education for children.
3. Guarantee the religious safety of parents who are burdened with the obligation to provide for the family's living needs.

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The characteristics of family benefit (mashalihul usrah) are that a family has the following elements:

1. A pious husband and wife, namely those who can bring benefits and advantages to themselves, their children and their environment, so that behavior and actions are reflected in them that can be role models (uswatun hasanah) for their children and other people.

2. The children are good (abrar), in the sense of good quality, noble character, healthy spiritually and physically. They are productive and creative so that in time they can live independently and not become a burden on other people or society.

3. The company is good. This means that the interactions between family members are focused, know the environment well, and are good neighbors without sacrificing their principles and stance in life.

4. Sufficient sustenance (clothing, food and shelter). This means that you don't have to be rich or have a lot of wealth, what is important is that you can support your family and your family's livelihood, from their needs for clothing, food and shelter, education costs and religious services.

**Prevention of Child Marriage to Create a Maslahah Family from Badriyah Fayumi's Perspective**

Marriage should be carried out by someone who is capable, mature and ready from various aspects, both in terms of psychology, health and material. Because in essence, in marriage, men and women must be able to work together and live in harmony. One form of cooperation and the realization of a harmonious life is marriage. Humans marry and build households. In fact, it's not just humans who marry or pair up, all creatures have partners. However, why marry and partner?

Men and women must be able to work together and live in harmony. One form of cooperation and the embodiment of harmonious living is marriage. Humans marry and build households. In fact, it's not just humans who marry or pair up, all creatures have partners. As stated in QS.Adz-Dzariyat 51: 49 which means "we have created everything in pairs so that you remember" and also in QS.Yasin 36:36 which says truly! "Glorified is He who created all pairs, both from what the earth grows and from themselves (humans) and from (creatures) that they do not know." A marriage must form family functions
One of the welfare discourses that has developed from an Islamic perspective is the maslahah family. This discourse basically wants to invite traditional Muslims to be more aware of a quality life. If we observe, this relatively large cluster of the Indonesian population is relatively behind on welfare issues. This concept can be appreciated by showing that every family function runs well.

Marrying by avoiding adultery is a must. However, this method is not justified, because child marriage has many disadvantages, as well as concerns about reproductive health problems, psychological maturity, economic, social and spiritual stability of those who do it. Of course, this affects the future of their children, who in fact are the next generation. According to Nyai Badriyah, this statement is strengthened by QS An-Nisa verse 9 regarding the prohibition of having a weak generation. This means that if small children have been mated, then this is a path to a weak generation. "Yes, everything is weak. "His abilities, his thinking, or his reproductive organs."

To minimize the above, there are many things that must be done, namely strengthening the central elements in building a society with strong personalities, one of which is the formation of a good family system. A good family is a family that is built and based on strong moral foundations and guidance. With a family management model like this, family members will be produced who have good qualities, so that in the next stage a society will be created that has good qualities too. In the context of a Muslim family, the quality of a family is identified with the maslahah family. Therefore, it can be said that a prosperous family is a central element in forming a better future generation because the role of the family is so important in shaping the personalities of its members.

Closing

Men and women must be able to work together and live in harmony. One form of cooperation and the embodiment of harmonious living is marriage. Humans marry and build households. In fact, it's not just humans who marry or pair up, all creatures have partners. As stated in QS.Adz-Dzariyat 51: 49 which means "we have created everything in pairs so that you remember" and also in QS.Yasin 36:36 which says truly! "Glorified is He who created all pairs, both from what the earth grows and from themselves (humans) and from (creatures) that they do not know." A marriage must form family functions.

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