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Marriage Dispensation and Child Protection in Indonesian Religious Courts

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Abstract

Indonesia's nineteen-year minimum marriage age creates a tension with court-authorized exceptions that must remain protective rather than routine. This doctrinal study examines how Religious Courts should interpret very urgent reasons under Law No. 16 of 2019 and apply the child-sensitive procedure in Supreme Court Regulation No. 5 of 2019. Statutory provisions, child-protection principles, maqasid al-shariah, and a purposive corpus of 33 relevant DOI-bearing studies were comparatively interpreted by legal authority, asserted urgency, child agency, foreseeable harm, and available safeguards. The analysis identifies three weaknesses: conflation of parental pressure with legal urgency, insufficient examination of the child's independent wishes, and unreasoned trade-offs between health, education, lineage, and economic protection. The study proposes a five-part evidence-and-reasons protocol: establish urgency, hear the child independently, assess competing harms, examine feasible alternatives, and justify the disposition. Existing law mandates the age threshold and child-sensitive judicial examination; the proposed matrix only organizes their application alongside maqasid and best-interests reasoning. Its contribution is a reviewable normative model rather than an empirically validated measure of court effectiveness.

Keywords: *Child Marriage, Islamic Family Law, Maqasid Al-Shariah, Marriage Dispensation, Religious Courts.*

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INTRODUCTION

Indonesia's legal reform set nineteen as the minimum marriage age for women and men, yet Article 7 of the Marriage Law retains judicial dispensation in narrowly defined circumstances. Religious Courts therefore confront a question of justification rather than mere administrative permission: when can an exception protect a prospective spouse without defeating the rule designed to prevent child marriage? This question is particularly consequential when applicants invoke pregnancy, romantic relationships, or family reputation. Studies of child marriage in Indonesia associate its persistence with intersecting household, social, and educational vulnerabilities rather than one uniform cause (Liem et al., 2024; Kuswanto et al., 2024).

Article 7(2) of Law No. 1 of 1974, as amended by Law No. 16 of 2019, requires very urgent reasons supported by sufficient evidence; Article 7(3) requires the court to hear both prospective spouses. The statutory explanation treats urgency as a situation in which no other choice remains, while Supreme Court Regulation No. 5 of 2019 (PERMA 5/2019) supplies child-sensitive hearing safeguards. The Child Protection Law and the Convention on the Rights of the Child also place the child's interests and protection from harm at the centre of assessment. These instruments have different legal functions: a court must apply the statutory threshold and procedural requirements, then explain how the particular evidence bears on child welfare (Dewi et al., 2022; Aristoni, 2022).

Existing legal studies have examined the exercise of judicial discretion, the implementation of PERMA 5/2019, and Islamic legal justifications for dispensations (Iwannudin, 2024; Anshori et al., 2025). Research on pregnancy-related applications and dating-based requests demonstrates that the stated reason for an application does not, by itself, resolve the child's interests (Artia et al., 2025; Aprilianto et al., 2026). This scholarship establishes the practical importance of individualized scrutiny but often treats urgency, voluntariness, and harm as separate considerations. A more explicit account is needed of the evidence required for each element and the reasoning that connects them to a grant or refusal.

Parental applications make the tension between adult expectations and the child's autonomy unavoidable. Parents may seek to avoid stigma, secure financial support, or regularize a pregnancy; these motives can differ from the prospective spouse's own wishes, educational aspirations, and safety needs. A child's apparent agreement may also reflect dependence, unequal age or bargaining power, or pressure from family and community. Legal analysis must therefore distinguish the parents' standing to request dispensation from the court's obligation to hear the child and assess coercion independently (Rohmah, 2024; Fadhli & Sriwahyuningsih, 2024).

The consequences of early marriage likewise require more than a presumption that an immediate wedding resolves an immediate social problem. Research documents health-related concerns, interrupted education, and contextual drivers of child marriage; it does not establish that all applicants face identical levels of risk (Fan & Koski, 2022; Fitria et al., 2024; Kok et al., 2023). Pregnancy can increase the need for urgent medical and social protection without logically proving that marriage is the only available response. A decision should identify the particular risk of waiting, the risk of marrying, and whether a protective alternative can address the problem without waiving the age safeguard.

Maqasid al-shariah offers a way to interrogate competing protective interests through preservation of life, intellect, lineage, and property. Protection of lineage cannot automatically outweigh a child's health, education, agency, and future economic security. The best-interests principle similarly calls for a child-specific assessment, not a generalized preference for marriage or parental agreement. Recent Islamic family-law scholarship recognizes the need to examine these objectives together while preserving the authority of positive marriage law and court procedure (Nabilah et al., 2025; Kurniawan et al., 2025; Rohmawati, 2025).

The research gap is therefore operational and doctrinal. Existing accounts help identify grounds and vulnerabilities, but they less often specify how judges should weigh competing maqasid objectives, test the credibility of a claimed emergency, distinguish child consent from adult pressure, and record the rejection of less harmful options. The present article reconstructs these elements from the statutory provisions, PERMA 5/2019, child-protection principles, and a purposive corpus of relevant scholarship. Its proposed evidence-and-reasons matrix is an analytical recommendation, not an additional statutory test or a claim about judicial outcomes already observed (Nurbaeti et al., 2026; Azizah et al., 2026).

This study addresses three questions: how should 'very urgent reasons' and sufficient supporting evidence be interpreted under the amended Marriage Law; how can the best interests of the child and maqasid al-shariah guide decisions when protective considerations conflict; and what structured reasoning protocol is feasible within the powers conferred by PERMA 5/2019? The article contributes a transparent sequence for testing necessity, obtaining the child's independent account, comparing foreseeable harms, considering practicable alternatives, and explaining the outcome. The proposed model aims to make decisions reviewable while leaving the granting or refusal of dispensations to the authorized judge (Ulya et al., 2026; Wahyudi et al., 2026).

RESEARCH METHODS

This article employs normative doctrinal legal research using statutory, conceptual, and comparative-interpretive analysis. The primary materials are Law No. 1 of 1974 as amended by Law No. 16 of 2019, particularly Article 7; PERMA No. 5 of 2019; Law No. 35 of 2014 amending the Child Protection Law; the Compilation of Islamic Law; and the Convention on the Rights of the Child. The secondary corpus consists of the 33 DOI-bearing studies already identified in the manuscript's reference list, predominantly published in 2022–2026. It was purposively bounded to discussions of marriage dispensation, child marriage, Religious Court reasoning, gendered vulnerability, health, education, and maqasid. Articles were assessed for topical relevance and the type of claim they supported; empirical findings were used for contextual risks, not as evidence that this study directly observed court practices. The corpus was used as a purposive legal-literature review rather than represented as an exhaustive database search; no unrecorded search dates, retrieval counts, or systematic screening stages are claimed.

The analysis proceeded in four connected stages. First, each legal instrument was mapped by normative rank, operative rule, responsible actor, and relevant safeguard, with the amended Article 7 providing the substantive exception and PERMA 5/2019 governing examination. Second, the reviewed studies were organized into categories of asserted urgency, child preference and coercion, health and educational risk, economic vulnerability, judicial evidence, and maqasid reasoning. Third, apparent

tensions were resolved by reading mandatory national rules first, using the child's best interests to interpret discretion consistently with the Child Protection Law and the Convention, and applying maqasid as a reasoned evaluation of competing harms rather than as authority to displace legislation. Fourth, the resulting questions were translated into six illustrative tables and a proposed judicial reasoning sequence. This method develops a normative model; it does not test its effectiveness or report newly collected case, interview, or statistical data.

RESULTS AND DISCUSSION

Statutory Exception and the Meaning of Very Urgent Reasons

Article 7(1) of the amended Marriage Law fixes the marriage age at nineteen for both sexes. Article 7(2) nevertheless permits parents to request a court dispensation on 'very urgent reasons' with sufficient supporting evidence, while Article 7(3) requires the opinions of both prospective spouses to be heard. The exception should be read narrowly to preserve the protective purpose of the age reform, but narrow interpretation does not mean that every application must be refused. A judge must distinguish the threshold question—why marriage cannot reasonably be postponed—from the separate question whether authorizing it would safeguard the person affected (Aristoni, 2022; Dewi et al., 2022).

The explanatory note to Article 7(2) describes very urgent reasons as circumstances in which no alternative remains and marriage is unavoidable. This formulation calls for proof of a particular emergency rather than reliance on generalized fear of premarital conduct or family embarrassment. The statutory explanation also identifies documentation of age and supporting information from a health professional as relevant evidence; neither a certificate nor a parental assertion supplies a self-executing entitlement to dispensation. Judicial findings should explain what evidence establishes necessity, what remains disputed, and why delaying marriage would be materially worse in the actual circumstances (Kurniawan et al., 2025; Naimah et al., 2024).

PERMA 5/2019 complements the statute through hearing safeguards, not through a new substantive ground for permission. Its examination provisions require the judge to hear relevant participants, explore the child's understanding and agreement, consider psychological, health, educational, and economic conditions, and attend to possible coercion. The regulation also requires advice about risks such as interrupted education, reproductive-health problems, and domestic conflict. Observance of these safeguards helps a court test the asserted urgency rather than merely recording that parents have agreed (Anshori et al., 2025; Iwannudin, 2024). Table 1 separates these binding legal duties from the evidence-oriented implications proposed in this study.

Table 1. Binding Marriage-Dispensation Rules and Evidentiary Implications

Legal source	Existing legal function	Judicial inquiry	Indicative record
Article 7(1)	Equal minimum age: 19	Treat dispensation as exception	Proof of age
Article 7(2)-(3)	Very urgent reason; hear couple	Why can marriage not wait?	Urgency evidence; testimony
PERMA 5/2019	Child-sensitive court examination	Hear child; test coercion and risk	Hearing record; relevant reports
Child-protection norms	Child-specific welfare protection	Assess safety and best interests	Health, school, social context

Table 1 identifies the legal source of each question and prevents the analysis from treating every desirable safeguard as a statutory command. The nineteen-year threshold, reasoned exception, and procedural hearing duties are matters of positive law. The study's recommendation is to organize the resulting evidence in an explicit sequence so that urgency, the child's account, and risks can be evaluated separately. A court can adopt this style of reasons without claiming a new power to create substantive eligibility conditions (Amin & Putri, 2026; Khotimah, 2026).

A pregnancy-related application warrants prompt attention to medical needs, the prospective spouses' circumstances, and possible violence or coercion. Pregnancy is relevant to urgency but does not extinguish the child's capacity to be heard or establish that an immediate marriage offers superior protection. The judge should examine credible health information, the circumstances of conception as

far as legally and safely relevant, and whether the family can obtain prenatal care or other support without marriage. A pregnancy certificate documents a condition; it does not settle voluntariness, safety, schooling, or the comparison of available responses (Aprilianto et al., 2026; Adhim et al., 2026).

Dating-based applications, concerns about zina, and claims about family honour raise a different evidentiary question. The existence of a relationship or social disapproval is not equivalent to a demonstrated inability to delay marriage. Evidence should focus on concrete threats to safety or welfare, the child's actual wishes, and whether supervision, counselling, or protective services can address the risk. Economic hardship also warrants separate scrutiny because transferring responsibility to a spouse may deepen dependence rather than relieve poverty. This differentiated assessment reflects both child-protection concerns and the observed variety of reasons advanced in dispensation proceedings (Artia et al., 2025; Zaidah et al., 2023; Rohmah, 2024).

The court's reasoning should distinguish evidentiary sufficiency from the seriousness of an asserted concern. A sincere parental fear may explain why the application was filed without proving a very urgent legal necessity. Medical, psychological, or social information is especially material when it tests a contested fact, not because every family must automatically obtain every possible expert report. Where evidence is incomplete, further examination within the court's procedural authority is preferable to assuming that a social narrative proves the statutory exception. Table 2 sets out the different fact-specific inquiries and potential non-marital responses (Ramelan & Nurtsani, 2024; Cindrapole et al., 2026).

Table 2. Asserted Grounds, Distinct Evidentiary Questions, and Alternatives

Reason asserted	Different legal concern	Fact-specific inquiry	Potential non-marital response
Pregnancy	Health needs; possible coercion	Medical facts, wishes, safety	Care and social support
Dating / zina fear	Moral concern versus urgency	Concrete threat and necessity	Counselling; family support
Poverty	Risk of economic dependency	Resources and support capacity	Welfare / family assistance
Family reputation	Pressure from adults	Independent child preference	Protection from intimidation

Table 2 is an analytical aid rather than an exhaustive list of legally recognized or prohibited grounds. Its proposed alternatives—health care, counselling, schooling support, and protection from pressure—are options to investigate, not automatic judicial orders. Their availability and feasibility must be established in the case record. The court's legal duty is to apply the statutory test and PERMA hearing safeguards; the recommendation here is to explain why a relevant option is insufficient before concluding that immediate marriage is unavoidable (Susanti et al., 2024; Fadhli & Sriwahyuningsih, 2024).

A child may face multiple and conflicting risks: continuation of schooling may be threatened by marriage, while an unsafe household may make waiting difficult. The judge should avoid treating the application as a choice between marriage and abandonment. The evidence can include the child's school circumstances, actual family support, financial capacity, medical needs, and access to protective services. Consideration of these possibilities advances the best-interests inquiry without giving the Religious Court a general power to administer social services. The distinction between adjudication and external service provision is important to the feasibility of any protective recommendation (Fitria et al., 2024; Fan & Koski, 2022).

The appropriate outcome cannot be inferred from the label 'pregnancy', 'dating', or 'family honour' alone. The same asserted ground may warrant different decisions depending on the ages involved, indications of pressure, risks of violence, reliable medical evidence, and realistic alternatives. A reasoned dispensation should demonstrate how the court moved from proven facts to the exceptional statutory threshold and then to child-protection considerations. The corresponding legal standard remains Article 7; a proportionality-style comparison is proposed as a discipline for judicial explanation, not a replacement for statutory criteria (Nabilah et al., 2025; Wahyudi et al., 2026).

Maqasid al-Shariah, Best Interests, and the Evaluation of Harm

Maqasid al-shariah supplies a framework for considering more than one dimension of welfare, but it cannot make marriage presumptively preferable whenever a family invokes religious concern. The preservation of life (hifz al-nafs), intellect (hifz al-aql), lineage (hifz al-nasl), and property (hifz al-mal) may support competing courses of action in the same case. The correct question is which legally available response protects the particular child from the most serious and demonstrable harm. This reasoning complements, rather than supersedes, the child's best interests under positive law and the Convention on the Rights of the Child (Khotimah, 2026; Rohmawati, 2025).

The objectives of protecting life and intellect direct attention to bodily integrity, reproductive health, psychological safety, and education. Early marriage may increase those risks even when it appears to answer an immediate social concern. A refusal may also leave a person exposed to threats or deprivation, which the judge should not dismiss. The evaluation therefore compares actual circumstances rather than assuming that either marriage or postponement is always protective. Evidence from child-marriage research can identify plausible risks but must not be mistaken for case-specific proof (Fan & Koski, 2022; Fitria et al., 2024; Pande et al., 2024).

Protection of lineage can be relevant when a pregnancy is involved, but the objective does not erase the interests of the pregnant child or establish that marriage is necessary for access to care. An assessment that favours lineage while ignoring violence, interrupted schooling, or the proposed spouse's unwillingness would leave major harms unexplained. The court should state whether a claimed lineage-related benefit is achievable without immediate marriage and whether the proposed household is safe and viable. Maqasid analysis becomes meaningful only through such explicit balancing of competing protective claims (Aprilianto et al., 2026; Alimuddin et al., 2026).

Table 3. Competing Maqasid Interests in Marriage-Dispensation Decisions

Maqasid interest	Possible marriage-related harm	Possible harm if delayed	Case-specific balancing question
Hifz al-nafs	Health risk; violence	Unsafe living circumstances	Which option protects safety?
Hifz al-aql	Interrupted education	Stress or threatened exclusion	Can education continue safely?
Hifz al-nasl	Premature household burden	Lineage-related concerns	Must marriage occur now?
Hifz al-mal	Financial dependence	Unmet support needs	Which option offers support?

Table 3 illustrates that maqasid objectives may point in different directions and should not be assigned automatic numerical weights. For example, reducing immediate stigma may be less protective than avoiding sexual coercion or preserving access to education. A defensible decision identifies the threatened interest, the evidence establishing a threat, and why one legally available response better addresses it. The table is a framework for documenting reasons, not an empirical ranking of harms or an independent source of judicial authority (Rahyu et al., 2026; Wahyudi et al., 2026).

Protection of property concerns the child's capacity to avoid economic dependence and exploitation, not merely a prospective spouse's promise to provide support. Financial insecurity may motivate an application while also indicating that the proposed marriage would increase vulnerability. Judges should consider realistic housing, maintenance, and schooling arrangements when relevant to welfare. A conclusion that marriage will solve poverty requires supporting facts; family assurances without demonstrated capacity may be insufficient. This approach places economic risk alongside health, education, and lineage within a unified best-interests evaluation (Liem et al., 2024; Kuswanto et al., 2024).

The child's best interests must be determined individually and cannot be equated with either parental preference or a judge's abstract view of family morality. The child should have a meaningful opportunity to explain the relationship, intentions, fears, and preferred future, consistent with the hearing arrangements under PERMA 5/2019. A judicial account should identify any differences

between the child's explanation and that of the applicants. The court can then test whether those differences reveal vulnerability rather than assuming that a parent's application fully expresses the child's welfare (Nurbaeti et al., 2026; Azizah et al., 2026).

Consent requires particular caution where age, gender norms, economic dependency, or threatened disgrace limit the practical ability to refuse. An apparent 'yes' may coexist with pressure, while a refusal or expression of fear is legally material even when both families support marriage. The proposed assessment examines whether the child understands the implications, has been able to speak without intimidation, and can describe a genuine choice. These inquiries align with PERMA's attention to consent and possible physical, psychological, sexual, or economic coercion (Rohmah, 2024; Fadhli & Sriwahyuningsih, 2024; Ulya et al., 2026).

Table 4. Child-Sensitive Evidence and Judicial Reasoning Questions

Child interest	Relevant evidence	Warning sign	Required reasoning issue
Voluntariness	Child's own statement	Coercion; unequal power	Assess actual freedom to choose
Education	School status and plans	Likely dropout	Address interruption risk
Health and safety	Relevant health / risk facts	Violence; untreated needs	Compare protection options
Practical support	Housing and financial context	Unstable care arrangements	Explain support feasibility

Table 4 connects child-rights questions to records that may support or undermine a finding of protection. A private or otherwise safely conducted hearing can illuminate voluntariness; school and health information may reveal harms obscured by adult assurances. The table's reference to 'minimum evidence' denotes a proposed analytic baseline, not a universal statutory list of mandatory documents. Actual expert recommendations and other evidence should be considered as permitted and warranted under PERMA 5/2019, with reasons given for their relevance (Dewi et al., 2022; Ramelan & Nurtsani, 2024).

A conflict between objectives requires explanation rather than a declaration that all maqasid interests are fulfilled. Suppose a pregnant prospective spouse wishes to complete school, but relatives claim immediate marriage will avoid shame. The court should assess whether there is a credible health or safety emergency, how an immediate marriage would affect schooling, and whether the child is free from pressure. Lineage-related concerns remain relevant, but they do not automatically override evidence of coercion or foreseeable harm. This example shows how the best-interests test can structure competing claims without introducing a fixed hierarchy for every case (Kok et al., 2023; Naimah et al., 2024).

Maqasid reasoning is consequently a method of justification, not a conclusory religious label attached to a statutory exception. The judge must articulate the benefit sought, the harm feared, the child's independently obtained account, and the basis for finding one response necessary. A grant or refusal should be consistent with the amended Marriage Law and PERMA 5/2019; Islamic legal reasoning helps expose why the decision is protective within those limits. This framework is especially valuable when parental expectations and the child's preferences diverge (Amin & Putri, 2026; Fazlin, 2023).

Toward a Structured Judicial Reasoning and Evidence Protocol

The study proposes a five-part reasoning protocol to organize material already relevant under Article 7 and PERMA 5/2019: establish the asserted urgency, record the child's independent account, test foreseeable harms, examine feasible less harmful alternatives, and provide a reasoned disposition. The first four parts gather and compare facts; the fifth explains why the statutory exception is or is not established. The model is not itself legislation, a mandatory checklist of new documents, or an additional source of judicial power. Its novelty lies in linking statutory necessity, child-sensitive evidence, competing maqasid objectives, and the written reasons for the final determination (Khotimah, 2026; Adhim et al., 2026).

At the first stage, the judge verifies age and the stated ground for dispensation, distinguishing identity documentation from proof of a genuine emergency. Information concerning health, pregnancy where alleged, educational status, economic conditions, and potential marriage impediments should be considered insofar as it bears on the case. Evidence must be evaluated for reliability and relevance rather than accumulated mechanically. Where a material allegation is uncertain, the court may use procedural means available under PERMA 5/2019 to clarify the record before making a determination. The recommended output is an explicit finding on what circumstances make postponement unacceptable, if any (Aristoni, 2022; Zaidah et al., 2023).

The second stage requires the child's voice to be treated as evidence in its own right. PERMA 5/2019 provides for hearing the relevant parties and examining the child's understanding and agreement, including indications of coercion. The model proposes that judges distinguish the child's stated preference from adult narratives and record any inconsistencies that affect the assessment. Safety-sensitive interviewing and suitable assistance may be appropriate where intimidation or unequal power is suspected. These steps aim to enhance the reliability of findings; the recommended manner of recording and comparison is an analytical proposal, not a claim that the regulation dictates identical interview techniques in every case (Ramelan & Nurtsani, 2024; Rohmah, 2024).

Table 5. Proposed Evidence-and-Reasons Protocol for Judicial Determinations

Stage	Question	Potential evidence	Written finding proposed
Urgency	Why is postponement untenable?	Age, health, testimony	Established necessity or not
Child's voice	What does the child want?	Child-sensitive hearing	Wishes and coercion concerns
Competing harms	Which option creates greater risk?	School, health, safety facts	Comparative explanation
Alternatives + reasons	What feasible options remain?	Available support and services	Reasoned grant or refusal

Table 5 converts the proposed protocol into questions that a written determination can answer. Each row identifies the legal or welfare issue, relevant evidence, and a corresponding judicial finding; the final reasoned conclusion integrates those findings. The design deliberately adds a traceable comparison of alternatives and harms to the existing statutory and PERMA obligations without pretending to amend them. It is suited to doctrinal assessment and potential future examination of actual court decisions (Cindrapole et al., 2026; Susanti et al., 2024).

The third and fourth stages compare foreseeable harm from immediate marriage with harm arising from delay, then examine alternatives that are genuinely accessible. For example, continuation of education, health care, family support, or a protective referral may reduce an identified risk without requiring marriage. An alternative is not decisive simply because it exists in theory: the record should indicate whether the child can actually access it and whether it addresses the asserted urgency. The comparison cannot authorize a grant in the absence of Article 7's statutory threshold. It instead makes the judge's assessment of necessity more explicit and contestable (Fitria et al., 2024; Artia et al., 2025).

Consider a hypothetical application by parents of a seventeen-year-old who is pregnant and whose intended spouse is substantially older. The court confirms the applicant's age and pregnancy but also hears the seventeen-year-old express a desire to remain in school and uncertainty about marrying. These facts require scrutiny of possible coercion, the proposed household's safety, medical needs, and whether health care and family support can be secured without marriage. Pregnancy alone would not conclude the assessment; the judge would have to determine, on reliable evidence, whether the asserted emergency satisfies Article 7 and whether marriage is consistent with child protection. This is an illustration of the matrix, not a report of an actual court case (Aprilianto et al., 2026; Nabilah et al., 2025).

The hypothetical also shows why the final stage must state a conclusion in terms that can be reviewed. If credible evidence of coercion emerges, merely citing parental agreement would be inadequate; child protection and any appropriate referral to competent services require attention within

applicable law. If the court instead finds genuine urgency and grants a dispensation, its reasons should address the child's account, health and education risks, and why workable alternatives are insufficient. Neither result guarantees future wellbeing. The proposed protocol improves the visibility of judicial reasoning, not the court's ability to control all post-decision events (Anshori et al., 2025; Dewi et al., 2022).

Table 6. Judicial Outcomes and Limits of Institutional Follow-up

Court outcome	Judicial responsibility	Possible action by competent body	Key legal limit
Grant	Set out urgency and findings	Voluntary lawful assistance	No general monitoring power
Refuse	Explain failed statutory test	Safety or education support	No automatic follow-up order
Further examination	Clarify material evidence	Professional assessment if justified	Subject to court procedure
Possible coercion	Record protection concerns	Referral under applicable mandate	Confidentiality and jurisdiction

Table 6 clarifies the distinction between judicial determinations and action by institutions with separate legal mandates. The Religious Court can hear evidence, give reasons, and decide the application under the applicable procedural rules; it should not be assumed to possess an unrestricted power to supervise a household after its determination. Where health, education, welfare, or safety services are implicated, communication or referral must depend on lawful competence, available procedures, and protection of the child's information. The suggested follow-up measures are prospective practice recommendations rather than existing automatic obligations attached to every dispensation order (Kok et al., 2023; Pande et al., 2024).

Implementation could begin with a consistent structure for written judicial reasons rather than a new monitoring bureaucracy. Courts can record the alleged urgency, evidence considered, the child's position, assessed risks, available alternatives, and the conclusion reached under Article 7. Aggregated review of anonymized decisions may later help identify recurring evidentiary omissions, subject to lawful access and privacy safeguards. Any formal referral, case management, or subsequent institutional monitoring must rest on the powers of the relevant agency and cannot be created solely by this article's matrix. Such modest integration distinguishes feasible judicial practice from broader policy proposals (Rohmawati, 2025; Rahyu et al., 2026).

The resulting contribution is a transparent model for explaining when an exceptional permission may be justified, not a presumption in favour of either granting or refusing dispensation. Its strength is to connect the amended Marriage Law's urgency threshold with PERMA's child-sensitive process and a balanced appraisal of maqasid and child-protection interests. Its principal limits are the absence of an empirical validation study, the variability of case evidence, and institutional constraints on follow-up. Further research should examine a defined sample of Religious Court determinations to test whether these questions improve completeness, consistency, and child-sensitive reasoning (Aprilianto et al., 2026; Wahyudi et al., 2026).

CONCLUSION

This doctrinal study finds that marriage dispensation under amended Article 7 cannot be justified by parental preference, pregnancy, dating, or family honour in isolation. A lawful decision requires case-specific evidence of very urgent reasons and compliance with child-sensitive hearing obligations under PERMA 5/2019. Best-interests assessment and maqasid al-shariah together help explain how judges may weigh competing concerns for health, education, autonomy, lineage, and economic security without displacing positive law. The article's original theoretical contribution is to integrate these considerations into a reasoned model of exceptional jurisdiction. Its five-part matrix turns legal necessity, the child's independent account, foreseeable harm, alternatives, and judicial explanation into distinct, reviewable questions.

The practical recommendation is for Religious Courts to make the evidentiary chain visible in written determinations and distinguish binding procedural duties from optional protective measures. Service referrals and post-decision assistance should be pursued only through institutions acting within their own legal mandates, not treated as new supervisory powers of the judge. The protocol remains a normative proposal derived from legal materials and published studies; its application and effects have not been empirically evaluated. Future research should examine judgments and, where ethically and legally feasible, interview relevant practitioners to assess the model's utility, variability across cases, and consequences for children's welfare. These findings would guide refinement without assuming that documentary analysis alone establishes institutional effectiveness.

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