



Preventing Child Marriage through Local Regulation in Bangkalan from a Socio-Legal and *Maqāṣid al-Sharī'ah* Perspective

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Abstract

This research has shown that the main institutional problem with child marriage prevention in Bangkalan is not the lack of legal norms, but the lack of the capacity of legal frameworks at the grassroots level. The lack of strong enforcement, the indecisiveness of village officials, and poor coordination between religious courts, KUA officials, and child protection institutions are the problems that can undermine the effective application of the Bangkalan Regent Regulation No. 60 of 2024. Although the regulation offers a holistic system whereby preventive strategies and multisectoral coordination are incorporated, its effect in operation is limited by the culture and economic influences that still legitimize early marriage practices. The paper finds institutional fragmentation, low enforcement capacity, and socio-cultural resistance to be some of the critical challenges in policy implementation. Legal structure, legal culture and socio-economic conditions interact to influence the effectiveness of the legal enforcement. The analysis by the Quantitative Strategic Planning Matrix (QSPM) shows that the most strategic priority is reinforcement of legal enforcement and village-level supervision, but its sustainability requires simultaneous community education and economic empowerment. This study will be of significance to the socio-legal discussion since it will indicate that the efficacy of local regulation is conditional upon the correspondence between the aspects of the legal system, as envisioned by Lawrence M. Friedman, and the moral purpose of the Islamic law, stipulated in *maqāṣid al-sharī'ah*, especially *ḥifẓ al-nasl*. Bangkalan case empirically demonstrates that the local regulations can serve as effective tools to translate national child protection commitments into context-sensitive governance as long as they are accompanied by institutional capacity, cultural involvement, and policy strategies.

Keywords: Islamic Family Law, Child Marriage, Local Regulation; Family Resilience, QSPM, *Maqāṣid al-Sharī'ah*

Abstrak

Penelitian ini menunjukkan bahwa masalah kelembagaan utama dalam pencegahan perkawinan anak di Bangkalan bukanlah kurangnya norma hukum, tetapi kurangnya kapasitas kerangka hukum di tingkat akar rumput. Kurangnya penegakan hukum yang kuat, ketidaktegasan pejabat desa, dan koordinasi yang buruk antara pengadilan agama, pejabat KUA, dan lembaga perlindungan anak merupakan masalah yang dapat melemahkan penerapan efektif Peraturan Bupati Bangkalan Nomor 60 Tahun 2024. Meskipun peraturan tersebut menawarkan sistem holistik yang menggabungkan strategi pencegahan dan koordinasi multisektoral, dampaknya dalam praktik terbatas oleh pengaruh budaya dan ekonomi yang masih melegitimasi praktik perkawinan dini. Artikel ini menemukan fragmentasi kelembagaan, kapasitas penegakan hukum yang rendah, dan resistensi sosial-budaya sebagai beberapa tantangan kritis dalam implementasi kebijakan. Struktur hukum, budaya hukum, dan kondisi sosial-ekonomi saling berhubungan untuk memengaruhi efektivitas penegakan hukum. Analisis menggunakan Matriks Perencanaan Strategis Kuantitatif (QSPM) menunjukkan bahwa prioritas strategis terpenting adalah penguatan penegakan hukum dan pengawasan tingkat desa, tetapi keberlanjutannya membutuhkan pendidikan masyarakat dan pemberdayaan ekonomi secara simultan. Studi ini akan signifikan bagi diskusi sosial-hukum karena akan menunjukkan bahwa efektivitas regulasi lokal bergantung pada kesesuaian antara aspek-aspek sistem hukum, sebagaimana yang diimpikan oleh Lawrence M. Friedman, dan tujuan moral hukum Islam, sebagaimana diatur dalam maqāsid al-sharī'ah, khususnya ḥifz al-nasl. Kasus Bangkalan secara empiris menunjukkan bahwa regulasi lokal dapat berfungsi sebagai alat yang efektif untuk menerjemahkan komitmen perlindungan anak nasional ke dalam tata kelola yang peka terhadap konteks, selama disertai dengan kapasitas kelembagaan, keterlibatan budaya, dan strategi kebijakan.

Kata kunci: *Hukum Keluarga Islam, Perkawinan Anak, Peraturan Daerah, Ketahanan Keluarga, QSPM, Maqāsid al-Sharī'ah*

Introduction

Child marriage is a burning socio-legal challenge in Indonesia, as it has severe consequences on intergenerational poverty, gender inequality, and the future stability of families.¹ Although legislative changes have occurred, such as the revision of the Marriage Law in Indonesia to Law No. 16 of 2019, which increased the minimum age of marriage to 19 years of both genders,² early marriage is still

¹ Vania Zulfa, Uswatun Hasanah, and Fitriana Kusaini, "The Phenomenon of Early Marriage and Its Impact on Family Resilience," *Journal of Family Sciences*, 2024, p. 48–58.

² Darlin Rizki, Frina Oktalita, and Ali Sodikin, "Maqasid Sharia Perspective in Changes the Marriage Age Limits for Women According to Law Number 16 of 2019," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (2022),

observed in most parts of the world, especially in areas with patriarchal customs,³ low literacy rates,⁴ and economic instability.⁵ An example of such conditions is Bangkalan Regency in East Java Province.⁶ The number of underage marriage dispensations continued to be high in East Java, with 15,337 in the last two years, the figure being 29.4 percent of the national figures, which shows a wide disparity between the formal law and the real social lives.⁷

Indonesia has several areas that have reacted to this problem by coming up with local laws that have been consistent with the national plan to rid the country of child marriage. For instance, Maros Regency enacted Regent Regulation No. 74/2021 on the Local Strategy for Child Marriage Prevention;⁸ Garut launched its own Regulation No. 126/2021 under the “STOP KABUR” program;⁹ and both Barito Kuala¹⁰ and Tapin¹¹ in South Kalimantan introduced similar policies in 2020. Even in Sumenep, a Regional Action Plan for the Prevention of Child Marriage in Sumenep Regency has been issued.¹² Against this backdrop, Bangkalan’s issuance of Regent Regulation No. 60 of 2024 on the Prevention and Handling of Child Marriage does not seem to be a mere copy of regional trends but rather a need to address its local and long-standing problems. That such a policy was only developed later could reflect a prior lack of inertia in local legal action, but its development now represents a corrective act in enhancing legal protection for children and the fortification of family structures that are based on Islamic principles and world

³ Padma Anagol, “Historicising Child Sexual Abuse in Early Modern and Modern India: Patriarchal Norms, Violence and Agency of Child-Wives and Young Women in the Institution of Child Marriage,” *South Asian Studies* 36, no. 2 (2020)

⁴ Jennifer Parsons et al., “Economic Impacts of Child Marriage: A Review of the Literature,” *Review of Faith and International Affairs* 13, no. 3 (2015)

⁵ Luh Putu Ratih Kumala Dewi and Teguh Dartanto, “Natural Disasters and Girls Vulnerability: Is Child Marriage a Coping Strategy of Economic Shocks in Indonesia?,” *Vulnerable Children and Youth Studies* 14, no. 1 (2019)

⁶ Galuh Widitya Qomaro et al., “Navigating Early Marriages: A Methodological Breakthrough in Family Resilience Measurement,” *Mazahib Jurnal Pemikiran Hukum Islam* 23, no. 2 (2024)

⁷ Galuh Widitya Qomaro, *Ketahanan Keluarga Pada Perkawinan Usia Dini Di Madura* (Pamekasan: Duta Media, 2023).

⁸ Humas KPAI, “KPAI Apresiasi Kabupaten Maros Atas Praktik Baiknya Dalam Menekan Angka Perkawinan Anak,” 2024, <https://www.kpai.go.id/publikasi/melalui-peraturan-bupati-maros-upaya-pencegahan-perkawinan-anak-dapat-ditekan>.

⁹ Ayu Rahadiani and Azis Muslim, “Strategi Dan Dampak Kebijakan KUA Dalam Menekan Angka Pernikahan Dini Di Kecamatan Karangpawitan Kabupaten Garut,” *Jurnal Pemerintahan Dan Kebijakan (JPK)* 4, no. 2 (2023)

¹⁰ Bupati Barito Kuala, “Peraturan Bupati Barito Kuala Nomor 89 Tahun 2020 Tentang Pencegahan Perkawinan Pada Usia Anak Di Kabupaten Barito Kuala” (2020), <https://peraturan.bpk.go.id/Details/170824/perbup-kab-barito-kuala-no-89-tahun-2020>.

¹¹ Bupati Tapin, “Peraturan Bupati Tapin Nomor 11 Tahun 2020 Tentang Pencegahan Perkawinan Anak” (2020), <https://peraturan.bpk.go.id/Details/174675/perbup-kab-tapin-no-11-tahun-2020>.

¹² Bupati Sumenep, “Peraturan Bupati Sumenep Nomor 53 Tahun 2023 Tentang Rencana Aksi Daerah Pencegahan Perkawinan Anak Kabupaten Sumenep Tahun 2023-2025” (2023).

obligations.¹³ The lateness of this local policy reaction can be seen as a wider structural issue in the decentralized legal system in Indonesia, where regional legal projects tend to be dependent on the will of regional leaders, bureaucratic preparedness, and pressure from civil society.

The urgency of this policy is further supported by national and international data. According to Statistics Indonesia (BPS), the national rate of child marriage stood at 8.06% in 2022, with higher concentrations in rural and low-income households.¹⁴ East Java exceeded this average, recording a rate of 10.44%, with Bangkalan being one of the top contributors based on religious court data.¹⁵ The Ministry of Women Empowerment and Child Protection (KemenPPPA) confirms East Java as the province with the highest number of child marriage dispensations.¹⁶ UNICEF further highlights that child marriage is linked to school dropouts, structural poverty, reproductive health risks, and domestic violence making it both a legal and developmental concern.¹⁷

Furthermore, the UNICEF report *Child Marriage in Indonesia: Progress and Challenges* highlights that the most efficient way to decrease child marriage is by local and community-based interventions, rather than only through legal enforcement.¹⁸ In this regard, the Bangkalan regulation has potential as a policy model, especially because of the multi-sectoral approach, which incorporates schools, healthcare providers, village governments, religious counselors, and social workers.¹⁹ It describes the elements of early detection systems, incorporated referrals, and provided education to the population that would be consistent with the elements of Sustainable Development Goal 5.3 in Indonesia to eradicate child marriage.²⁰

¹³ Great Britain Department of Education, "Working Together to Safeguard Children. A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children.," *HM Government*, no. March (2013).

¹⁴ Dinni Randayani et al., "The Association Between Reproductive Health Knowledge and Marital Readiness in Adolescents," 2025,

¹⁵ Diadjeng Setya Wardani et al., "Science Midwifery The Relationship of Parental Characteristics with Adolescents' Knowledge and Attitudes Regarding Early Marriage," *Science Midwifery*, vol. 12, 2024.

¹⁶ Milda Irhamni and Gumilang Aryo Sahadewo, "Child Marriage in Indonesia: A Literature Review," *SSRN Electronic Journal*, 2023

¹⁷ PPPA STRANAS, "National Strategy On The Prevention Of Child Marriage" (Jakarta, 2020).

¹⁸ UNICEF, "Prevention of Child Marriage Report," 2020, <https://www.unicef.org/indonesia/sites/unicef.org/indonesia/files/2020-06/Prevention-of-Child-Marriage-Report-2020.pdf>.

¹⁹ Nur Komariyah and Abdur Rohman, "Legal Aspects in the Development and Management of the Bilaporah Area, Bangkalan, Madura," *JUSTICES: Journal of Law* 3, no. 4 (2025)

²⁰ Sonny Dewi Judiasih et al., "Efforts to Eradicate Child Marriage Practices in Indonesia: Towards Sustainable Development Goals," *Journal of International Women's Studies* 21, no. 6 (2020).

Recent research has pointed out that child marriage in Indonesia is not just a legal problem, but it is rooted in socio-cultural norms, poverty, and religious sources. Research by Nurmila,²¹ Pourtaheri et.al,²² Wibowo et.al,²³ and Huzaimah et.al.²⁴ shows that legal restrictions are ineffective without community-based interventions and culturally conscious strategies. International reports by UNICEF²⁵ and UNFPA²⁶ also highlight that decentralised and context-specific policies are more effective in dealing with child marriage in rural contexts. Other local governments in the Indonesian setting have been experimenting with regional regulations, like in Maros, Garut, Sumenep, Tapin, and Barito Kuala, but there is little empirical assessment of the institutional performance of these local governments.

To respond to this challenge, the Regent of Bangkalan enacted Regulation No. 60 of 2024 on the Prevention and Handling of Child Marriage. This regulation introduces a multi-sectoral governance model involving educational institutions, village authorities, health services, religious leaders, and community-based organizations. It regulates early detection systems, referral mechanisms, inter-agency coordination, and community education, positioning local governance as a key actor in operationalizing national child protection commitments and supporting Sustainable Development Goal 5.3 on eliminating child marriage.

From an Islamic legal perspective, existing scholarship has increasingly applied *maqāṣid al-sharī'ah* to evaluate contemporary family law reforms. Scholars such as al-Qaraḍāwī, Wahbah al-Zuhaylī, and Jasser Auda argue that state intervention is justified when necessary to protect essential human interests, particularly *ḥifẓ al-nasl* and *ḥifẓ al-nafs*. Recent socio-legal studies in Muslim societies indicate that *maqāṣid*-based reasoning provides a normative bridge between religious legitimacy and human rights protection, especially in child protection policies.²⁷ However, empirical studies examining how local Islamic-inspired regulations function within Indonesia's decentralised legal system remain scarce.

²¹ Nina Nurmila and Wiwin Windiana, "Understanding The Complexities Of Child Marriage And Promoting Education To Prevent Child Marriage In Indramayu, West Jawa," *Ulumuna* 27, no. 2 (2023)

²² Asma Pourtaheri et al., "Socio-Ecological Factors of Girl Child Marriage: A Meta-Synthesis of Qualitative Research," *BMC Public Health* 24, no. 1 (2024)

²³ Heribertus Rinto Wibowo et al., "One Household, Two Worlds: Differences of Perception towards Child Marriage among Adolescent Children and Adults in Indonesia," *The Lancet Regional Health - Western Pacific* 8 (2021)

²⁴ Arne Huzaimah et al., "Disregarding the Reproductive Rights of Women in Child Marriage in Indonesia," *Samarah* 7, no. 2 (2023)

²⁵ UNICEF, "Prevention of Child Marriage Report."

²⁶ UNFPA, "UNFPA Indonesia: We Must Protect Girls from the Overwhelmingly Harmful Impacts of Child Marriage," 2021, <https://indonesia.unfpa.org/en/news/unfpa-indonesia-we-must-protect-girls-overwhelmingly-harmful-impacts-child-marriage>.

²⁷ Nur Hana Maruan et al., "Addressing Unregistered Marriages in Malaysia: A Maqasid Al-Shariah Approach to Legal Challenges and Women's Protection," *International Journal of Research and Innovation in Social Science* IX, no. VI (2025); Qodariah Barkah, Suraya Sintang, and Leanne Morin, "Negotiating Islamic Law and State Norms in Child Marriage Practices in Coastal Indonesia,"

This study employs a normative–empirical legal research design with an interdisciplinary approach. The normative dimension examines the legal framework governing the minimum age of marriage, judicial dispensations, and the substance of Bangkalan Regent Regulation No. 60 of 2024 on the Prevention and Handling of Child Marriage. The empirical dimension complements this analysis through a strategic policy evaluation using the SWOT framework and the Quantitative Strategic Planning Matrix (QSPM) to assess the effectiveness of policy implementation at the local level.

Data were collected from both primary and secondary sources. Semi-structured interviews with the key stakeholders were used to collect primary data, such as the officials of the Office of Family Planning, Women Empowerment and Child Protection (KBP3A), the religious court judges, the village authorities, the Islamic religious counselors/social workers, and field observations of outreach and referral practices. Secondary sources comprised of legal sources, official statistics, institutional reports, and pertinent academic sources of literature. Analysis of the data was done by determining the internal and external factors influencing the policy implementation using SWOT analysis, and the use of QSPM where weighted and attractiveness scores were assigned to the strategic options in the analysis to identify the best and most viable policy priorities.²⁸ To support the normative aspect of the analysis, the paper incorporates the values of *maqāṣid al-sharīah*, especially the goal of *hiḏz al-nasl*, which is similar to child protection and family resilience.

Legal System and *Maqāṣid al-Sharī'ah* as Analytical Frameworks for Child Marriage Prevention

The new global literature emphasizes that child marriage is a complex problem influenced by the legal system, socio-economic vulnerability, and culture. Research by Rosyad has proven the importance of religious interpretation in perpetuating early marriage,²⁹ and the analyses made by international bodies like UNICEF (2021) and UNFPA (2022) indicate that local and context-based actions are more effective than national policies. The additional socio-legal studies show that legal reforms are effective based on the institutional capacity and community involvement, as opposed to normative regulation.³⁰

Antmind Review: Journal of Sharia and Legal Ethics 2, no. 1 (2025); Aslati et al., “Utilizing Science and Maqāṣid Al-Sharī'ah in Resolving Contemporary Issues of Islamic Family Law,” *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (2024)

²⁸ Shima Lashgari et al., “Using QSPM and WASPAS Methods for Determining Outsourcing Strategies,” *Journal of Business Economics and Management* 15, no. 4 (2014)

²⁹ Imron Rosyad, Helmy Ziaul Fuad, and Ashlaha Baladina Zaimuddin, “Criminalization of Unregistered Marriage in Indonesia: A Legal System Analysis Based on Friedman’s Theory,” *Al-Adalah* 22, no. 1 (2025)

³⁰ Noorhaidi Hasan et al., “Adaptive Discretion in Child Marriage Prevention: Street-Level Bureaucracy in Indonesia’s Islamic Marriage Administration,” *Journal of Islamic Law* 7, no. 1 (2026), p. 142–67.

Lawrence M. Friedman conceptualizes law as a social system consisting of three interdependent elements: legal structure, legal substance, and legal culture, which must function cohesively for legal norms to be effective.³¹ This framework is particularly relevant in Indonesia's decentralized governance system, where local governments are authorized to formulate context-specific regulations. To this extent, Bangkalan Regent Regulation No. 60 of 2024 is a formal legal form that draws its power out of regional autonomy, but its success hinges on the institutional capacity of implementing actors and coordination across sectors at the grassroots level. Past socio-legal and policy implementation research indicates that the poor coordination, scarcity of human resources,³² and unequal presence of institutions are known to hamper operationalization of local regulations in spite of its formal legitimacy.³³

From the perspective of legal substance, the Bangkalan regulation has comparatively broad-based preventive measures, such as the early detection measures, referrals, and multisectoral cooperation. This substantively indicates a change in punitive control to preventive governance in dealing with child marriage.³⁴ But substantive norms are not all that is needed without indicators, monitoring, and evaluative tools that can help transform regulatory design into results.³⁵ Legal culture is the most determining dimension,³⁶ especially in socially and religiously conservative settings like Madura, where cultural values of family respect, morality and survival might diminish adherence.³⁷ Law, in this context, does not work through

³¹ Lawrence M Friedman, *The Legal System: A Social Science Perspective* (Russell Sage Foundation, 1975).

³² Donald S. Van Meter and Carl E. Van Horn, "The Policy Implementation Process: A Conceptual Framework," *Administration & Society* 6, no. 4 (1975)

³³ La Ode Muhaimin, La Ode Ali Mustafa, and Nasrin, "Menggagas Standar Tertentu Otonomi Daerah Melalui Mahkamah Konstitusi," *Mimbar Hukum* 35, no. 2 (2023); Aan Eko Widiarto et al., "The Authority Relationship of Central and Local Governments in Forming Laws and Regulations: Between Indonesia and Malaysia," *Legality: Jurnal Ilmiah Hukum* 33, no. 1 (2025)

³⁴ Sheila Fakhria et al., "Securing Muslim Children's Civil Rights: Debate on State Legal Policy towards The Issuance of Family Cards for Unregistered Marriage Couples," *El-Mashlahah* 14, no. 2 (2024)

³⁵ Richard E. Matland, "Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation," *Journal of Public Administration Research and Theory* 5, no. 2 (1995)

³⁶ Asep Saepullah et al., "A Contemporary Socio-Legal Evaluation of Indonesia's Post-Reformation Child Marriage Policies," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025)

³⁷ Muhammad Sibawaihi et al., "The Role of Kyai and the State in Regulating Child Marriage: A Study in Cirebon Regency," *Jurnal Ilmiah Mizani* 12, no. 2 (2025)

the use of formal force, but through the negotiation with local values mediated by religious leaders,³⁸ community elders,³⁹ and women's organizations.⁴⁰

Maqāṣid al-sharī'ah provides an ethical and normative framework for assessing such legal interventions. Classical scholars such as al-Ghazālī⁴¹ and al-Shāṭibī⁴² articulated the objectives of the Sharī'ah as the preservation of essential human interests, including *al-naḥs*, *al-'aql*, and *al-nasl*, which function as evaluative standards for legal norms. Ibn 'Ashūr further conceptualized maqāṣid as dynamic principles responsive to changing social conditions, allowing family-related regulations to be assessed based on their impact on education, maturity, and social welfare.⁴³ Contemporary scholars such as Yūsuf al-Qaraḍāwī emphasize outcome-oriented legal reasoning that evaluates rulings by their societal consequences,⁴⁴ while Jasser Auda advances a systems-based maqāṣid approach oriented toward human development and social resilience.⁴⁵ Within this framework, state regulations aimed at preventing child marriage may be normatively justified as instruments of *siyāsah shar'iyah*, which aligns legal governance with the ethical objectives of Islamic law, particularly in safeguarding family integrity and long-term social well-being.

Strategic Analysis of Policy Implementation

The SWOT analysis was conducted to identify internal and external factors influencing the implementation of Bangkalan Regent Regulation No. 60 of 2024 on child marriage prevention, based on field observations and stakeholder interviews. Internally, the regulation's main strength lies in the existence of a formal local legal framework supported by cross-sectoral actors and the potential for community-based monitoring. However, its implementation is constrained by weak legal enforcement at the village level, low parental awareness, and limited budgetary and human resource capacity. Externally, the policy is congruent with the national and international commitments, especially SDG 5.3, and has the advantage of the experience of policy learning from similar local policies in other locations and the

³⁸ Nanda Nabilah Islamiyah, "When Religious Leaders Become Marriage Brokers, Penghulus, and Marriage Consultants: The Authority of Kyai in the Process of Unregistered Marriage," *Al-Ahwal* 17, no. 1 (2024)

³⁹ Andrejs Vilks, Aldona Kipane, and Anatolijs Krivins, "The Role of Religious Norms in the Formation of Legal Systems: The Theological Foundations of Law in Different World Religions," *Pharos Journal of Theology* 106, no. 3 (2025)

⁴⁰ Dian Latifiani, "The Darkest Phase For Family: Child Marriage Prevention And Its Complexity In Indonesia," *Journal of Indonesian Legal Studies* 4, no. 2 (2019)

⁴¹ Abu Hamid Al-Ghazali, *Al-Mustashfaa Fii 'Ilm Al-Ushuul* (Daar al-Kutub 'Ilmiyyah, 1993).

⁴² Ibrahim Ibn Musa Abu Ishaq Al-Shatibi, *Al-Muwaafaqaat Fii Usuul Al-Sharii'ah* (Mesir: Matba'at al-Maktabah al-Tujariyah, 1920).

⁴³ Muhammad al-Tahir Ibn Ashur, *Maqasid Al-Shari'ah Al-Islamiyyah* (Jordan: Dar al-Nafaes, 2021), <http://irep.iium.edu.my/16792/#>.

⁴⁴ Hussein Mohamed Ibrahim, "The Methodology Followed by Sheikh Yūsuf Al-Qaraḍāwī in His Fatwas," *Journal of College of Sharia and Islamic Studies* 43, no. 1 (2025)

⁴⁵ Jasser Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law A System Approach, The International Institute of Islamic Thought*, 2008.

emergence of digital means to raise awareness and track. However, deeply rooted cultural values that encourage early marriages, the constant economic strains on families at a disadvantage, and the lack of involvement of community leaders remain a major challenge to successful implementation.

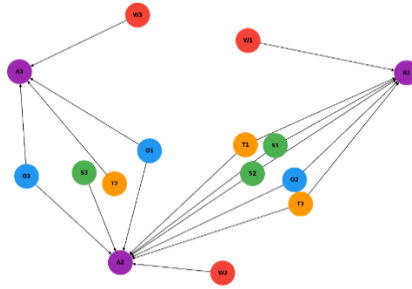
Table 1. The SWOT Matrix

Internal Factors	Weight	Rating	Weighted Score
Strengths			
S1: Existence of local legal framework	0.15	4	0.60
S2: Support from cross-sectoral stakeholders	0.10	3	0.30
S3: Community-based monitoring potential	0.05	3	0.15
Weaknesses			
W1: Weak legal enforcement	0.12	2	0.24
W2: Low awareness among rural parents	0.10	2	0.20
W3: Limited budget and human resources	0.08	2	0.16
Total	1.00		3.55
External Factors			
Opportunities			
O1: National and international support for SDG 5.3	0.10	4	0.40
O2: Existence of peer local policies (Maros, Garut, etc.)	0.05	3	0.15
O3: Technological potential for awareness campaigns	0.05	3	0.15
Threats			
T1: Cultural resistance to delaying marriage	0.10	2	0.20
T2: Economic pressure on low-income families	0.10	2	0.20
T3: Low follow-up by community leaders	0.10	2	0.20
Total	1.00		3.55

Source: Author, 2025

Three strategic options were developed based on the SWOT analysis. The former approach is based on enhancing the legal enforcement and village-level oversight with the aim of overcoming the gaps in compliance and monitoring. The second strategy will focus on improving the education and social awareness campaigns among the population in response to cultural resistance and poor parental awareness. The third one focuses on economic empowerment initiatives for girls and families at risk as a reaction to structural economic needs that frequently underlie the persistence of early marriage practices.

Figure 1. Contribution of SWOT Factors to Strategic Alternatives



Source: Author, 2025

The QSPM results show that Strategy A1 enhancing law enforcement and supervision at the village level with the greatest Total Attractiveness Score (3.74), followed by public education (A2-3.38) and economic empowerment (A3-2.99). This shows that the effectiveness of Bangkalan Regent Regulation No. 60 of 2024 largely relies on the strengthening of grassroots enforcement of laws by more explicit oversight mechanisms and more coordination among religious courts, social workers, village authorities, and KUA officials. Despite this, the relative strengths of A2 and A3 affirm that enforcement is not enough; it requires awareness campaigns and economic assistance to be used as complements to meet cultural norms and financial weaknesses. The results are indicative of the socio-legal truth about rural Indonesia, where law, culture, and economic conditions are profoundly interconnected.

Table 2. QSPM Analysis

Strategic Factors	Weight	A1 (Legal Enforcement)	A2 (Awareness)	A3 (Economic Empowerment)
		AS → TAS	AS → TAS	AS → TAS
S1. Local legal framework	0.15	4 → 0.60	3 → 0.45	2 → 0.30
S2. Stakeholder support	0.10	4 → 0.40	3 → 0.30	2 → 0.20
S3. Monitoring capacity	0.05	3 → 0.15	3 → 0.15	2 → 0.10
W1. Weak enforcement	0.12	4 → 0.48	2 → 0.24	1 → 0.12
W2. Low awareness	0.10	2 → 0.20	4 → 0.40	2 → 0.20
W3. Limited resources	0.08	2 → 0.16	3 → 0.24	4 → 0.32
O1. Support for SDGs	0.10	4 → 0.40	4 → 0.40	4 → 0.40

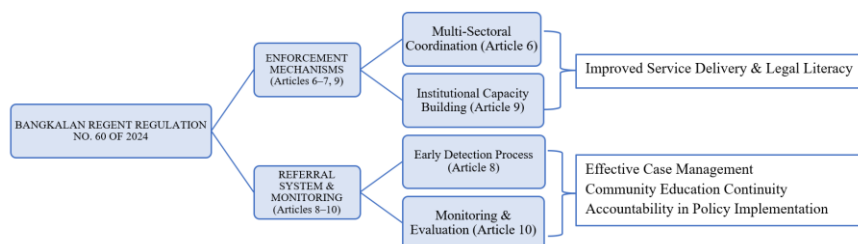
O2. Peer policy momentum	0.05	3 → 0.15	4 → 0.20	2 → 0.10
O3. Tech potential	0.05	2 → 0.10	4 → 0.20	3 → 0.15
T1. Cultural resistance	0.10	4 → 0.40	3 → 0.30	2 → 0.20
T2. Economic pressure	0.10	2 → 0.20	2 → 0.20	4 → 0.40
T3. Lack of leadership initiative	0.10	3 → 0.30	3 → 0.30	2 → 0.20
Total Attractiveness Score (TAS)	1.00	3.74	3.38	2.99

Source: Author, 2025

Local Legal System and Maqāṣid al-Sharī‘ah in Child Marriage Prevention

The QSPM analysis identifies strengthening legal enforcement at the village level as the most strategically attractive intervention. Rather than reiterating the numerical results, this section situates those findings within a socio-legal framework by examining how Bangkalan Regent Regulation No. 60 of 2024 operates within the local legal system, particularly through the interaction of legal substance, legal structure, and legal culture, as theorized by Lawrence M. Friedman.

Figure 3. Enforcement Mechanisms and Referral System of Bangkalan Regent Regulation No. 60 of 2024



Source: Author, 2025

In addition to the identification of strategic priorities under QSPM, the performance of Bangkalan Regent Regulation No. 60 of 2024 should be perceived within a wider socio-legal dynamic whereby law is not just a formal tool, but negotiated as a social process. Legally, the regulation has officially created an institutional framework that comprises village authorities, religious counselors, and child protection agencies. Field information, however, shows that institutional presence does not necessarily imply institutional effectiveness. In some instances, local actors show reluctance in implementing the regulation as they are afraid of social legitimacy and possible conflict between the community norms. This condition is also reflected at the operational level: "Cases of child marriage have actually been detected at the village level, but not all of them are immediately

reported or followed up on."⁴⁶ This is indicative of a wider problem of decentralized government in which power is devolved on paper but limited in practice by local socio-cultural norms. Consequently, enforcement of the law is selective and circumstantial as opposed to systematic.

On the legal culture level, the results indicate that child marriage is commonly socially rationalized as a reaction to moral panic and economic insecurity, although changing legal contexts acknowledge the harms of child marriage. Though Law Number 12 of 2022 on Sexual Violence Crime has initiated the process of categorizing some types of forced or exploitative marriage as a type of sexual violence, this legal understanding does not always find its way into the community's understanding of the issue.⁴⁷ Practically, child marriage is often seen as a socially acceptable act and not a breach of law, and this undermines the deterrent impact of the law as compliance is more influenced by social acceptance than the law. Religious leaders, in this regard, are important players since their interpretations can either support or fight early marriage practices. Thus, *maqāṣid al-sharīah* must not be used as a normative justification but rather as a strategic model to re-orient religious knowledge towards child protection, especially towards the realization of the goals of *ḥifẓ al-nasl* and *ḥifẓ al-nafs*.

According to a *maqāṣid* approach, this case shows the necessity to perceive legal regulation as a larger ethical system. The objective of *ḥifẓ al-nasl* cannot be achieved through the sheer prohibition form, but it has to be on conditions that ensure quality and sustainability of family life. This goal will be in ruins by early marriage that is driven by economic pressures or even social anxiety, which will adversely impact the health of the mother, level of education, and exposure to unhealthy family models. The above impacts demonstrate that the *mafsadah* of child marriage is not a solitary problem but has far-reaching consequences for society.

This would mean that economic empowerment as a part of the policy strategy would cease to be a complement but a structural necessity. The comparatively low attractiveness score of economic empowerment in the QSPM analysis does not imply that it is not significant, but it is an indication of certain constraints in implementation. Nevertheless, the factors causing early marriage can be alleviated through strengthening economic resilience in households in the long term to allow a more effective legal and educational intervention.

Legally speaking, the Bangkalan Regent Regulation exhibits a fairly developed normative structure in comparison to other regional policies. It does not only ban child marriage but provides preventive, interventive, and post-event strategies via early-detection mechanisms, referential pathways, data surveillance and

⁴⁶ Interview with Erna, Regional Technical Implementation Unit for the Protection of Women and Children, 2025.

⁴⁷ Inna Fauziatal Ngazizah and Any Ismayawati, "Child Marriage in Indonesia: Sexual Violence or Not?," *De Jure: Jurnal Hukum Dan Syar'iah* 14, no. 2 (2022); Mariani Amberi, "Efforts to Prevent Child Marriage Based on Philosophy of Islamic Law and Indonesian Positive Law," *Samarah* 7, no. 1 (2023)

multisectoral collaboration. Articles 6 through 10 clearly present institutional duties, suggesting that, normatively, the regulation already represents a preventative legal paradigm as opposed to a reactive one. The text of the law complies with current child protection principles and shows a level of understanding of the multifaceted reasons of child marriage, not only in violation of legal norms.

But good legal substance is not sufficient to effectiveness. As a legal framework, the institutions that have to enforce the regulation are the weakest link in the local legal system. The field interviews show that the village officials, religious counselors, and the community leaders hesitate to interfere in what is considered as a personal matter in the social context.⁴⁸ This institutional resistance confirms the claim by Friedman that legal effectiveness is not just based on the formal rules, but on the ability and inclination of legal actors to enforce the rules. In Bangkalan, the lack of operational confidence, training, and inter-agency coordination impedes the process of transforming the legal norms into practice. From a judicial perspective, this reflects a structural dilemma. "Marriage dispensation requests remain quite high because judges must consider the actual conditions on the ground."⁴⁹

This weakness of the structure further extends to the difficulties of legal culture. There are still deep-rooted social norms, which make early marriage a morally protective step, especially when one is afraid of *zina* and financial insecurity: "Many parents come for religious reasons, afraid that their children will fall into *zina*."⁵⁰ Local religious leaders interviewed reveal that child marriage is commonly defended by the use of selective moralistic reasoning rather than comprehensive Islamic legal agenda.⁵¹ These cultural views undermine the legitimacy of formal law and decrease obedience even in the situations where regulatory tools exist. This implies that the eradication of child marriage in Bangkalan cannot be done only by enacting regulations, but needs to be culturally mediated by redefining religious and social conceptions of marriage.

In addition, the Islamic legal tradition acknowledges that the state has the power to control even the acts that are allowed in the case of the common good. Al-Mawwardi also describes the power of the ruler to control the affairs of the people and ensure social order, in that political power is able to control the behavior of individuals to achieve *maṣlahah ʿāmmah* even when the behavior is within the scope of what is ordinarily permissible.⁵² This ideological stance justifies modern regulatory actions like Bangkalan Regent Regulation No. 60 of 2024 to be seen as *siyasah sharʿiyyah*, and not a breach of Islamic law. Delaying or preventing child marriage in this sense is not a denial of religious norms, but its contextual realization.

⁴⁸ Interview with AR, Ministry of Religious Affairs Officer, 2025.

⁴⁹ Interview with Dewiati, Head of Religious Court, 2025.

⁵⁰ Interview with Zainuddin, Marriage Registrar, 2025.

⁵¹ Interview with Mohammad, Kyai, 2025.

⁵² Abu al-Hasan Ali ibn Muḥammad ibn Habib al-Basri Al-Mawwardi, *Al-Ahkaam Sulthaaniyah Wa Al-Walaayah Ad-Diiniyyah* (Daar Al-Fikr, 1960).

Wahbah al-Zuhaily recognizes *maṣlahah mursalah* as a legitimate legal rationale that permits the restraint or ban of practices when they create harm and compromise the social well-being, especially in evolving social circumstances.⁵³ Adapted to the situation in Bangkalan, this strategy ratifies the combination of legal enforcement, community education, and gradual economic empowerment as a coherent *maqāṣid*-oriented approach. Legal enforcement is concerned with immediate risk, cultural engagement with moral reasoning, and economic programs are concerned with structural vulnerability.

Therefore, the Bangkalan Regent Regulation is at the crossroads of the functionality of the legal system and Islamic normative reasoning. Its validity hinges on the ability of the legal substance to be transformed into institutional action and cultural acceptance. Child marriage prevention as seen through the prism of Friedman, legal system theory, and *maqāṣid al-sharīah* would be not only a regulatory effort, but a legal-cultural transformation process. As shown in this analysis, local policies, based on both socio-legal theory and Islamic objectives of ethics, have the potential to promote child protection, family stability, and normative coherence in Muslim-majority states.

Conclusion

The results of this research show that the main institutional problem of child marriage prevention in Bangkalan is not based on the lack of legal norms, but rather a small ability of legal frameworks at the grassroots. Lax enforcement, unwillingness among the village authorities, and disjointed efforts at coordinating between the religious courts, KUA officials, and child protection institutions impede the successful implementation of the Bangkalan Regent Regulation No. 60 of 2024. Although the regulation offers a holistic framework that incorporates preventive strategies and multi-sectoral coordination, its practical effect is still limited by the cultural norms and economic demands that still justify the early marriage practices. The study finds institutional fragmentation, low enforcement capacity, and socio-cultural resistance as the major problems in implementing policies. The efficiency of legal enforcement is determined by the interplay of legal structure, legal culture, and socio-economic conditions. The QSPM analysis proves that the reinforcement of legal enforcement and supervision at the village level is the most strategic priority, but its sustainability relies on community education and economic empowerment. This paper adds to the socio-legal discussion by showing that the efficacy of local regulation depends on the congruence between the elements of an Islamic law system, as theorized by Lawrence M. Friedman, and the ethical goals of Islamic law expressed in *maqāṣid al-sharī'ah*, especially *ḥifẓ al-nasl*.

⁵³ Wahbah Zuhaily, *Ushul Al-Fiqh Al-Islami* (Beirut: Daar Al-Fikr, 1975).

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