



Substantive Maturity in 'Āishah's Marriage



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Abstract

The recent study aims to analyze the substantive maturity of 'Āishah's marriage, where, based on the hadith of the Prophet, she was married to the Prophet at the age of 6 years and started a household at the age of 9 years. The information contained in the hadith is closely related to the issue of child marriage in the mainstream discourse of protecting children's rights, particularly the rules for limiting the age of marriage that have been implemented so far. This study uses a descriptive method with an approach to the history of Islamic law. It reveals that 'Āishah's marriage has fulfilled the substantive maturity elements, both physical element marked by reproductive readiness and non-physical element indicated by intellectual maturity. Besides, 'Āishah's marriage is done by considering the element of purpose (*al-ḥadaf*) in the form of maturity quality and the element of means (*al-wasīlah*) in the form of age. Thus, these elements are significant for religious legality guarantee related to the rules for the age limit of marriage that apply in Muslim countries.

Keywords: Age, 'Āishah, Marriage, Substantive Maturity

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Abstrak

Kajian ini bertujuan untuk menganalisis maturitas substantif pernikahan 'Āishah, dimana berdasarkan hadits Nabi, ia dinikahi Nabi pada usia 6 tahun dan memulai rumah tangga pada usia 9 tahun. Informasi yang terkandung dalam hadits tersebut sangat erat kaitannya dengan isu perkawinan anak dalam wacana mainstream perlindungan hak anak, khususnya aturan pembatasan usia perkawinan yang selama ini diterapkan. Kajian ini menggunakan metode deskriptif dengan pendekatan sejarah hukum Islam. Kajian ini

menunjukkan bahwa perkawinan 'Āishah telah memenuhi unsur kematangan substantif, baik unsur fisik yang ditandai dengan kesiapan reproduksi maupun unsur non fisik yang ditunjukkan dengan kematangan intelektual. Selain itu, perkawinan 'Āishah dilakukan dengan mempertimbangkan unsur tujuan (al-ḥadf) berupa kualitas kedewasaan dan unsur sarana (al-wasīlah) berupa usia. Dengan demikian, unsur-unsur tersebut sangat penting bagi jaminan legalitas agama terkait aturan batas usia perkawinan yang berlaku di negara-negara Muslim.

Kata Kunci: Usia, 'Āishah, Pernikahan, Kedewasaan Substantif

A. INTRODUCTION

The issue of child marriage has become part of the mainstream discourse on protecting children's rights, which began to receive international attention in the 1990s. The 1964 international convention on "Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages" encouraged each participating country to issue laws and regulations governing the minimum age for marriage (Hanafi, 2011, p. 19). Later, the 1989 international convention on "The Right of the Child" expressed several rules, one of which is Article 1 Part 1: "For the present convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, the majority is attained earlier" (Marilang, 2016, p. 8). Based on the two conventions, marriages under 18 years old are marriages carried out by those who have not reached the agreed age limit.

Marriage of minors is often interpreted as an action that has a direct result in the deprivation of children's rights, such as health, education, social, economic, and, in many cases, gender relations (Hanafi, 2011, p. 33). One of the factors considered to be the cause of the perpetuation of the practice of child marriage is religious understanding, in addition to other factors (Gaib, 2020, p. 45). One of the understandings of spiritual norms that are used as legitimacy comes from the hadith about the Prophet's marriage with 'Āishah who was still six years old.

'Āishah's marital history was then studied strategically by scholars. David Margoliouth (1858–1940) said that the behavior of the Prophet's marriage to 'Āishah was that of an ill-assorted union (1905, p. 234). Meanwhile, the findings of Ali et al. and Hanafi's study show that Muslim scholars themselves are divided into two groups in their reactions to the Prophet's marriage to 'Āishah: first, the group that doubts the information on 'Āishah's marriage age and tries to make corrections using historical facts (Hanafi, n.d.; Jaeni et al., 2015). This category includes those who see marriage as a form of *khuṣūsiyyah* (privilege) in the Prophet that his people should not imitate (Ibn Hazm, 2012, p. 459). Second, the group that still believes in the validity and authenticity of hadith information is on the defensive to maintain the sanctity of marriage, maintain legitimacy, and perpetuate the practice of child marriage (Marcoes & Sirimorok, 2016, p. 13).

In the last 10 years, studies on child marriage have increased, such as those by Carolyn Baugh (2017) and Yusuf Hanafi (2011). In addition to Baugh and Hanafi, the study on the legality of the age of marriage has also been carried out by M. Ali Rusdi (2016), as well as the relationship between marital *fiqh* and the compilation of Islamic law in Indonesia, which was studied by Euis Nurlaelawati (2010). However, the study of the relationship between 'Āishah's marriage age and the issue of marital maturity has not explicitly been studied by researchers. The problem of marital maturity is broad. Therefore, this article focuses on examining the topic of 'Āishah's marriage age. The focus of the study is directed at the issue of the condition of 'Āishah's maturity during the marriage. The method used in this research is descriptive, with a social history approach to Islamic law (Coulson, 1987).

B. DISCUSSIONS

1. Physical and Non-Physical Maturity in the Hadith of 'Āishah's Marriage Age

The history of 'Āishah's marriage age with the Prophet is documented in several collections of classic hadith books. In the hadith collection book, the editors of the hadith unit present the quality of the authentic transmission.

حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ، حَدَّثَنَا سُفْيَانُ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَزَوَّجَهَا وَهِيَ بِنْتُ سِتِّ سِنِينَ، وَأَدْخَلْتُ عَلَيْهِ وَهِيَ بِنْتُ تِسْعٍ، وَمَكَثْتُ عِنْدَهُ تِسْعًا.

*Muhammad Ibn Yusuf told me, Sufyan told me, from Hisham, from his father, from 'Āishah RA: "The Prophet Muhammad PBUH married 'Āishah when she was six years old, and 'Āishah had intercourse with him when she was nine years old, and Aisha lived beside him for nine years."*¹

Imam Muslim has a history of hadith containing direct statements from 'Āishah regarding age at the time of the marriage contract, which is consistent with the hadith above.

وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى، أَخْبَرَنَا أَبُو مُعَاوِيَةَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، ح وَحَدَّثَنَا ابْنُ نُمَيْرٍ، وَاللَّفْظُ لَهُ، حَدَّثَنَا عَبْدُهُ هُوَ ابْنُ سُلَيْمَانَ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، قَالَتْ: تَزَوَّجَنِي النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَنَا بِنْتُ سِتِّ سِنِينَ، وَبَنَى بِي وَأَنَا بِنْتُ تِسْعٍ سِنِينَ.

*"Yahya ibn Yahya narrated to me, Abu Mu'awiyah told me from Hisham ibn 'Urwah, (changing transmission lines) Ibn Numayr narrated to me, and these wordings are from him, 'Abdah Ibn Sulaiman narrated to me, from Hisham, from his father, from 'Āishah, she said: The Prophet married me when I was six years old, and he started a household with me when I was nine years old."*²

¹ Imam al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, hadith no. 4840 (Bukhārī, 1987, n.d., p. 1973)

² Imam Muslim, *Ṣaḥīḥ Muslim*, hadith no. 3545 (Abi Husain Muslim ibn Al-Hajjaj, n.d., p. 142)

The hadith above informs us that 'Āishah was married to the Prophet at the age of six years and started a household at the age of nine years. She then lived in a household with the Prophet for nine years. In other words, 'Āishah was left by the Prophet when she was eighteen years old. Nevertheless, several hadith units were found that describe 'Āishah's marriage age when she was seven years old.

وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ أَخْبَرَنَا عَبْدُ الرَّزَّاقِ أَخْبَرَنَا مَعْمَرٌ عَنِ الرَّهْرِيِّ عَنِ عُرْوَةَ عَنِ عَائِشَةَ أَنَّ النَّبِيَّ تَزَوَّجَهَا وَهِيَ بِنْتُ سَبْعِ سِنِينَ وَرُفِّقَتْ إِلَيْهِ وَهِيَ بِنْتُ تِسْعِ سِنِينَ وَلَعِبَهَا مَعَهَا وَمَاتَ عَنْهَا وَهِيَ بِنْتُ ثَمَانَ عَشْرَةَ

"Abd ibn Humayd told me, 'Abd al-Razzaq told me, and Ma'mar told me from al-Zuhri from 'Urwah that 'Āishah was married to the Prophet when she was a seven-year-old girl, and she began to be carried off to the Prophet when she was a nine-year-old girl while still carrying a doll. The Prophet died, leaving her at the age of eighteen."³

When confronted with the discourse on child marriage, the difference in information on 'Āishah's marriage age in the hadith above has no significant meaning. This is because both six years and seven years are under maturity. The marriage of 'Āishah took place in the city of Mecca after the death of Khadijah, two or three years before the Prophet moved to the city of Yathrib (Medina). 'Āishah lived with the Prophet for the first time in the month of Shawwal (Imam An-Nasa'i, 2010, p. 70), when she was nine years old (Hanbal, 2001, p. 360). Later, when Prophet Muhammad arrived in Medina, 'Āishah was living in a village of the Harith ibn Khazraj family. When approached by the Prophet to be carried away, 'Āishah was playing on a swing with her peers, like a young girl (Mājah, n.d., p. 603)."

Despite the fact that 'Āishah married the Prophet at a young age, she grew into a woman like other Arab women. Munsef, one of the Western scholars, as conveyed by 'Āishah bint al-Shāṭi', revealed the results of his observations after his visit around the Arabian peninsula by stating that Arab women look old when they reach the age of twenty (Mājah, n.d., p. 122). Munsef's statement is also reinforced by al-Būṭī's finding that people living in hot climates mature faster than people living in tropical and cold climates (Būṭī, 2017, p. 39).

Physical maturity in the context of marriage is defined as the minimum readiness to have intercourse and is marked by having menstruated. According to al-Būṭī, many women in the African and Arabian peninsulas began menstruating at the age of nine, whereas women in Central Asia and Europe did not begin menstruating until they were 14 (fourteen) years old (Būṭī, 2017, p. 40). Long before al-Būṭī, al-Shāfi'i using the inductive method (istiqrā'), concluded that the minimum age for menstruation is nine years. Al-Shāfi'i's findings are based on data on the minimum age for menstruation for

³ Imam Muslim, *Ṣaḥīḥ Muslim*, hadith no. 3545 (Abi Husain Muslim ibn Al-Hajjaj, n.d.)

women in the Tihāmah area (an area in the western Arabian peninsula known to have a hot climate) (Houstma, 1993, p. 765).

Menarche (early menstruation), which occurs when women experience puberty, is an indicator of physical readiness to have sex. The sexual organs have reached maturity, and at this stage, the female ovum is ready to undergo fertilization, pregnancy, and childbirth. One factor that influences the age at which early menstruation occurs is heredity and the climate in which she lives (Mutasya et al., 2016, p. 233). While menstruation itself, which means the periodic time of menstrual bleeding, is the blood that comes from the uterine wall due to the unfertilized egg, which then mixes with the blood of the exfoliated uterine cells (Zalni et al., 2017, p. 158). In other words, a woman who has passed menstrual blood means that she has an ovum that is ready to be fertilized. On the other hand, for a woman who has stopped having menstrual bleeding (menopause), her pregnancy period has ended. A woman who can still expel menstrual blood applies the principle that her uterus does not contain a fertilized ovum when she removes menstrual blood.

Based on the explanation above, it is interesting to observe the age of 'Āishah when she started marrying the Prophet, which is 9 (nine) years old. It is possible that she has substantially reached adulthood and has matured for sexual intercourse. This fact needs to be revealed to counter the opinion that the Prophet was the perpetrator of exploiting children's bodies (pedophilia) when he married 'Āishah. This argument can be derived from the assumption that sexual activity is directly related to marriage based on social theories (Christopher & Sprecher, 2000, p. 1001). However, it should be considered that sexuality and marriage are related to social ideas and must be viewed from a legal and moral perspective. Marriage and sexuality are life institutions based on a solid commitment from a partner (Stutzer & Frey, 2003, p. 326). The Prophet's accusation of pedophilia cannot be accepted based on the analysis of 'Āishah's age and the hadith explained by Dārimī (2000, p. 1418).

أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ مُوسَى، عَنْ سُفْيَانَ، عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ، عَنْ عَبْدِ اللَّهِ بْنِ عُرْوَةَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، قَالَتْ: تَزَوَّجَنِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي شَوَّالٍ، وَأَدْخَلْتُ عَلَيْهِ فِي شَوَّالٍ، فَأَيُّ نِسَائِهِ كَانَ أَحْظَى عِنْدَهُ مِنِّي؟

"Ubaidullah ibn Musa told me, from Sufyan, from Isma'il ibn Umayyah, from 'Abdullah ibn 'Urwah, from 'Urwah, from 'Āishah. 'Āishah said: The Messenger of Allah married me in the month of Shawwal and I was taken away with him in the month of Shawwal. Are there any of his wives who are luckier by his side than I am?"

The statement related to 'Āishah's happiness about her marriage to the Prophet above was not read (or deliberately not read) by the misogynist group. Happiness in marriage is an intriguing problem to investigate for those interested in the topic of marriage (Stutzer & Frey, 2003, p. 334). This hadith can be used as an answer when asking about the marriage of 'Āishah with the Prophet, because the presence of this hadith

answers the questions that marriage reviewers always ask. They try to construct these past events with current ethical standards related to child maturity when reading 'Āishah's marriage age, but they forget the factors that always arise when discussing marriage.

From a historical perspective, child marriage in the early Islamic era was a natural thing that even the Quraysh never used as a tool to corner and be hostile to the Prophet (Candra, 2018, p. 15). The marriage of 'Āishah to the Prophet, apart from being a natural thing according to the social context of a particular society, has also fulfilled the element of substantial maturity as one of the prerequisites for fulfilling the purpose of marriage, namely *al-tanāsul* ('Aṭiyah, 2003, p. 332). This kind of significant maturity requirement was also previously mentioned by al-Nawawī (Asqalani, 2000, p. 124) and al-Syaukānī (Shaukānī, 1993, p. 144).

The Prophet's marriage to 'Āishah in the religious realm was based on choice and guidance. A narration from Tirmīzī shows the existence of a "marriage" between the Prophet and 'Āishah, can also be interpreted as a form of 'Āishah's privilege as a figure directly appointed by Allah SWT as the companion of the Prophet (Tirmīzī, 1975, p. 704). 'Āishah became the Prophet's youngest and most beloved wife after Khadjah died (Shāṭi' & Alkaf, 2001, p. 148). As the Prophet's companion in the task of conveying revelation (*tabligh al-rislah*) and the "figure" of a perfect role model (*uswah*) for all people, 'Āishah has unquestionably been endowed with a character that can support the prophetic task, not only while the Prophet was alive but also until the end of 'Āishah's own life.

The quality of 'Āishah's maturity on the strong side of memorization is well illustrated by the many hadiths narrated (Nasaruddin & Dahlan, 2020, p. 1631). With 2210 units of hadith described, 'Āishah is the fourth of the seven companions of the most hadith narrators. When she was married by the Prophet, her young age was supported by the intelligence she possessed from birth, making her the most knowledgeable narrator of hadith among the female companions. In addition to having qualified qualities in the field of hadith, 'Āishah is also known as an expert in interpretation, jurisprudence, and other Islamic scholarship. Her knowledge is widely considered among the other companions of the Prophet (Istiqlaliyah, 2016, p. 42). Despite having more memorization than the other companions of the Prophet, it should be noted that 'Āishah was the Prophet's wife and was not as free as the other companions of the Prophet in accompanying the Prophet in every activity, especially when outside the home. The only advantage of 'Āishah in trying to record the sunnah of the Prophet was the proximity of her residence to the Nabawī mosque, which was widely used as a center for religious teaching (Istiqlaliyah, 2016, p. 43).

The brilliance of 'Āishah's reasoning power is also proven by her ability to not only record the words and deeds of the Prophet but also to have a strategic position in understanding and deciphering the explanation of a hadith. 'Āishah is the center of consultation for friends when facing life problems, especially regarding the law of halal



and haram (Tidjani, 2016, p. 33). She had many disciples from among the Prophet's companions, both male and female, whether they were related or not. According to the last group, the learning method was done by putting up a barrier between 'Āishah and other companions. No fewer than 150 (one hundred and fifty) students from the *tabi'īn* group narrated the hadith from him (Hanafī, 2011, p. 51). This is because 'Āishah is a woman who has strength in memorizing hadith and an excellent capacity to understand and teach religion to other companions. (Al-Tirmizī, 1975, p. 186).

The description of the intellectual qualities possessed by 'Āishah can be used as a point of reference in reading the hadith of her marriage to the Prophet, although this fact is often not used in reading the facts of 'Āishah's marriage. Based on the analysis of the hadith containing information on the age of marriage as described above, it needs to be introduced and disseminated as an alternative view, it can even be an antithesis to the reading of 'Āishah's marriage with the Prophet from the perspective of early childhood marriage. According to the author, reading substantial values in a "problematic" hadith like this is a more critical project for Muslim scholars to undertake today than being entangled in the contention of the text of agreed-upon hadith texts. This reading helps generate an understanding of the traditions that prevailed in the past and then contextualize them into a new tradition in this modern era.

2. Contextualization of Substantive Maturity in Marriage

Astronomical transmission patterns are Efforts to contextualize religious norms are a necessity. However, spiritual values that are universal in their formation are always in contact with cultural levels that are partial, temporal, and local, which then crystallize in two dimensions, namely ritual (sakral) and social (profan) (Maulana, 2018, p. 36). In the case of ritual-related teachings, the principle of *ta'abbudī* (submission) applies. In contrast, the focus of *ta'aqqul* applies in the social sphere, where religion only serves as a spirit in the preparation of a rule known as *al-mashlahah* (goodness) by al-Shāṭibī.

The depiction of the relationship between a teaching text and the spirit that surrounds it. Al- Shāṭibī explains that legal norms are not applied to themselves, but are enforced to realize other goals, namely benefit (Būsā'adi, 2015, p. 228). Legal norms with a social dimension must evolve in tandem with changes in goodness standards based on rationality (reason). Al-Shāṭibī is of the view that religious texts (naṣh) are not static and final in the context of understanding and interpretation, but can continually accept new arrangements and undergo a renewal of meaning based on *ijtihād*. Hermeneutical problems like this always arise when one tries to understand the texts of the hadith. Hadiths attributed to the Prophet are centuries apart from their readers, making it possible for readers to misinterpret the exact words of existing hadiths. However, it should be noted that this error is not one that only exists in the process of understanding the hadith, but also in the practice of understanding the text, which has quite a distance between the author and the reader (Wathani, n.d., p. 200).

This understanding is increasingly difficult when the aspect of benefit based on rationality contradicts the tone of religious texts. This situation can be held because the benefit must remain first (Shāṭibī, 2003, p. 42). Therefore, reading and understanding a text, not limited to religious texts, requires contextualization efforts. There is contextualization here in the sense that the interpreter, in this case the writer of this article, tries to provide an understanding of the hadith according to the needs of the readers of his time, no longer trying to understand the reader according to the needs of the author of the text (Ulumuddin, 2019, pp. 218–219).

Attempts to contextualize religious teaching contained in a socially relevant text necessitate the courage to place a religious text's sound. The courage is due to trying to read the reality of the function and position of the prophet, which is still not acceptable to the general public except for those who concentrate on the study of hadith. Judging from his function and position, the Prophet has a role as an ordinary human being, person, husband, head of state and society, warlord, and so on, in addition to his *nubuwwah* and apostolic roles (Suryadi, 2016, p. 32). The reading of the prophet's position and function provides an interpreter of hadith text with the principle that the text must be positioned as a means of realizing *mashlahah* as its primary goal and the spirit of the text's implementation itself. In its development, efforts to learn about the benefit aspect can be made by having a dialogue with the core meaning of the text (Allah) and reality, as seen in the case of zakat on rice for Muslim communities in Indonesia. This effort, in the end, on the one hand, maintains the sacredness of the text, and, at the same time, can make religious teachings always feasible (*salih*) to be applied every time in every part of the world.

At the level of hadith studies, efforts to contextualize the meaning and purpose of a hadith can be done by classifying and formulating things in the form of means and things that are goals, a step that al-Qarḍāwī calls "*al-tamyīz bayn al-wasīlah al-mutaghayyirah wa al-hadif al-Ṣābit li al-ḥadīth*" (distinguishing between dynamic and static goals). Al-Qarḍāwī noted that many errors in the interpretation of hadith by the Muslim community were due to the failure to separate the elements of purpose and means. Errors in interpretation result in the weakening of the hadith itself, such as errors in interpreting the hadiths about the treatment performed and recommended by the Prophet. According to Al-Qarḍāwī, the hadiths about it only apply to certain contexts in a limited way, do not apply universally, and do not apply as religious norms (*shariah*). Aspects of religious teachings contained in the hadith are precisely related to efforts to maintain health and the prohibition of consuming things that are harmful to the body (Qarḍāwī, 1994, p. 140).

Based on al-Qarḍāwī's idea of contextualizing a hadith, the age of 'Āishah's marriage, as explained in the previous sub-chapter, must be placed in a position as a means that always has the opportunity to change according to the social context and natural conditions (*al-bī'ah*). In addition, this step must be accompanied by the principle



of making the aspect of maturity that exists in 'Āishah, in her capacity as a bride, a goal and a core message that always applies across time and place.

The physical and non-physical readiness criteria listed above serve as the foundation for determining whether a woman in marriage has met the substantial adult requirements. The relativity of maturity in marriage, which depends on context, must be used as a keyword to contextualize the age of marriage maturity. The text of maturity is based on the principle of physical, mental, and spiritual readiness, which is an effort to realize the requirements for holding a marriage at the juridical level.

In Indonesia, the age of marriage is regulated by Marriage Law Number 16 of 2019. The age provision of 19 years applies to both the groom and the bride. The age of marriage is one of the requirements met by a pair of prospective brides who want to get married. The word "team" here needs to be emphasized because the state rules are not in favor of one of the future brides, so both prospective brides are equated with having a minimum age limit. If these conditions are not met, the marriage cannot be recorded at the marriage registration institution (Religious Affairs Office). Unregistered marriages result in the loss of legal protection provided by the state. Although not a determinant of the validity of a marriage, marriage registration is a guarantee of the legality of the application of aspects of citizenship that arise as a result of the existence of marriage recognized by the state, such as alimony, inheritance rights, and lineage (Marilang, 2016, p. 340).

The determination of the age of 19 (nineteen) years as a condition for the marriage to take place is an embodiment of the spirit of protection of children's rights, which stipulates the age limit of 18 (eighteen) years. According to the marriage law in Indonesia, the ideal age for marriage is when a person has reached the age of 21 (twenty-one) years. At this age, a person can marry without asking for parental consent. Although it has not yet reached the ideal age of marriage as set out in Article 2 Paragraph 6 of the Marriage Law, a person who has reached the age of 19 (nineteen) has been able to marry because it is considered that they have reached physical maturity (health) and mental maturity (education). 19 is the age of eligibility to perform a marriage (Jaeni et al., 2015, p. 8). Even though it has been regulated in such a way, there are still marriages that occur when a person has not reached the minimum age of marriage through marriage dispensation efforts. This generally happens because the pregnancy is out of wedlock. In this case, the Religious Court Judge granted the application for a marriage dispensation with consideration for the two prospective brides and grooms (Rais, 2018, p. 156).

Setting the age limit in marriage has a very close relationship with the realization of *maqasid al-'usrah* (the goals of family formation), such as regulating the relationship of the bride and groom, preserving humanity, realizing happiness in the family, maintaining lineage, maintaining religion in the family sphere, the formation of family foundations, and the arrangement of economic aspects (Nurcholis, 2019, p. 15). The entire purpose of starting a family necessitates maturity, and each partner's maturity in

managing a married life full of dynamics and problems. In general, it is difficult to imagine how the construction of domestic life can thrive without both physical and psychological maturity. Marriage under the minimum age of marriage has significantly contributed to the high divorce rate in Indonesia. In turn, the high divorce rate also has a direct impact on the low guarantee of child custody protection (Nasution & Muchtar, 2020, p. 362).

The determination of the minimum age limit for marriage is a product of projective *ijtihad* that the parties should carry out according to the marriage law. The main goal is to create an ideal household order based on the community's current and future conditions of social life. Efforts to dynamically and contextually contextualize marriage law in Indonesia through projective *ijtihad* must be sustained by utilizing *maqasid al-syari'ah*, particularly *al-'usrah*, as the basis of religious moral-ethics (Nur et al., 2020, p. 332). Thus, the existing marriage law is in line with the values contained in the hadith regarding the age of 'Āishah's marriage to the Prophet. Age is not a definite benchmark for setting the limits of maturity, so it requires state leaders to look at the reality of society. 'Āishah and other women's conditions were undoubtedly different from those of women in Indonesia. This is because 'Āishah and her hadith are far apart in time and space from women in Indonesia.

C. CONCLUSION

This study wants to analyze the substantive maturity of 'Āishah's marriage. Based on the discussion that has been explained, several things can be known. First, 'Āishah's marriage, even though it was carried out at a very young age, has fulfilled the element of substantive maturity in marriage, namely physical maturity related to reproduction and non-physical (intellectuality) related to aspects of harmony in married life. Second, the contextualization of the marriage age of 'Āishah as contained in the hadith is carried out by sorting and determining the elements of purpose (*al-ḥadhf*), which is fixed, and means (*wasīlah*) which is constantly changing. This element has significance for the guarantee of religious legality related to the rules of the marriage age limit that apply in Muslim countries, especially in using the marriage law in Indonesia. As for other countries, further studies are needed to determine whether the age of marriage and the rules are the same as what happened in Indonesia.

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