

THEORETICAL ANALYSIS OF THE DIFFERENCES IN THE APPLICATION OF THE MINIMUM AGE OF MARRIAGE: AN ISLAMIC LAW AND STATUTORY LAW PERSPECTIVE IN THE MUSLIM WORLD

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Abstract: The regulation of the minimum legal age of marriage remains one of the most debated issues in contemporary Islamic family law. Although Muslim-majority countries share common Islamic legal foundations, they have adopted different statutory age requirements for marriage. These variations reflect not only differing interpretations of classical and contemporary Islamic legal sources but also the influence of social, cultural, political, and legislative considerations. This study aims to analyse the theoretical foundations of Islamic law concerning the minimum age of marriage, examine the legal age limits established across the Muslim world, explore the differences in their implementation, and evaluate their implications for the social status and well-being of women and children. The research employs a library-based research design using a comparative legal approach. It analyses and compares marriage legislation in Muslim-majority countries concerning the minimum legal age of marriage through vertical, horizontal, and diagonal comparative analyses. The study relies on both primary and secondary legal materials, which are examined using qualitative content analysis. The findings demonstrate that the diversity of minimum marriage age regulations across the Muslim world stems from the tension between the normative framework of classical *fiqh*, which recognises biological maturity (*bulūgh*) as the principal criterion for marriage eligibility without prescribing a specific numerical age, and modern statutory legal systems that emphasise public welfare (*maṣlaḥah mursalah*), child protection, and the promotion of gender equality through the establishment of minimum legal age requirements. Differences among Muslim-majority countries are further shaped by variations in *istinbāt* (Islamic legal reasoning), the influence of different schools of Islamic jurisprudence (*madhāhib*), and the distinct socio-political contexts within which national legal systems operate. These findings suggest that contemporary regulation of the minimum age of marriage represents a dynamic interaction between Islamic legal principles and the evolving demands of modern governance and human rights protection.

Keywords: *minimum legal age of marriage; Islamic law; marriage legislation; comparative law; child protection; Muslim-majority countries.*

Introduction

Human beings are naturally dependent upon one another, each fulfilling different roles and functions within society. This inherent need for social interaction gives rise to reciprocal relationships that evolve from informal associations into more structured and enduring bonds. From a theological perspective, this relationship was first demonstrated when God sent Prophet Adam to the earth and united him

with Eve. Their union, according to divine design, gave rise to subsequent generations that continued to develop and multiply throughout human history.

From a biological perspective, human beings cannot exist in isolation. Men and women are naturally inclined towards one another, forming relationships that fulfil emotional, social, and reproductive needs. This reality illustrates that human existence is fundamentally characterised by interdependence, with individuals seeking companionship and social connection according to their respective needs.

Theologically, God has designed human beings to exist in pairs. The Qur'an explicitly states that humanity was created in pairs so that individuals may find affection, tranquillity, and harmony in one another (Qur'an, Surah 51:49; Surah 53:45). Furthermore, the Qur'an describes men and women as adornments of worldly life and emphasises that mutual companionship is an integral aspect of human nature (Qur'an, Surah 3:14). More specifically, the Qur'an explains the process through which human beings are created, nurtured, and developed into adulthood, demonstrating that human existence and continuity are inseparable from the desire for social and familial relationships (Qur'an, Surah 49:13; Surah 49:112).

Historically, the long process of human interdependence can be traced from prehistoric civilisation through the Stone Age and into the modern technological era. Throughout these periods, the need for cooperation and mutual support has been evident in various aspects of life, including subsistence, shelter, security, economic activities, and social organisation. The subsequent stage of human development was marked by what Nurcholish Madjid referred to as the *technical age*, a period characterised by practical and technical innovation. This era witnessed humanity's increasing capacity to design and organise life through the construction of irrigation systems, bridges, transportation networks, military technology, agricultural systems, economic institutions, and other forms of technological advancement. Such achievements were made possible through collective human endeavour, cooperation, creativity, and innovation. Consequently, human civilisation emerged as the cumulative product of culture, knowledge, and social interaction, all of which depended upon the existence of human beings living and working together (Madjid, 1995, p. 135).

The existence of one human being is therefore inseparable from the existence of others. This reality is evident throughout human history, from the time of Adam and early civilisations to the contemporary technological age. Human interdependence has consistently remained a defining characteristic of social life. In a broader sense, historical evidence demonstrates that human interaction has shaped the development of civilisation through multiple dimensions. One of the most significant manifestations of this interaction is marriage. Throughout history, marriage has occupied a central position in religious scriptures, historical records, and classical legal texts. From an empirical and historical perspective within Islam, marriage

(*nikāḥ*) has undergone significant transformations throughout the development of Islamic civilisation. These transformations are reflected in changes relating to its legal status, procedural requirements, forms of marriage, and customary practices, beginning from the pre-Islamic period (*Jāhiliyyah*) and continuing through the gradual development of Islamic law. Psychologically, marriage has long been associated with maturity and readiness. Consequently, the determination of a minimum marriageable age has become an important legal issue, with significant variation among Muslim-majority countries due to differing legal, social, and cultural considerations.

Legally, regulations concerning the minimum age of marriage can be traced across the Muslim world, from Türkiye and the Middle East to Southeast Asia, including Indonesia. The formulation of such regulations has been influenced by numerous factors, particularly the dominant schools of Islamic jurisprudence (*madhāhib*) adopted within individual countries. These schools have played a vital role in shaping legal interpretations concerning the appropriate age for marriage. Historically, Türkiye occupies a distinctive position as the final centre of the Ottoman Caliphate before its dissolution under Mustafa Kemal Atatürk, whose reform agenda sought to transform the country into a modern secular state. As the last major political centre of classical Islamic civilisation, Türkiye produced significant intellectual and legal developments that later influenced legal reforms throughout the Muslim world, particularly in the field of Islamic family law.

Türkiye was the first Muslim-majority country to undertake comprehensive reform of Islamic family law through the promulgation of the *Ottoman Law of Family Rights* (*Qānūn al-Ḥuqūq al-ʿĀʾilah al-ʿUthmāniyyah*) in 1917 (Mahmood, 1972, p. 17). Owing to dissatisfaction with this legislation, the Turkish Government established a committee in 1923 to prepare a new draft family law. However, after five years of deliberation, the committee failed to produce a satisfactory legal framework. Consequently, Türkiye adopted the *Swiss Civil Code of 1912*, which was subsequently enacted as the *Turkish Civil Code of 1926* with several modifications to accommodate the country's socio-legal circumstances (Mahmood, 1972, p. 35). The reform movement subsequently extended to Lebanon. Initially, Lebanon implemented the *Ottoman Law of Family Rights of 1917* through the *Muslim Family Law Ordinance No. 40 of 1919*. This legislation was later replaced by the *Law of Rights of the Family* in 1962. Meanwhile, the Druze community enacted its own codified *Personal Status Law* under Law No. 24 of 1948 (Mahmood, *Personal Law*, pp. 215–216).

Egypt likewise introduced significant reforms in Islamic family law. Although the majority of its population adheres to the Shāfiʿī school, with a minority following the Ḥanafī school, the country experienced substantial Ottoman legal influence. Egypt enacted two landmark family laws, namely Law No. 25 of 1920 and Law No. 25 of 1929, both of which substantially reformed marriage and divorce regulations. These

statutes were later amended by Law No. 44 of 1979, commonly known as the *Jihan Sadat Law*, before being revised again through the *Personal Status (Amendment) Law* (El Alami & Hinchcliffe, p. 249).

Iran followed a comparable trajectory of legal reform. Prior to the enactment of its first Marriage Law (*Qānūn-i Iẓdawāj*) in 1931, marital matters were governed by the *Iranian Civil Code* of 1930. This legislation was subsequently replaced by the *Family Protection Act* of 1967 (*Qānūn-i Ḥimāyat-i Khānevādeh*), which was further revised in 1975. Following the Iranian Revolution of 1979, however, the Family Protection Act was repealed, reflecting the profound ideological transformation of the Iranian legal system (Abdul Halim Barkatullah & Teguh Prasetyo, *Op. Cit.*, p. 125). Developments also occurred in Yemen. South Yemen codified Islamic family law under a Royal Decree in 1942 before introducing the *Family Law (Qānūn al-Usrah)* No. 1 of 1974. North Yemen, where the majority of Muslims follow the Zaydī Shīʿī tradition, enacted *Family Law No. 3 of 1978*. Following the reunification of North and South Yemen, these regulations were replaced by *Republic Decree Law No. 20 of 1992* (See Fyzee, *Outline of Muhammadan Law*).

Jordan initially implemented the *Ottoman Law of Family Rights of 1917* before introducing Law No. 26 of 1947, which was subsequently replaced by Law No. 92 of 1951. According to El Alami, the 1951 legislation comprised 132 articles arranged into sixteen chapters and closely resembled the Ottoman Family Law in both structure and substantive provisions. It was eventually superseded by the more comprehensive *Law of Personal Status No. 61 of 1976*, while classical Ḥanafī jurisprudence continued to serve as an important legal reference (Mahmood, *Personal Law*, p. 254). Similarly, Syria initially applied the *Ottoman Law of Family Rights of 1917* before promulgating its own *Personal Status Law No. 59 of 1953*, enacted by Presidential Decree. This law was amended through Law No. 34 of 1975, one of whose significant reforms empowered courts to prohibit polygamy where no legitimate justification existed or where the husband lacked sufficient financial capacity to support multiple families (*Ibid*).

Tunisia represents one of the most progressive examples of family law reform in the Muslim world. The *Code of Personal Status (Majallat al-Aḥwāl al-Shakhṣiyyah)* No. 66 of 1956, which came into force on 1 January 1957, integrated principles derived from both the Mālikī and Ḥanafī schools while adapting them to modern legal and social conditions. The Code was subsequently amended several times, reflecting Tunisia's continuing commitment to legal modernisation. Morocco likewise codified its family law following independence through the *Mudawwanah al-Aḥwāl al-Shakhṣiyyah* (Code of Personal Status), which entered into force on 1 January 1958 after extensive legislative preparation. Similarly, Iraq enacted the *Personal Status Law No. 188 of 1959*, which underwent numerous amendments throughout

subsequent decades, including reforms permitting polygamy with widows under specific legal circumstances.

Comparable legal reforms also occurred in Algeria and Libya. Algeria introduced the *Family Code No. 11 of 1984* after prolonged legislative deliberations, whereas Libya progressively regulated family matters through legislation governing women's rights, divorce, *khul'*, maintenance, and the judicial system. By contrast, Sudan has never enacted a comprehensive codified family law. Instead, matters relating to marriage, divorce, child custody, and guardianship continue to be regulated through a series of judicial circulars (*Manshūrāt al-Qāḍī al-Quḍāh*) issued between 1916 and 1960 (Mahmood, *Op. Cit.*, p. 199).

Methods

This study employed a library research approach (Yusuf, 2014) combined with a comparative legal method to examine and compare marriage legislation across the Muslim world concerning the minimum legal age of marriage. The comparative analysis was conducted using vertical, horizontal, and diagonal approaches. The vertical approach examined the legal provisions governing the minimum age of marriage within the legal system of each country, while the horizontal approach compared the implementation of marriage laws among Muslim-majority countries. The diagonal approach was employed to analyse the social, cultural, political, and legal factors influencing the formulation and implementation of marriage age regulations. The study utilised both primary and secondary legal materials (Marzuki, 2015). The primary legal materials consisted of the marriage legislation enacted in each selected Muslim-majority country. Secondary legal materials comprised scholarly books, journal articles, undergraduate theses, master's theses, doctoral dissertations, and other relevant academic publications relating to Islamic family law and the regulation of the minimum legal age of marriage.

Data were collected through a comprehensive literature review to identify and examine relevant legal documents and scholarly references. The collected data were analysed using a comparative qualitative approach. (Novianti, 2024). This analysis focused on identifying similarities and differences in the statutory regulation of the minimum legal age of marriage, comparing legal implementation across jurisdictions, and examining the socio-cultural and political contexts that shape legal reform in different Muslim-majority countries. The findings were interpreted qualitatively to identify regulatory patterns, legal variations, and common principles governing the minimum legal age of marriage, as well as their implications for society. Ultimately, the study seeks to contribute to a deeper understanding of the development of Islamic family law and its relationship with contemporary human rights principles.

Results and Discussion

The issue of the marriageable age has long been a subject of debate in Islamic legal thought. As neither the Qur'an nor the Sunnah explicitly prescribes a minimum age for marriage, classical Muslim jurists developed differing interpretations based on the concepts of *bulūgh* (puberty), *rushd* (maturity), and the objectives of Islamic law (*maqāṣid al-sharī'ah*). The following discussion examines these theoretical foundations and their relevance to the contemporary discourse on marriage age.

Theoretical Foundations of the Marriageable Age in Islamic Law (*Fiqh*)

The Qur'an does not explicitly prescribe a specific minimum age for marriage. Nevertheless, several Qur'anic verses provide important conceptual foundations concerning maturity (*bulūgh*) and legal capacity, particularly Qur'an, Surah al-Nūr (24):32, 58–59, and Surah al-Nisā' (4):6. These verses contain key expressions, including *baligh*, *al-ṣāliḥīn*, and *rushdan*, which have been interpreted by Muslim jurists as closely related to the determination of marriageable age and legal maturity. The term *baligh*, appearing in the forms *balaghū* and *rushdan* in Surah al-Nisā' (4):6, states:

وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَن يَكْبُرُوا وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ وَكَفَىٰ بِاللَّهِ حَسِيبًا (٦)

"Test the orphans until they reach marriageable age (*balaghū al-nikāḥ*). Then, if you perceive in them sound judgement (*rushdan*), release their property to them..." (Qur'an, Surah al-Nisā' 4:6).

This verse indicates that the attainment of *bulūgh* alone does not automatically confer full legal capacity. Rather, it must be accompanied by *rushd*—the intellectual and psychological maturity necessary to manage one's affairs responsibly. Consequently, Islamic legal scholars generally distinguish between biological maturity and legal competence, recognising that the latter requires not only physical development but also sound judgement and mental preparedness.

The concept of *bulūgh* is further reinforced in Surah al-Nūr (24):58, where the Qur'an instructs children who have not yet reached puberty (*lam yabluḡhū al-ḥulum*) to seek permission before entering private quarters at specific times of the day. The verse reads:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَيْسَتْ أُنْثَىٰ لَكُمْ لَوْلَا صَلَاةُ الْفَجْرِ وَحِينَ تَضَعُونَ ثِيَابَكُمْ مِنَ الظَّهْرِ وَمِنْ بَعْدِ صَلَاةِ الْعِشَاءِ ثَلَاثُ عَوْرَاتٍ لَكُمْ لَيْسَ عَلَيْكُمْ وَلَا عَلَيْهِمْ جُنَاحٌ بَعْدَهُنَّ طَوَافُونَ عَلَيْكُمْ بَعْضُكُمْ عَلَىٰ بَعْضٍ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ الْآيَاتِ وَاللَّهُ عَلِيمٌ حَكِيمٌ (٥٨)

"...and those among you who have not yet reached puberty (*lam yabluḡhū al-ḥulum*) should ask your permission on three occasions..." (Qur'an, Surah al-Nūr 24:58).

According to the classical exegetical tradition, this verse identifies puberty through physiological signs rather than chronological age. The accompanying explanatory note clarifies that children who have attained puberty and are not within the prohibited degrees of kinship (*maḥram*) are required to seek permission before entering private spaces in the same manner as adults. This demonstrates that the Qur'an associates legal responsibility with the attainment of puberty without stipulating a fixed numerical age.

Likewise, Surah al-Nūr (24):59 states:

وَإِذَا بَلَغَ الْأَطْفَالُ مِنْكُمُ الْحُلُمَ فَلْيَسْتَأْذِنُوا كَمَا اسْتَأْذَنَ الَّذِينَ مِنْ قَبْلِهِمْ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ (٥٩)

"When your children reach puberty (*balaghū al-ḥulum*), let them seek permission as those before them sought permission." (Qur'an, Surah al-Nūr 24:59).

This verse further confirms that the primary indicator of *bulūḡh* is physiological maturity, represented by the onset of puberty rather than a predetermined age. The Qur'an therefore emphasises biological development as the threshold of legal accountability while remaining silent on any specific statutory minimum age for marriage. Another significant Qur'anic concept is found in Surah al-Nūr (24):32, which employs the term *al-ṣāliḥīn*:

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ (٣٢)

"Marry those among you who are unmarried and the righteous (*al-ṣāliḥīn*) among your male and female servants..." (Qur'an, Surah al-Nūr 24:32).

Al-Marāghī, as cited by Azhara (2005), interprets *al-ṣāliḥīn* as referring to men and women who possess the physical, economic, and personal capability to undertake the rights and obligations of marriage. Similarly, Quraysh Shihab argues that the

term denotes individuals who are mentally and spiritually prepared to establish a family, rather than merely those who are religiously devout. Marriage, therefore, requires not only financial preparedness but also psychological and emotional maturity (Azhara, 2005).

From this perspective, *al-ṣāliḥīn* constitutes an important conceptual basis for understanding marriage readiness in Islamic law. Mental maturity, emotional stability, and sound judgement are closely associated with age, although they cannot always be measured solely by chronological years. Accordingly, Islamic legal thought recognises that readiness for marriage extends beyond biological puberty and encompasses broader dimensions of personal maturity (Azhara, 2005).

وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا
أَنْ يَكْبَرُوا وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا
عَلَيْهِمْ وَكَفَىٰ بِاللَّهِ حَسِيبًا (٦)

The concept of *rushd* in Surah al-Nisā' (4):6 further strengthens this interpretation. According to *Tafsīr al-Miṣbāḥ*, the root word *rushd* signifies correctness, sound judgement, and the ability to act wisely. Al-Marāghī interprets *rushdan* as intellectual and financial maturity, enabling an individual to manage property responsibly, while *balaghū al-nikāḥ* refers to the stage at which a person has become physically capable of marriage. Rashīd Riḍā likewise argues that the expression denotes the stage at which an individual has reached reproductive maturity and consequently becomes subject to religious obligations, including acts of worship, civil transactions, and legal accountability (Azhara, 2005).

Taken together, the Qur'anic concepts of *bulūgh*, *al-ṣāliḥīn*, and *rushd* demonstrate that Islamic law does not establish a fixed numerical minimum age for marriage. Rather, the Qur'an provides general principles indicating that marriage should be undertaken only after an individual has attained biological maturity accompanied by intellectual, psychological, and social competence. Consequently, the determination of a minimum legal age of marriage has historically remained a matter of *ijtihād*, allowing Muslim jurists and contemporary legislators to formulate regulations that correspond to the changing social realities and public interest (*maṣlaḥah*).

In addition to the Qur'an, the legal foundation concerning the marriageable age in Islamic law is derived from the Prophetic traditions (*ḥadīth*). Unlike modern statutory legislation, however, the *ḥadīth* literature does not prescribe a specific numerical minimum age for marriage. Rather, it identifies the physiological and

psychological indicators of puberty (*bulūgh*) as the basis for determining legal responsibility and eligibility for marriage. One of the most frequently cited traditions is the narration transmitted by ‘Ā’ishah:

عن عائشة رضى الله عنها عن النبي صلعم قال : رفع القلم عن ثلاث عن النائم حتى استيقظ وعن الصغير حتى يكر وعن المجنون حتى يعقل او يفيق رواه احمد والاربعة الا الترمذی

"The Pen has been lifted from three persons: from the one who is asleep until he awakens, from the child until he reaches puberty, and from the insane person until he regains reason." (Reported by Aḥmad and the four Sunan compilers, except al-Tirmidhī) (Al-San'any, n.d.).

The essential meaning of this *ḥadīth* is that legal accountability (*taklīf*) begins only upon the attainment of puberty. Nevertheless, the tradition does not specify a chronological age at which puberty occurs. Instead, it identifies biological signs (*‘alāmāt al-bulūgh*), such as seminal emission for males and menstruation for females, as the principal indicators of legal maturity. Accordingly, classical Islamic jurisprudence determines the commencement of legal obligations primarily through physiological development rather than numerical age.

Another *ḥadīth*, narrated by ‘Aṭiyyah, reinforces this understanding. He reported that during the campaign against Banū Qurayẓah, the Prophet ﷺ distinguished between those who had reached puberty and those who had not based on the appearance of pubic hair. Those who had attained this sign of maturity were treated as adults, whereas those who had not were exempt. This narration indicates that the emergence of pubic hair constituted one of the recognised legal indicators of *bulūgh* for both males and females in classical Islamic jurisprudence. While these traditions identify the physiological signs of puberty, they likewise refrain from establishing a statutory minimum age for marriage. Nevertheless, discussions concerning chronological age frequently refer to the well-known narration concerning the marriage of the Prophet Muḥammad ﷺ to ‘Ā’ishah:

تزوج رسول الله صلعم وهي بنت ست وبنى بها بنت تسع ومات وهي بنت ثمان عشرة رواه مسلم

"The Messenger of Allah married me when I was six years old, consummated the marriage when I was nine years old, and he passed away when I was eighteen years old." (Muslim, n.d.).

This narration has historically been regarded by many classical jurists as evidence that marriage may be concluded before physical maturity, while consummation is deferred until the wife is considered physically capable. However, contemporary Muslim scholars increasingly interpret this narration within its historical and socio-cultural context, rather than as a universally applicable legal standard governing the minimum age of marriage. Another important narration relates to the report of Ibn ‘Umar:

عرضت على النبي صلعم يوم احد وانا ابن اربع عشرة سنة فلم يجزني و عرضت عليه يوم الخندق وانا ابن عشرة سنة فأجازني

"I presented myself before the Prophet during the Battle of Uḥud when I was fourteen years old, but he did not permit me to participate. I presented myself again during the Battle of the Trench when I was fifteen years old, and he granted me permission." (Rofiq, 1998).

Classical jurists have frequently relied upon this narration to infer that the age of fifteen represents the ordinary age at which legal adulthood is presumed in Islamic law where no earlier biological signs of puberty are evident. Consequently, the age of fifteen has become an important benchmark adopted by many jurists in determining legal capacity and marriage eligibility. Taken together, the Qur'anic verses and Prophetic traditions indicate that the concept of *bulūgh* occupies a central position in Islamic legal theory. Linguistically, *bulūgh* denotes the attainment of maturity, while legally it signifies the stage at which an individual becomes fully accountable for religious and legal obligations. A person is generally regarded as having attained *bulūgh* when he or she possesses sufficient intellectual capacity to distinguish right from wrong, has reached the age of approximately fifteen years or has experienced nocturnal emission in the case of males, or has reached approximately nine years of age or experienced menstruation in the case of females, according to the classical juristic understanding reflected in the traditional sources (Muslim, n.d.; Rofiq, 1998). Accordingly, classical Islamic jurisprudence did not establish a single universally binding minimum age for marriage. Instead, legal eligibility was principally determined by the attainment of puberty and the existence of recognised biological indicators. On this basis, the jurists of the various schools of Islamic law subsequently developed differing opinions concerning the minimum age of marriage, reflecting their respective methodologies of legal interpretation and reasoning.

The term *Muslim World* (*al-'Ālam al-Islāmī*) represents a distinctive concept in the study of religion, law, and civilisation. Unlike expressions such as *Christian World*, *Hindu World*, or *Buddhist World*, which are comparatively uncommon in academic and public discourse, the term *Muslim World* has become a well-established designation referring to the global community of Muslims and the geographical regions in which Islam has historically exercised significant religious, cultural, legal, and political influence (Suara Aisiyiah, n.d.). From a cultural perspective, the *Muslim World* encompasses the worldwide community of Muslims regardless of whether they reside in Muslim-majority or Muslim-minority countries. It therefore refers not merely to a geographical entity but to a global religious community (*ummah*) united by a common faith rather than by ethnicity, nationality, language, or political boundaries. At present, the global Muslim population is estimated to exceed 1.8 billion people, and demographic projections suggest that this number will continue to increase substantially over the coming decades, making Islam one of the fastest-growing religions in the world (Suara Aisiyiah, n.d.).

According to the *Encyclopaedia Britannica*, the Muslim World comprises societies and cultures in which Islam and its values have become socially dominant. Muslims constitute the majority population in approximately thirty to forty countries extending geographically from the Atlantic Ocean to the Pacific region, encompassing North Africa, the Middle East, Central Asia, South Asia, and parts of Southeast Asia. Although Arabs account for less than one-fifth of the global Muslim population, Islam continues to expand across diverse ethnic, linguistic, and cultural communities. In this context, the adjective *Islamic* generally refers to institutions, legal systems, cultures, and civilisations associated with Islam, whereas *Muslim* refers specifically to individuals who profess the Islamic faith. The expression *Islamic World* therefore denotes the broader socio-cultural and historical sphere shaped by Islamic civilisation, including the contributions of non-Muslim communities living within that civilisation (Encyclopaedia Britannica, n.d.).

The global Muslim community is widely recognised as the *ummah*, a religious community whose unity transcends national and ethnic identities. This understanding differs from the narrower interpretation advanced by Elie Kedourie in *Democracy and Arab Political Culture* (1992), which associates the concept of *ummah* primarily with Muslims in the Arab world. In contrast, Islamic teachings emphasise the universal brotherhood of Muslims irrespective of geographical location or national affiliation. Historically, this understanding gave rise to the ideology of Pan-Islamism, which significantly influenced political thought and reform movements throughout many Muslim-majority societies.

From a historical and geopolitical perspective, however, the term *Muslim World* is commonly used to refer to sovereign states in which Muslims constitute the majority

of the population or where Islam plays a prominent role in the legal, political, and social order. Accordingly, the Muslim World should not be understood as a single monolithic political entity but rather as a diverse collection of independent states that share common religious foundations while differing considerably in their legal systems, cultural traditions, schools of Islamic jurisprudence (*madhāhib*), and socio-political contexts (Suara Aisyiah, n.d.). Within the context of this study, the term *Muslim World* refers specifically to the Muslim-majority countries selected for comparative analysis, namely Algeria, Bangladesh, Egypt, Indonesia, Iraq, Jordan, Lebanon, Libya, Malaysia, Morocco, North Yemen, Pakistan, Somalia, South Yemen, Syria, Tunisia, Türkiye, and Cyprus. These jurisdictions were selected because they have adopted different legal approaches to regulating the minimum age of marriage, thereby providing a comprehensive basis for examining the diversity of Islamic family law across the Muslim world.

Minimum and Maximum Marriageable Age in the Muslim World

Marriage legislation across the Muslim world demonstrates considerable diversity in determining both the minimum and maximum legal age of marriage. In addition to differences in statutory age requirements, several Muslim-majority countries also distinguish between what is regarded as the normal legal marriage age and exceptional circumstances in which marriage below the statutory age may be permitted. These variations reflect differences in legal interpretation, juristic methodology, and socio-cultural contexts among Muslim-majority jurisdictions (Mahmood, 1987; Hoyle, 1990).

Table 1. Differences in the Legal Minimum Age of Marriage in the Muslim World

Source: Mahmood (1987); Tabet (2005); Mahmood (1972).

No.	Country	Minimum Legal Age of Marriage	
		Male	Female
1	Algeria	21	18
2	Bangladesh	21	18
3	Egypt	18	16
4	Indonesia	19	16
5	Iraq	18	18
6	Jordan	16	15
7	Lebanon	18	17
8	Libya	18	16
9	Malaysia	18	16
10	Morocco	18	15
11	North Yemen	15	15
12	Pakistan	18	16
13	Somalia	18	18

14	South Yemen	18	16
15	Syria	18	17
16	Tunisia	19	17
17	Türkiye	17	15
19	Cyprus	18	17

As presented in Table 1, the statutory minimum age of marriage adopted by Muslim-majority countries generally ranges from 15 to 21 years. Although a common objective is to ensure that prospective spouses possess sufficient maturity to enter into marriage, considerable variation exists regarding the age regarded as appropriate for marriage. Among the countries surveyed, Iraq and Somalia apply the same minimum marriage age to both men and women, namely 18 years. By contrast, the majority of Muslim-majority countries prescribe different minimum ages for males and females. The statutory marriage age for men generally ranges between 16 and 21 years, whereas for women it ranges from 15 to 18 years. Consequently, women are, on average, legally permitted to marry one to six years earlier than men. These legislative differences largely arise because neither the Qur'an nor the Sunnah explicitly stipulates a numerical minimum age for marriage. Instead, the primary Islamic sources emphasise maturity (*bulūgh* and *rushd*) rather than chronological age. Consequently, Muslim legislators have exercised *ijtihād* in determining statutory marriage ages according to the principles of public interest (*maṣlaḥah*), legal policy, and the socio-cultural circumstances prevailing within their respective jurisdictions.

The legal rationale for establishing a minimum marriage age is also consistent with the broader objectives of Islamic law concerning maturity and legal responsibility. Qur'an, Surah al-Nisā' (4):5, instructs believers not to entrust property to those who lack sound judgement:

"Do not entrust your property, which Allah has made a means of support for you, to those who are of unsound judgement; rather, provide for them from it, clothe them, and speak to them kindly." (Qur'an, Surah al-Nisā' 4:5).

According to the official commentary in *The Qur'an and Its Translation* published by the Indonesian Ministry of Religious Affairs, the expression *"those of unsound judgement"* refers to orphans who have not yet reached puberty (*baligh*) or adults who remain incapable of managing their property responsibly. This interpretation demonstrates that Islamic legal thought closely associates legal competence with intellectual maturity and sound judgement, rather than with biological development alone. The data presented in Table 1 indicate that the statutory marriage ages established by Muslim-majority countries represent what may be regarded as the normal legal age of marriage. Nevertheless, legislative practice reveals that

statutory age requirements do not always correspond to social realities. Mahmood's comparative study demonstrates that many Muslim-majority countries have recognised exceptions permitting marriage below the prescribed statutory age under specific legal circumstances. Such exceptions are generally subject to judicial authorisation and must be supported by legitimate and compelling reasons that protect the interests of both prospective spouses. However, not all Muslim-majority countries recognise such exceptions. The comparative legal position is presented in Table 2 (Mahmood, 1972).

Marriage Age Regulations in Islamic CountriesCustody

1. Turkey and Cyprus

Turkey introduced statutory minimum marriage ages through the *Turkish Civil Code* (1954), replacing the *Ottoman Law of Family Rights* (1917). Initially, the minimum marriage age was set at 18 years for men and 17 years for women, while courts were authorised to grant exemptions for marriages involving males aged 15 and females aged 14–15 where sufficient maturity and parental consent were established (Mahmood, 1972; Mahmood, 1987). The legal framework reflects the influence of the Hanafi school, which distinguishes between the minimum age of puberty (12 years for boys and 9 years for girls) and the maximum age of legal maturity (18 and 17 years, respectively) (Mughniyah, n.d.).

Cyprus adopted a comparable approach under the *Turkish Family (Marriage and Divorce) Law of Cyprus* (1951). The ordinary minimum marriage age was 18 years for men and 17 years for women, although courts could authorise marriage at 15 years for males and 14 years for females under exceptional circumstances and for compelling reasons. Similar to Turkey, these provisions were shaped by Hanafi jurisprudence, although Cyprus applied stricter judicial safeguards for underage marriages (Mahmood, 1972, 1987).

2. Lebanon

Marriage regulation in Lebanon was derived from the *Ottoman Family Code* of 1917. The standard minimum marriage age was 18 years for men and 17 years for women. Nevertheless, judicial exceptions permitted marriage at 12 years for boys and 9 years for girls, reflecting the influence of Hanafi jurisprudence and historical interpretations of early Islamic legal traditions, including reports concerning the marriage of the Prophet Muhammad and Aisha (Mahmood, 1972; Muslim, n.d.). These provisions also reflected Lebanon's distinctive historical and socio-political context, which influenced the development of its family law.

3. Egypt and Sudan

Egyptian family law established the minimum marriage age at 18 years for men and 16 years for women under the *Egyptian Family Laws No. 56 of 1923*. Marriages below the statutory age were not officially recognised by the courts, even if considered religiously valid, and therefore did not receive legal protection (Mahmood, 1972). Sudan adopted a different approach by emphasising physical and mental maturity rather than fixed statutory age limits. Under the *Law on Marriage-Guardianship of Sudan* (1960), judicial approval could permit the marriage of girls aged 10 years where exceptional circumstances existed, particularly where moral concerns were invoked. Mahmood (1972) describes Sudan's legal reform as distinctive because it combined both Hanafi and Shafi'i legal traditions.

4. Jordan and Syria

Jordan's *Code of Personal Status* initially prescribed minimum marriage ages of 18 years for men and 17 years for women, with judicial permission available for marriages from the age of 15. Subsequent reforms reduced the statutory ages to 16 years for men and 15 years for women, while retaining judicial oversight and requiring consideration of legal capacity, guardianship, and compatibility (*kafā'ah*) (Mahmood, 1972). Similarly, Syria's *Code of Personal Status* established minimum marriage ages of 18 years for men and 17 years for women. Courts could authorise marriages involving boys aged 15 and girls aged 13–14 upon satisfactory evidence of physical maturity and guardian approval. Both Jordanian and Syrian regulations were strongly influenced by the Hanafi legal tradition inherited from the Ottoman legal system (Mahmood, 1972, 1987).

5. Iran and Iraq

Iran established minimum marriage ages of 18 years for men and 15 years for women under the *Iranian Family Laws* (1931–1938). Unlike several other Muslim-majority countries, Iran prohibited judicial exceptions below the statutory minimum and imposed criminal sanctions, including imprisonment and financial penalties, for violations (Mahmood, 1972). Iraq, under the *Law of Personal Status* (1959), required both men and women to be at least 18 years old to marry. However, courts could authorise marriages involving individuals aged 15 where physical maturity, legal puberty, and guardian consent were demonstrated. Thus, Iraq maintained a dual system consisting of a standard legal age and a judicially supervised exception (Mahmood, 1972).

f. Indonesia

Indonesia substantially reformed its marriage law through Law No. 16 of 2019, amending Law No. 1 of 1974 by equalising the minimum marriage age for both men

and women at 19 years. The amendment was enacted following the Constitutional Court Decision No. 22/PUU-XV/2017 and was intended to strengthen gender equality, child protection, public health, and legal certainty (Law No. 16 of 2019). Although judicial dispensation remains available under Article 7(2), the reform reflects the principle of *maṣlaḥah mursalah*, aiming to promote mature, stable, and sustainable family life while reducing child marriage and divorce (Djatnika, 1992).

Conclusion

From a socio-legal perspective, the diversity of statutory minimum marriage age regulations across the Muslim world reflects the dynamic interaction between Islamic legal doctrine and the evolving socio-political realities of Muslim societies. Rather than representing a contradiction within Islamic law, these variations demonstrate the adaptive capacity of Islamic legal systems to respond to changing demographic conditions, public health concerns, child protection imperatives, and broader social transformations. The comparative findings indicate that the regulation of marriage age has become an important instrument of legal policy designed to balance religious legitimacy with contemporary societal needs. Theoretically, differences in marriage age legislation originate from the dialectical relationship between classical Islamic jurisprudence and modern legal reform. Classical *fiqh* does not prescribe a fixed numerical minimum age for marriage, but instead determines marital capacity based on *bulugh* (biological maturity) and *rushd* (intellectual and psychological maturity). Consequently, the classical schools of Islamic jurisprudence recognised puberty rather than chronological age as the principal criterion for legal capacity to marry. By contrast, contemporary Muslim-majority states have increasingly exercised *siyāsah shar'īyyah* through statutory legislation that establishes explicit minimum marriage ages as a means of protecting public welfare (*maṣlaḥah*), safeguarding children's rights, and mitigating the adverse consequences associated with child marriage, including reproductive health risks, psychological vulnerability, educational discontinuity, and marital instability.

The findings further demonstrate that contemporary legal reforms are fundamentally grounded in the objectives of Islamic law (*Maqāṣid al-Sharī'ah*), particularly the protection of life (*ḥifẓ al-nafs*) and the preservation of lineage (*ḥifẓ al-nasl*). Likewise, the doctrine of *maṣlaḥah mursalah* provides a normative basis for state intervention in determining statutory marriage ages, as such regulations serve to promote public benefit (*jalb al-manāfi'*) while preventing social harm (*dar' al-mafāsīd*) in matters that are not explicitly regulated by the primary Islamic legal sources.

Moreover, the comparative analysis reveals that variations in marriage age legislation are influenced not only by differing methodologies of *istinbāṭ* and

adherence to particular schools of Islamic jurisprudence (*madhāhib*), but also by each country's historical development, legal traditions, cultural practices, and socio-political context. Consequently, statutory marriage age should be understood as the product of an ongoing interaction between Islamic legal principles and the legislative authority of the modern state, rather than as the direct implementation of a single juristic opinion. This study demonstrates that comparative analysis of marriage age legislation in the Muslim world may be approached through two complementary analytical perspectives. The **vertical comparison** examines the relationship between classical Islamic jurisprudence and contemporary statutory legislation across Muslim-majority countries, whereas the **diagonal comparison** analyses the trajectory of Islamic family law reform and the typology of legal modernisation adopted by individual states. These complementary approaches provide a more comprehensive understanding of how Islamic family law continues to evolve in response to contemporary legal, social, and institutional challenges while remaining rooted in the normative framework of Islamic jurisprudence.

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