

Early Engagement in the View of the Shafi'i Madhhab and Positive Law in Bangkalan Community, Indonesia

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ABSTRACT

In Bangkalan Regency, there is a phenomenon of early engagement where children aged 0-6 years are matched by their parents or families without involving the children. This situation becomes problematic when individuals involved in adult engagements do not find a match, which often leads to the cancellation of the engagement. This cancellation can cause a rift between the couple and the family, and has negative impacts such as the loss of individual freedom, hindered education, and potential psychological trauma. This study highlights the potential risks associated with underage engagement to seek the law on early engagement as it occurs in Bangkalan from the perspective of the Shafi'i school of thought and positive law. The research method in this thesis uses a phenomenological method, to gain an understanding of the social reality that occurs in the community, then examined from the perspective of the Shafi'i school of thought and positive law. The results show that early engagement in Bangkalan Regency is considered halal according to the Shafi'i school of thought and positive law, as long as it meets two conditions: the relationship between a man and a woman who are not mahram, and the woman is not engaged to another person. Although legal, it is recommended that engagements not be conducted with minors to prevent potential detrimental risks.

ABSTRAK

Di Kabupaten Bangkalan, terdapat fenomena pertunangan dini di mana anak-anak berusia 0-6 tahun dijodohkan oleh orang tua atau keluarga tanpa melibatkan anak-anak tersebut. Situasi ini menjadi problematik ketika individu yang terlibat dalam pertunangan dewasa tidak menemukan kecocokan, yang sering berujung pada pembatalan pertunangan. Pembatalan ini dapat menimbulkan kerenggangan hubungan antara pasangan dan keluarga, serta memiliki dampak negatif seperti hilangnya kebebasan individu, terhambatnya pendidikan, dan potensi trauma psikologis. Studi ini menyoroti potensi risiko yang terkait dengan keterlibatan di bawah umur untuk mencari hukum pertunangan dini seperti yang terjadi di Bangkalan dalam pandangan mazhab Syafii dan hukum positif. Metode penelitian dalam tesis ini memakai metode fenomenologi, untuk memperoleh pemahaman terhadap realitas sosial yang terjadi ditengah-tengah masyarakat, lalu diteropong dalam perspektif mazhab Syafii dan hukum positif. Hasil penelitian menunjukkan bahwa pertunangan dini di Kabupaten Bangkalan dianggap halal menurut mazhab Syafii dan hukum positif, asalkan memenuhi dua syarat: hubungan antara laki-laki dan perempuan bukan mahrom, serta pihak perempuan bukan tunangan orang lain. Meskipun legal, disarankan agar pertunangan tidak dilakukan pada anak di bawah umur untuk mencegah potensi risiko yang merugikan.

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A. INTRODUCTION

The prevalence of early engagement in Indonesia remains high, making it one of the highest in the world.¹ Although prevention efforts through policies and educational programs have been implemented, structural and cultural factors hinder its reduction. According to a UNICEF report, Indonesia ranks fourth in the world for child marriage cases, with a total of 25.53 million girls married under the age of 18. Meanwhile, data from the Central Statistics Agency (BPS) in 2020 shows that the proportion of women aged 20–24 who married before 18 reached 5.9% nationally, with higher figures in West Nusa Tenggara (NTB) at 14.96%² and in West Sulawesi at 10.71%.³ This national context demonstrates that child marriage is a multidimensional issue influenced by structural and cultural factors. This phenomenon is reflected not only in legally recognized marriage practices but also in forms of premarital relationships, such as early engagement, that thrive in certain communities, including Madura.

Early engagement in Madura is the practice of binding two individuals as children or teenagers in a promise of marriage, often without the consent or full awareness of the parties involved, and largely driven by family decisions and social norms passed down through generations. The concept of early engagement in Madura is not merely a manifestation of Islamic law in the form of a marriage proposal (*khitbah*), but also a socio-cultural institution that serves to maintain honor and the continuity of kinship relations in a society that highly values collective values. In Madurese tradition, early engagement is more often initiated by the extended family to prevent dishonor, strengthen inter-family ties, and "lock" the choice of partner to prevent it from being taken by other families. The Islamic perspective is also used for legitimacy,⁴ although the substance of the implementation differs from the mere practice of marriage proposals.⁵

Early engagement in Madura, called "*abekalan*," occurs at a young age and can even occur when the prospective couple is still toddlers. The goal is to strengthen family ties and maintain honor. In practice, this system is often implemented without adequate opportunity for the child to get to know or approve of their prospective partner.⁶

Furthermore, the adaptation of national law in the form of limiting the marriage age has not fully overcome the resistance of Madurese customary norms and social practices. Data from Bangkalan in 2022 showed 1,650 underage marriages, the highest in East Java. Meanwhile, in Pamekasan,⁷ cases increased from 257 in 2022 to 297 in 2023.⁸ The number of

¹ Ariane Utomo et al., "Social Engagement and the Elderly in Rural Indonesia," *Social Science & Medicine*, Contextualizing Productive Aging in Asia, vol. 229 (May 2019): 22–31, <https://doi.org/10.1016/j.socscimed.2018.05.009>.

² Badan Pusat Statistik, "Pencegahan Perkawinan Anak Percepatan Yang Tidak Bisa Ditunda," *Badan Pusat Statistik*, 2020, 6–10. <https://puskapa.org/blog/publikasi/881/>

³ childmarriedata, "Child Marriage in Indonesia | Child Marriage Data Portal," in *Childmarriedata.Org*, preprint, 2022.

⁴ Muhammad Asril Nasrulloh and Ahamd Fauzi, "Tradisi Pertunangan Dini Di Kalangan Keturunan Suku Madura: Analisis Sosial Budaya," *Governance: Jurnal Ilmiah Kajian Politik Lokal Dan Pembangunan* 11, no. 4 (2025). <https://doi.org/10.56015/gjikplp.v11i4.447>

⁵ Moh. Maqbul Mawardi and Imrotul Konita, "Pertunangan Dalam Perspektif Orang Madura," *Hudan Lin Naas: Jurnal Ilmu Sosial Dan Humaniora* 2, no. 1 (2021): 59, <https://doi.org/10.28944/hudanlinnaas.v2i1.424>.

⁶ Mawardi and Konita, "Pertunangan Dalam Perspektif Orang Madura."

⁷ Redaksi, "Pernikahan Usia Dini Di Madura: Faktor Dan Pengaruhnya," *Mahasiswa.Co.Id*, 2025, <https://mahasiswa.co.id/pernikahan-usia-dini-di-madura-faktor-dan-pengaruhnya/10580/>.

⁸ Rasika Santoso, "Perkawinan Anak Di Madura: Antara Budaya Dan Batas Hukum," *Kumparan.Com*, 2024, <https://kumparan.com/rasika-santoso-060/perkawinan-anak-di-madura-antara-budaya-dan-batas-hukum-23hWwS4kWRL/full>.

applications for dispensation and child marriage in Madura occupies the top position⁹ in the East Java provincial recapitulation.¹⁰ The high statistical figures indicate that early engagement is not just a marginal practice, but a mainstream social phenomenon in Madura that requires special attention from the government, academics, and society.

The phenomenon of early engagement in Madura is characteristically more prominent than in many other regions in Indonesia, both in terms of age, the strength of customary norms, and the role of family authority. Madura's unique context lies in the low participation of children, the very early age of engagement (even from infancy), and the closeness of the social and religious systems to symbols of local power¹¹ such as the *kiai* and *nyai*.¹² The phenomenon in Madura is unique in terms of age, strong customary norms, the dominance of family authority, and the role of religious leaders. This requires a different approach to change than strategies in other regions with more fluid social structures open to change.

A phenomenon occurring in Bangkalan Regency, however, is prevalent, with young boys being engaged to young girls. This engagement process does not involve the prospective bride and groom, as the children are still young; it only involves their respective parents or guardians. One motive for early engagement is the perceived compatibility between the child and the prospective partner, coupled with parents' concerns that the opportunity will be lost if the matchmaking is not made soon.¹³ There is also a motivation for parents to matchmake their children at an early age, due to close kinship factors, which in the hope will make it easier for them to adapt when they enter the marriage stage.¹⁴ The consequences of this phenomenon can be twofold: a harmonious marriage between the bride and groom, or it can lead to divorce.

Research data and psychological studies reinforce the dangers of early engagement and betrothal, with serious consequences for both individuals and communities. Psychologically, early engagement and marriage pose a significant risk to identity development,¹⁵ social adaptation,¹⁶ and mental maturity.¹⁷ Children who are engaged and subsequently marry early are likely to experience trauma, stress, depression, anxiety, and even personality disorders, especially when faced with the demands of adult roles and household responsibilities.

⁹ Meilita Elaine, "Soroti Tunangan Bocah Di Madura, Unicef Gandeng LPA Jatim Cegah Perkawinan Anak," Suaraturabaya.Net, 2024, <https://www.suaraturabaya.net/kelanakota/2024/soroti-tunangan-bocah-di-madura-unicef-gandeng-lpa-jatim-cegah-perkawinan-anak/>.

¹⁰ Reportase, "Pertunangan Anak Disorot UNICEF, Langkah Pencegahan Disiapkan," Ngopibareng, 2024, <https://www.ngopibareng.id/read/pertunangan-anak-disorot-unicef-langkah-pencegahan-disiapkan>.

¹¹ L Kong, "Ideological Hegemony and the Political Symbolism of Religious Buildings in Singapore," *Environment and Planning D: Society and Space* 11, no. 1 (1993): 23–45, <https://doi.org/10.1068/d110023>.

¹² CNN Indonesia, "Pernikahan Dini Masih Marak Di Indonesia, Ancam Masa Depan Anak," CNN Indonesia, 2025, <https://www.cnnindonesia.com/nasional/20250526163200-20-1233374/pernikahan-dini-masih-marak-di-indonesia-ancam-masa-depan-anak>.

¹³ Ahmad, *Wawancara 28 Mei 2025* (Bangkalan, 2025).

¹⁴ Abu Yazid, *Wawancara 24 Mei 2025* (Bangkalan, 2025).

¹⁵ Elprida Riyanny Syalis and Nunung Nurwati Nurwati, "Analisis Dampak Pernikahan Dini Terhadap Psikologis Remaja," *Focus: Jurnal Pekerjaan Sosial* 3, no. 1 (2020): 29, <https://doi.org/10.24198/focus.v3i1.28192>.

¹⁶ Fitri Octaviani Ramadhan et al., "Dampak Psikologis Pernikahan Dini Terhadap Kesejahteraan Mental Remaja," *Jurnal Sosial Dan Humaniora* 3, no. 1 (2025): 134–40, <https://doi.org/10.62017/arima>.

¹⁷ Iwan Kuswandi, "Kematangan Emosional Siswa Bertunangan," *Autentik: Jurnal Pengembangan Pendidikan Dasar* 2, no. 1 (2018): 20–33, <https://autentik.stkippggrisumenep.ac.id/index.php/autentik/article/view/18>

Several studies have been conducted on the laws, impacts, and perspectives surrounding marriage. Among them, Mawardi's study, "*Proposal (Khitbah) in Marriage from an Islamic Education Perspective*," examines several issues related to proposals, including the definition, legal basis, and requirements. The paper also discusses education, the fundamentals of education, and the values within Islamic education.¹⁸ Meanwhile, research by Nur Rohmah Mutia, entitled "*Analysis of the Causes and Impacts of Early Marriage*," identified the causal factors of early marriage, namely individual desire, premarital pregnancy, and parental pressure. The impact of early marriage encompasses psychological, health, and social aspects, so it is important for individuals to consider physical and mental readiness and resolve personal issues before marriage, considering that life after marriage is significantly different from life before.¹⁹

Furthermore, research by Ana Latifah Muntamah examines early marriage in Indonesia. This study confirms that in the context of early childhood education, there are rights to protection, the right to play and recreation, and the right to equality. Early marriage often makes children victims of violence and discrimination and can result in a loss of parental responsibility towards them.²⁰

Based on previous literature reviews, it appears that the majority of research on early engagement or marriage still focuses on normative aspects, socio-psychological impacts, and general causal factors, without clearly distinguishing between *khitbah* (contract) from a *fiqh* perspective and engagement as a social institution. No study has comprehensively examined early engagement from the perspective of the Shafi'i school of thought and its interaction with positive and customary law, particularly in the local context of Bangkalan, Madura. The absence of conceptual mapping, limited empirical field data, and a lack of an interdisciplinary framework linking religious, state, and cultural norms create significant research gaps to be filled.

Field research highlighting the Bangkalan community's actual perceptions of the gap between Shafi'i Islamic law, positive law, and customary survival in the practice of early engagement remains very limited. Studies often focus on the Madurese case in general terms without exploring the nuances and variations specific to Bangkalan. Thus, the research entitled "Early Engagement According to the Shafi'i School of Law and Positive Law in Bangkalan Society" is highly urgent, not only to fill the academic-legal gap, but also to serve as a basis for more comprehensive public policy recommendations and advocacy. Such research is expected to produce a model integrating socio-cultural conditions, sharia norms, and state legal instruments to protect the rights of children and women in a region with strong traditions like Bangkalan.

This research focuses on three issues: First, how is the tradition of early engagement in the Bangkalan community? Second, how does the Shafi'i school view children who are still young but are engaged by their parents or guardians, without involving each child in the process. This is because they are still young and cannot be consulted. Third, how does positive

¹⁸ Mawardi et al., "Lamaran (Khitbah) Dalam Pernikahan Perspektif Pendidikan Islam," *Al-Hukmi* 3, no. 1 (2022): 129–44. <https://doi.org/10.35316/alhukmi.v3i1.2197>

¹⁹ Nur Rohmah Mutiah et al., "Analisis Penyebab Dan Dampak Pernikahan Dini (Studi Kasus Di Desa Rejosari, Kecamatan Bojong)," *Misykat Al-Anwar Jurnal Kajian Islam Dan Masyarakat* 7, no. 1 (2024): 29–38, <https://doi.org/10.24853/ma.7.1.29-38>.

²⁰ Mutiah et al., "Analisis Penyebab Dan Dampak Pernikahan Dini (Studi Kasus Di Desa Rejosari, Kecamatan Bojong)."

law view citizens who are still young but are engaged? Are there specific articles that address cases of citizens who are engaged by their parents or guardians before they are of age?

B. METHODS

This study uses a qualitative approach with a phenomenological method to understand the practice of early engagement in Bangkalan Regency in the socio-cultural context, the Shafi'i school of thought, and positive law.²¹ Data was obtained through field observations, in-depth interviews with perpetrators, religious figures, and legal experts, as well as review of relevant documents and literature.²² Informants were selected purposively to capture a variety of perspectives, while data validity was maintained through source triangulation. Data analysis followed the stages of reduction, presentation, and conclusion drawing, integrating field findings and literature reviews as part of the analytical framework.²³

C. RESULTS AND DISCUSSION

1. Engagement of Bangkalan Community Perspective

The engagement practice in Bangkalan is essentially in line with the definitions in both religious and positive law, but has local characteristics manifested in two main stages. The first stage, *nyabek oca'*, is an oral communication from one prospective family to the other without any accompanying gifts. The agreement at this stage is socially recognized as an engagement, although it is not yet formal. The second stage, *naleen* (binding), is carried out by bringing gifts in the form of money, gold, clothing, rice, or other goods to the prospective bride's family, which serves as a formal sign of recognition according to local customary norms.²⁴

Based on field findings, there are four main motives for early engagement in Bangkalan Regency. *First*, kinship motives aim to maintain and strengthen interfamily ties,²⁵ hopefully facilitating the future adaptation of the prospective couple.²⁶ *Second*, the perception of compatibility is based on parents' assessment of similarities in social and genealogical background, for example, both being descendants of *kiai*.²⁷ *Third*, the fear of the candidate being proposed to by another party when they are considered compatible encourages early engagement.²⁸ *Fourth*, the desire to maintain family honor and the continuity of social relationships. Other contributing factors include economic factors, particularly in lower-middle-income families who hope to reduce their financial burden through child marriage, and educational factors, where low parental education levels correlate with the view that marriage is more important than continuing one's studies.²⁹

The involvement of the prospective bride and groom in the decision-making process is very limited. At the *nyabek oca'* stage, the decision is generally made by the parents or guardians without consulting the child. Notification is only made before or during the *naleen*

²¹ Lexy J Moleong, *Metodologi Penelitian Kualitatif*, 29th ed. (Remaja Rosdakarya, 2011).

²² Kusumastuti and Mustain, *Metode Penelitian Kualitatif* (Lembaga Pendidikan Soekarno Presindo, 2019).

²³ Lexy J Moleong, *Metodologi Penelitian Kualitatif*.

²⁴ Sirojuddin, *Wawancara 4 Juli 2024* (Bangkalan, 2024).

²⁵ Yazid, *Wawancara 24 Mei 2025*.

²⁶ Hasan Basuni, *Wawancara 10 Juli 2025* (Bangkalan, 2025).

²⁷ Ahmad, *Wawancara 28 Mei 2025*.

²⁸ Ahmad, *Wawancara 28 Mei 2025*.

²⁹ Nasrulloh and Fauzi, "Tradisi Pertunangan Dini Di Kalangan Keturunan Suku Madura: Analisis Sosial Budaya."

stage. Interviews revealed a variety of responses: some accepted the decision out of respect for the family's decision, others objected but found it difficult to refuse due to kinship factors, and still others negotiated a postponement until after completing their education. This limited participation limits children's ability to express their preferences and demonstrates the strong dominance of family authority.

Analytically, this practice reflects patterns of kinship alliances in communal societies, where engagement serves as a social bonding mechanism and a symbol of honor. Compared to the concept of *khitbah* in Shafi'i fiqh, engagement in Bangkalan has a stronger customary dimension and has implications for children's participation rights as stipulated in Marriage Law Number 16 of 2019 and the Compilation of Islamic Law. From a child protection perspective, minimal involvement has the potential to undermine the principle of the best interests of the child, necessitating further study to formulate policies that are sensitive to cultural values while guaranteeing children's rights.

2. The Impact of Early Engagement, Madurese Family Hierarchy, The Local Context of Bangkalan, and an Overview of The Syafi'i School of Thought

Based on field findings, the impact of early engagement in Bangkalan is only apparent once the couple enters married life. Initial compatibility between prospective partners is a key indicator of a relationship's longevity. If compatibility is present from the outset, the relationship tends to be stable; conversely, initial incompatibility has the potential to lead to conflict.³⁰ Early engagement also impacts education. Most perpetrators only complete junior high or high school. Furthermore, children lose autonomy in choosing a life partner, as engagement decisions are generally made by parents or guardians.³¹

In Madurese society, there are four highly respected figures: *buppa'* (father), *babbu* (mother), guru, and *rato* (leader).³² Their orders are considered absolute and cannot be violated. Belief in "*belet*" (karma) strengthens obedience to the orders of parents and teachers, including in matters of engagement. Early engagement is often viewed as the best decision by parents, citing the need to uphold family honor and avoid karma. Religious doctrine also strengthens the position of parents and religious figures as the determinants of a child's future.³³

Based on interviews, there are four main motives for early engagement in Bangkalan: *first*, kinship, which aims to maintain family ties and facilitate adjustment within the household. *Second*, compatibility (*Kufu'*), which is parental concern about the possibility of their child marrying a partner who does not meet their expectations. *Third*, social control, which aims to prevent promiscuous relationships or choosing partners deemed inappropriate. *Fourth*, economics and education, which some families view early engagement as a solution to limited economic and educational access.

Engagements are conducted from the time a child is still in the womb until the age of six, without confirmation to the child. The engagement status is only disclosed when the child

³⁰ Basuni, *Wawancara 10 Juli 2025*.

³¹ Nasrulloh and Fauzi, "Tradisi Pertunangan Dini Di Kalangan Keturunan Suku Madura: Analisis Sosial Budaya."

³² Taufiqurrahman, "Identitas Budaya Madura," *Karsa* 11, no. 1 (2007): 11. <https://doi.org/10.19105/karsa.v11i1.143>

³³ Surokim, *Madura: Masyarakat, Budaya, Media, Dan Politik* (Puskakom, 2015).

reaches adulthood. There are differences in attitudes among respondents. Some accept engagement as part of tradition and parental wishes. Others express resistance, especially when they feel incompatible with the chosen partner.

Data were obtained through interviews with adolescents, parents, and religious leaders. Triangulation was conducted to ensure consistency of information. Religious leaders generally support early engagement as long as it does not violate Islamic law, while some adolescents show resistance to the practice. According to the Shafi'i school of thought, engagement is permissible as long as there is no mahram relationship between the prospective partner and the unengaged woman.³⁴ Early engagements in Bangkalan are generally between cousins, thus excluding mahrams. No cases of early engagement involving individuals who were already engaged have been found. Therefore, this practice is considered valid under Islamic law.

3. Early Engagement Law in Bangkalan from a Positive Legal Perspective

In the positive law perspective, engagement is explained in the book *Compilation of Islamic Law in Indonesia* published by the Ministry of Religion of the Republic of Indonesia. In the book, Chapter III, article 11, it is stated "Proposals can be done directly by people who want to find a soul mate, but can also be done by trusted intermediaries."³⁵ Next, Chapter III, Article 12 explains several provisions related to the proposal:

1) a marriage proposal can be made to a woman who is still a virgin or to a widow whose iddah period has ended, 2) a woman whose husband is still in the iddah raj'iyah period, is haram and prohibited from proposing marriage, 3) it is also prohibited to propose to a woman who is being proposed to by another man, as long as the man's proposal has not been broken off or there has been no rejection from the woman, 4) a man's proposal is broken because of a statement about the breakup of the relationship or secretly. The man who is being proposed to has distanced himself and left the woman he is proposing to.

Of these four provisions in Chapter III, Article 12, only provision three is relevant to this topic. Provision four, however, is an explanation of provision three, concerning the status of women who are engaged to another person.

a. There is a Will

The existence of the compilation of Islamic law in positive law, according to history, is based on Presidential Instruction (Inpres) No. 1 of 1991. This Inpres was then followed up by a joint decision of the Chief Justice of the Supreme Court and the Ministry of Religion dated March 21, 1985. (June 1, 2024). *Compilation of Islamic Law*.³⁶ In the compilation of Islamic law, Chapter III, article 11, it is written: "A proposal can be made directly by someone who wants to find a soul mate, but it can also be done by a trusted intermediary".³⁷

Based on this explanation, the positive legal version of engagement is that it is carried out by a willing party. The word "will" here can be understood as the will of one of the parties.

³⁴ Ibrāhīm ibn Muḥammad ibn Aḥmad al-Bājūrī, *Ḥāshiyat Al-Bājūrī 'alā Sharḥ Ibn Qāsim al-Ghazzī 'alā Matn Abī Shujā'* (Dār al-Fikr, 2009).

³⁵ Kementerian Agama RI, *Kompilasi Hukum Islam Di Indonesia* (Ditjen Bimas Islam Kemenag RI, 2018).

³⁶ Saiful, "Kompilasi Hukum Islam Dalam Perspektif Politik Hukum Indonesia," *Mahkamah Agung Republik Indonesia Direktorat Jendral Badan Peradilan Agama*, no. 1 (2013).

³⁷ Kementerian Agama RI, *Kompilasi Hukum Islam Di Indonesia*.

Early engagements in Bangkalan are announced to both parties when they reach adulthood. Therefore, early engagements in Bangkalan are permissible and legal, as they are based on the will of one of the parties.

b. Not Someone Else's Fiancé

In positive law, engagement requires not only the consent of both parties but also the woman's fiancée.³⁸ The Compilation of Islamic Law in Indonesia states: "It is forbidden to propose to a woman who is engaged to another man, as long as the proposal has not been broken off or there has been no rejection from the woman".³⁹ From the text of the law, we can understand that the practice of early engagement in Bangkalan is legal under state law, provided the woman is not engaged to another person.

Verses 3 and 4 clearly explain how the rules regarding proposals must be implemented. A woman may not be proposed to if she is engaged to another person, unless the first engagement has broken up, or the woman has rejected the man's first request. The termination of a marriage proposal in Islamic law is indicated by a statement of separation or the man leaving the proposed woman.

Based on the provisions of the engagement in the Shafi'i school of thought or those affiliated with the Shafi'i school of thought, early engagement, as observed in Bangkalan, is permissible. Likewise, from a positive legal perspective, the practice of early engagement, as observed in Bangkalan, is legal. Seeking the consent of both brides and grooms under the Shafi'i school of thought is only obligatory for the groom. Meanwhile, for women who are still virgins, the law is not obligatory, or in other words, a guardian has the right to force (ijbar) on a woman who is still a virgin, with the condition that the two of them must be kufu' or harmonious.⁴⁰

Meanwhile, concerns about the incompatibility of the bride and groom in the future, when they are married, must be taken into consideration. Early engagements, which are usually carried out in Bangkalan, are carried out by their parents or guardians, if they already have the view that the two are compatible or compatible. Based on the findings of two respondents, they said that their parents or guardians carried out early engagements, on the grounds that their future is seen as sakinan mawaddah warohmah, if they marry, in the sense that their compatibility and future are truly a consideration for guardians or parents in Bangkalan who want to betroth their children early.

D. CONCLUSION

The practice of early engagement in Bangkalan Regency, based on the Shafi'i school of jurisprudence and Indonesian positive law, can be categorized as normatively legitimate. This is because it is generally carried out between individuals who are not mahram (unclear relatives) and does not involve parties who are already engaged. However, this legal validity only reflects the formal aspects and does not necessarily erase the social and psychological complexities that accompany the practice. These findings indicate the dominance of

³⁸ June S. Katz and Rondald S. Katz, "The New Indonesian Marriage Law: A Mirror of Indonesia's Political, Cultural, and Legal Systems," *American Journal of Comparative Law* 23 (1975): 653, <https://heinonline.org/HOL/Page?handle=hein.journals/amcomp23&id=659&div=&collection=>.

³⁹ Kementerian Agama RI, *Kompilasi Hukum Islam Di Indonesia*.

⁴⁰ 'Abd al-Rahmān ibn Muḥammad ibn Ḥusayn ibn 'Umar Bā'alawī al-Shāfi'ī al-Ḥaḍramī, *Bughyat Al-Murtašidīn Fī Talkhīṣ Fatāwā Ba'ḍ al-A'Immah Min al-'Ulamā' al-Mujtahidīn* (Dār al-Fikr, 1994).

traditional norms and family authority in determining the direction of children's lives, especially in Madurese society, which upholds social and religious hierarchy. Early engagement serves as a social strategy to maintain kinship, control partner choice, and maintain family honor. However, this approach often ignores children's autonomy and the potential for conflict as they grow older, especially if the couple is incompatible. Critically, this practice raises serious questions within the framework of child protection. Although legally not in violation of formal provisions, the engagement of minors without their active consent risks diminishing their rights to freedom of choice, education, and healthy psychological development. Within the context of national regulations, this practice needs to be reviewed through the perspective of children's rights and social protection policies. In line with the research objective, which is to analyze the dialectic between Islamic law, positive law, and social reality, the Bangkalan case demonstrates that these three dimensions are not always aligned, and that tension often arises between normative legitimacy and the resulting social impacts. Academically, this research makes an important contribution to enriching discussions on the intersections between local traditions, classical Islamic jurisprudence, and modern legal regulations in Indonesia. With its interdisciplinary approach, this study opens up space for more inclusive, child-rights-based policy evaluations and encourages the reinterpretation of religious norms within a changing social context.

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