

# Harmonization of Islam and human rights: judges' legal arguments in rejecting child marriage dispensation in Sukadana, Indonesia

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This article analyzes the rejection of an application for child marriage dispensation at the Sukadana Religious Court, Indonesia. Normatively, building a family and preserving the lineage are human rights, but the judges reject the application for the marriage dispensation. This normative research used observation, interviews, and documentation to collect data. In rejecting the marriage

dispensation, the Religious Court judges used two arguments: normative (*fiqh* rules) and juridical (regulations related to human rights). The legal arguments integrate Islamic values (benefits and avoiding disgrace) with human rights principles. They seek to protect the petitioners' human rights, especially children's rights. From the finding above, the researchers suggest that there is no conflict between Islam and human rights. Both harmonize in their value of protecting the citizens. This study has implications for the increased unregistered marriages that do not have legality.

Artikel ini menganalisis penolakan permohonan perkara permohonan dispensasi nikah anak di bawah umur di Pengadilan Agama Sukadana, Indonesia. Secara normatif, membina keluarga dan melanjutkan keturunan merupakan hak bagi setiap manusia. Namun, permohonan dispensasi nikah tersebut ditolak hakim. Artikel ini merupakan penelitian normatif dan menggunakan teknik pengumpulan data melalui observasi, wawancara dan dokumentasi. Para penulis menemukan bahwa hakim pengadilan agama menggunakan dua argumentasi, normatif (kaidah fikih) dan yuridis (regulasi terkait Hak Asasi Manusia/HAM), untuk menolak permohonan dispensasi nikah anak di bawah umur. Argumentasi hukum hakim tersebut mengintegrasikan nilai-nilai Islam, kemashlahatan dan menghindarkan kemadhorotan, dengan prinsip-prinsip HAM. Hakim berupaya untuk melindungi hak asasi dari para pihak pemohon, khususnya perlindungan terhadap hak-hak anak. Para penulis berargumentasi bahwa tidak ada pertentangan antara Islam dengan HAM. Sebaliknya, keduanya mengalami harmonisasi karena sama-sama mengandung nilai perlindungan terhadap warga negara. Studi ini berimplikasi terhadap maraknya pernikahan di bawah tangan yang tidak memiliki legalitas hukum.

**Keywords:** *Child Marriage; Human Rights; Islam; Legal Arguments; Marriage Dispensation;*

## **Introduction**

The difference in provisions regarding the age limit for marriage between classical *fiqh* and the Marriage Law in Indonesia creates problems. Classical *fiqh* stipulates, in the opinion of most classical scholars, that someone who is going to marry must have reached *baligh* (Asrori 2015, 807). The marriage age limit rules in Indonesia are regulated in Law No 16 of 2019. Marriage will only be permitted by the Religious Affairs Office (KUA) if the bride and groom reach the age of nineteen (Sitorus 2019, 190). If the two have not reached the age of nineteen, they can ask the Court for dispensation (Putra 2015, 4). The difference in the provisions regarding the age limit for marriage in the two laws has an impact. If referring to the provisions of classical *fiqh*, marriage carried out is unregistered or *Siri*. Its legality is only according to religion, but it has no legal force because it is not recorded by the government institution. On the other hand, if referring to the marriage law, and the Court grants the application for a marriage dispensation, the marriage status is legal

according to religion and state law. The implication is that marriage has legality because it is registered (having a marriage book).

As in this article, the case regarding the application for a child marriage dispensation registered with the Registrar of the Sukadana Religious Court No.48/Pdt.P/2019/PA.Sdn, the request for a marriage dispensation by the Sukadana Religious Court was not granted because the Sukadana Religious Court rejected it based on normative and juridical considerations. One of the considerations of the Sukadana Religious Court rejecting the application is that the applicant (prospective husband) is only 18 years and 2 months old, while in the marriage law as above, the minimum age limit for marriage for a man is 19 years. With the marriage dispensation application not being granted, the bride and groom continued to marry in the end. The marriage was carried out in accordance and fulfilled the requirements and pillars of marriage in Islam. It is just that the marriage was not recorded by the KUA. The rejection of the child marriage dispensation is interesting to study from a human rights perspective. Article 10 paragraph (1) of Law Number 39 of 1999 concerning Human Rights explains that *everyone has the right to form a family and preserve their lineage through legal marriage.*

The rejection of the child marriage dispensation arose a debate among legal experts. The opposing group argued that the judge's *ijtihad* was contrary to human rights, referring to Article 10's provisions. The difference in views on human rights is because, theoretically, the concepts of Islamic and western human rights (or international human rights) are different in their approach to meaning. The meaning of Western human rights is focused on the anthropocentric approach, while the approach to the meaning of human rights in Islam is focused on theocentric (Asnawi 2012, 35–36). Anthropocentric is the fulfillment of human rights centered on individual humans, meaning that humans are rights owners (Kosasih 2003, 37). While theocentric is centered on God, meaning that Islamic human rights emphasize the public benefit, not individuals as desired by God, which has been regulated in sharia. Human rights in Islam suggest that the application of individual rights is not allowed to cause violations or harm to the rights of others (Kosasih 2003, xxii.). So it can be said that Islamic human rights emphasize the more comprehensive benefit, while Western human rights emphasize personal happiness, meaning that individual humans are the focal point of happiness; therefore, human rights in the western concept are more

individualistic. In addition, Western human rights focus on fulfilling individual human rights, while Islamic human rights not only focus on human rights but also emphasize human obligations (Asnawi 2012, 38). For this reason, from the two views of the pros and cons above, in the researchers' opinion, this article is interesting to analyze in depth the harmonization of Islam and human rights rules that were used as arguments by the Sukadana Religious Court judge in rejecting the case for the application for dispensation for marriage of minors.

In several previous research studies, there have been many studies that examine the child marriage dispensation. From those studies, it can be grouped into two typologies, namely granting the marriage dispensation and rejecting the marriage dispensation. The typology of research that grants marriage dispensation is conducted by Haris Hidayatulloh. This study analyzes Islamic law on the basis and considerations of judges in determining marriage dispensation cases Number 0362/Pdt.P/2017/PA.Jbg. It explains that the Religious Courts granted the request for marriage dispensation because the judge believes that if the application is not granted, it will impact harm. The legal argument is based on fiqh rules to find the value of the benefit (Janah and Hidayatulloh 2020, 34). Another study was conducted by Widihartati Setiasih, aiming to describe and explore the dispensation of underage marriage in the decisions of religious court judges in Central Java Province. This study explains the many results of the decisions of the Religious Courts in Central Java, which reject the application for marriage dispensation. The argument of the religious court judges is to prevent divorce because underage marriages are prone to disputes in the household and impact the household's integrity (Setiasih 2017, 244).

This article is different from previous studies. Even though all of them study the marriage dispensation in the Religious Courts, this article focuses on exploring the harmonization of Islamic values with human rights, which is used as the legal argument of the Sukadana Religious Court judges in rejecting the application for child marriage dispensation. For this reason, this article aims to explain the legal opinions of the Sukadana Religious Court judges in rejecting the application for child marriage dispensation and how the harmonization of Islam and human rights is in the legal arguments used by the Sukadana Religious Court judges.

## **Method**

This normative research was conducted at the Sukadana Religious Court, Lampung Province, Indonesia, with a qualitative method. The primary data source is the Decision of the Sukadana Religious Court No. 48/Pdt.P/2019/Pa.Sdn. In addition to documentation, observation and interviews were used in collecting the data. This research was carried out for 6 months (July-December 2019). The observation was made by observing the trial process in the case of an application for a child marriage dispensation. It was done from the first trial to the determination trial to explore in-depth data related to the basis of the judges' legal arguments. Interviews were conducted with the judges who decided the case for the dispensation application to obtain data associated with the legal basis used by the judges' arguments in Islam and international human rights perspectives in determining the rejection of the child marriage dispensation.

## **Provision of child marriage and marriage dispensation in Indonesia**

Indonesia is a state of law, so in resolving a case, the public and law enforcers such as judges must still be guided by the written law for legal certainty (Asnawi 2016). As well as marriage, the Indonesian state has regulated marriage, both procedures, material and formal requirements, and so on. Including related the minimum age requirement for marriage, which is regulated in Law No. 16 of 2019, concerning Amendments to Law No. 1 of 1974 concerning Marriage, which explains that the minimum age requirement for the prospective bride to be married is 19 years old. This provision applies to both men and women. If there are couples who are going to get married, but the age of the two candidates is still below 19 years, this is categorized as underage marriage (Muqaffi, Rusdiyah, and Rahmi 2022, 362).

In underage marriages, the KUA as a marriage registrar will also not provide marriage registration services unless the Court Institution stipulates the age dispensation for marriage to the candidate. Juridically, the rules regarding the age dispensation for marriage are regulated in the Regulation of the Supreme Court of the Republic of Indonesia Number 5 of 2019 concerning Guidelines for Adjudicating Applications for Marriage Dispensation. The regulation provides legal protection for someone who will marry, but the age of the prospective bride and groom is still underage. So that underage marriage has legality because

they are recorded by the KUA, the parties interested in carrying out the legitimacy of the marriage can first apply for the dispensation of marriage age to the Court. However, in the trial process for the age dispensation application, the Court did not immediately grant the applicant's request. The Court will look at the facts of the trial, both witness statements and strong evidence, which will be used as the basis for the judge's legal considerations to reject or grant the application for dispensation of marriage age.

Age under 19 years is said to be the age of children because, at this age, a person is said to be not old enough as a legal subject. If the marriage is carried out under age, it will put both partners at risk for the marriage. They are mentally and biologically immature, so there is a risk of divorce, and an infantile uterus will be at risk of death for the mother and child to be born. In addition, underage marriages are very vulnerable to poverty because they are not economically ready to work and pave the way for child exploitation which, because of marriage, they end up having to work and take care of children (Janah and Hidayatulloh 2020, 37).

Meanwhile, normatively, classical fiqh regulates the age limit for marriage as an indicator that the two candidates have reached puberty. According to Achmad Asrori, referring to Hanafi scholars, *baligh* is when males turn 18 and females turn 17. The Shafi'i school provides a limit of 15 years for males and 9 years for females. According to Hanbali, both males and females are 15 years old. While the Maliki school marks maturity by growing hair in several places/parts of the body. The qualification of *baligh* with the age limit as above also affects the rules for the age limit for marriage in various Islamic countries in the world (Asrori 2015, 807). The period of puberty is the adult period of everyone's life. An indicator of maturity for a person is if males have issued semen and if females have given menstrual blood or have become pregnant (Janah and Hidayatulloh 2020, 49). Marriage provisions in Islam require *baligh*; in addition to the indicators above, a person can be said to be *baligh* if they can distinguish between good and evil (Hayat 2018).

Historically, the fiqh provisions related to *baligh* have become constructions for the formation or formulation of the legality of the marriage law in Indonesia, which explains that the minimum age as a requirement for marriage is 18 years for men and 16 years for women. This provision is an indicator of a person's age maturity. However, in 2019 the

provision was then carried out by a judicial review to the Constitutional Court, 18 years for men and 16 years for women to 19 years for both men and women. Article 15 of the Compilation of Islamic Law explains, *“for the benefit of the family and household, marriage may only be carried out by the prospective bride and groom who have reached the age stipulated in Article 7 of Law no. 1 of 1974.”*

### **The rejection of child marriage dispensation: case description**

Before describing the form of harmonization of Islam and human rights, which is used as a legal argument for the judge of the Sukadana Religious Court, Lampung, to reject the application for a child marriage dispensation, the researchers first need to describe the problem of the application for a marriage dispensation. It is a case handled by the Sukadana Religious Court, East Lampung Regency, Lampung Province, with determination no. 48/Pdt.P/2019/Pa.Sdn. Previously, on 2 September 2019, the applicant applied for a marriage dispensation, registered with the Registrar of the Sukadana Religious Court Number 48/Pdt. P/2019/PA.Sdn.

The identity of the applicant for the child marriage dispensation is as follows: The applicant wants to marry off his biological child named AY s/o S, with the place and date of birth is Sukadana Ilir, 25 July 2001, a Muslim living in Hamlet V, RT 020/RW 009, Muara Jaya Village, Sukadana District, East Lampung Regency, with his future wife SA d/o AR, place and date of birth is Sukadana Ilir, 02 April 2000 a Muslima living in Hamlet V, RT 024/RW 009, Sukadana Ilir Village, Sukadana District, East Lampung Regency, which will be carried out and registered before the Marriage Registrar at the Sukadana District Religious Affairs Office.

The application for child marriage dispensation is because the applicant's child is only 18 years and 2 months old, and therefore the intention has been rejected by the Sukadana Religious Affairs Office, East Lampung with Letter No. 48/Pdt.P/2019/PA.Sdn. The conditions for carrying out the marriage, according to the provisions of Islamic law and applicable laws and regulations, have been fulfilled, except that the age requirement for the Petitioner's child has not yet reached the age of 19 years. However, the marriage is urgent to continue because the two have been dating since 2017, and the relationship between the

two is so close, so the Petitioner is very worried that an act prohibited by the provisions of Islamic law will occur if not married immediately. The Petitioner's child is a bachelor who has reached puberty, is ready to become a husband and/or head of the family, and has worked as a workshop employee with a fixed monthly income of approximately two million rupiahs. Likewise, his prospective wife is ready to become a wife or housewife.

The Petitioner submitted an application for the Court to grant dispensation to AY s/o S to marry SA d/o AR, because their marriage had been rejected by the Marriage Registrar at the Religious Affairs Office of Sukadana District, East Lampung Regency, Lampung Province, as AY s/o S is currently aged eighteen years, because the relationship between the two is so close, that it is feared that an act prohibited by law will occur.

### **Legal arguments in rejecting child marriage dispensation**

The legal arguments considered by the Sukadana Religious Court judges in rejecting the application for marriage dispensation were based on normative arguments based on Islamic values, namely fiqh rules related to *maslahah*, and juridical arguments on human rights principles. The two legal arguments adopted by the Sukadana Religious Court judges were based on the facts at trial because the judge considered the following matters:

First is the economic aspect. The judge saw the weak economic resilience of the prospective husband and feared that divorce would occur in the future. In the trial process, the judge advises the prospective husband that a husband is obliged to meet the needs of household life, such as living, *kiswah* (clothing), food, place to live, care and treatment costs, to the cost of education if they are blessed with children. The fact is that AY s/o S already has a job, but the judge did not get a clear explanation of the nominal amount of AY's income. In the judges' panel opinion, this does not necessarily guarantee the fulfillment of all of SA d/o AR's needs during her household because AY s/o S's income is only enough to support his own life, not a family. So, if granted, AY s/o S's household life with his future wife has the potential to experience economic difficulties in meeting the needs of a decent life. Meanwhile, the judge's view is that non-fulfillment of the necessities of a decent life can lead to divorce and abandonment of children born from marriage, as well as increasing the economic burden on the abandoned family or the family will share in



the needs and survival of family members who experience the divorce (Interviews with judges). Sukadana Religious Court).

The second is the emergency aspect. The judge saw that the relationship between AY s/o S and SA d/o AR was still within reasonable limits. This was reinforced by both statements that they had never committed adultery as prohibited in Islamic law (The Quran Surah al-Israa:32), so there is no urgent need to immediately marry AY s/o S with SA d/o AR because of the benefit factor, especially to maintain the descendants (*hifẓ al-nasf*). Moreover, to reach the age of nineteen years, AY s/o S only takes another ten months.

The third is the psychological aspect. The judge explained to the applicant the rules of Article 7 paragraph (1) of the Law No. 1 of 1974 concerning Marriage that a person is only allowed to marry if he has reached 19 years old, both male and female, while that AY s/o S married SA d/o AR at that time is only 18 years and 2 months old. As Article 15 of the Compilation of Islamic Law also explains, "*for the benefit of the family and household, marriage may only be carried out by the prospective bride and groom who have reached the age stipulated in Article 7 of the Law. No. 1 of 1974*" (Tamam 2010). The primary purpose of the judge's consideration following Article 7 paragraph (1) of Law Number 1 of 1974 concerning Marriage is explained in the General Elucidation number 4 (four) letter D, that is, for the prospective husband and wife to become mature physically and mentally. So, they can realize the purpose of marriage properly without ending in divorce and getting good and healthy offspring, which will benefit them, especially for maintaining the descendants (*hifẓ al-nasf*).

The judge considered that the arguments filed by the applicant were legally weak. So, the judges cannot grant the application for the child marriage dispensation with the considerations above. Referring to Amsari Damanik's research, the case of a marriage dispensation application in which the result of the determination was not granted by the judge was because the judge considered the level of benefit and avoided the occurrence of bad things (Damanik 2021, 1073).

### **Harmonization of Islamic values and human rights**

The researchers found that the judge rejected the application for the child marriage dispensation, which was used as the basis for the judge's legal argument to integrate the

normative and juridical arguments (Islam and human rights). In determining the rejection of the case, two legal aspects were found which both complement and strengthen each other. The two arguments are the harmonization of Islam and human rights pursued by the judges, namely exploring the principles contained in *maqashid al-shari'ah* and trying to protect human rights between the petitioners.

The normative argument, as the legal basis for the Sukadana Religious Court judges, refers to Islamic values contained in the rules of fiqh. The rules of fiqh include: "*tassaroful imami alaa rungiyati manutunn bil mashlahati*", The rule explains that the government's policy for the people must be based on *maslahah*. In this case, the Sukadana Religious Court was part of the government agency rejecting the application for a child marriage dispensation to provide the applicant's benefit. The judge prioritizes *maslahah*, namely consideration of goodness and denying damage in society and efforts to prevent harm. The intended benefit is avoiding divorce and things that will open up the occurrence of destruction in the household if an underage marriage is dispensed. The judge's refusal argued that underage marriage would open up opportunities for evil, so Islam teaches that all events that can lead to evil must be avoided or prevented, as the fiqh rule "*al-dhararu yuzalu*" which means that evil must be avoided or eliminated. This rule is based on *maqashid al-syari'ah al-'ammah* (the general purpose of sharia), namely realizing the benefit of humankind.

The rejection of the application for child marriage dispensation in the Sukadana Religious Court is also in line with the rule "*dar'ul mafaasid muqaddamun alaa jalbil mashaalih*", which explains that preventing harm takes precedence over attracting benefit. By referring to the rules, marriage is a legal event for the purpose of glory, namely to worship and continue the descent, the noble purpose of marriage is *maslahah*, but if the marriage can create opportunities for damage or evil, then preventing the badness is prioritized over the realization of the marriage itself. In the case of the application, the granting of the marriage age dispensation for minors to marry can be accepted by common sense if it benefits the two prospective brides. However, if it is felt that the child marriage dispensation can open up divorce and harm to the husband and wife and the children resulting from the marriage, the marriage dispensation must be rejected for benefit. The judge's *ijtihad* in refusing the application for a child marriage dispensation was following the benefit of preventing

unwanted things from happening (Interview with the Sukadana Religious Court judge).

The judge is not bound by positive law in granting the age of marriage dispensation. Judges are allowed to carry out *ijtihad* or certain legal discoveries. Even though the age limit for marriage requirements has been regulated, at the practical level, the implementation is flexible, considering the extent of the emergency, whether it is still at the level of reasonableness to be tolerated, or is it an emergency. This means that if it is a case of an emergency to avoid *mafsadah*, dispensation must be given and immediately married. As reviewed above, the Marriage Law and Islamic rules used as the legal basis for the *ijtihad* of judges have their respective benefits regarding marriage dispensation. Still, normative law is more contextual and prioritizes the advantage of religion to prevent bad things and will fall into form of slander and violation. Based on the considerations above, the panel of judges believes that the applicant's application has no legal basis, so it is considered unproven. Accordingly, the application should be rejected, as stated above. The description above is an implementation of Islamic values, namely benefit, used as an argument for judges. If the Sukadana Religious Court continues to grant the applicant's request, then the Sukadana Religious Court has departed from the provisions of the Law No 16 of 2019. Moreover, it is against the child protection law, because marriages it is considered as an underage marriage. This is referred to in the research conducted by Habib Shulton Asnawi, who explained that underage marriages will significantly impact both parties (Asnawi 2013).

In addition to the normative arguments above, rejecting the dispensation for marriage for minors, the Sukadana Religious Court judges also used juridical arguments based on the values or humanitarian principles contained in human rights regulations, especially the protection of children's human rights. The Sukadana Religious Court, a law enforcer who is part of a country, also plays an active role in law enforcement. It is constitutionally mandated to carry out law enforcement efforts based on protecting and fulfilling citizens' human rights (Arinanto 2003). Efforts to protect human rights against citizens cannot be separated from the state's role. The state must protect its citizens from injustice, discrimination, and so on.

Referring to human rights terminology, human rights are basic rights owned by humans. These rights are absolute and have been inherent since birth. These rights are given not

by legislation, society or the state but by God Almighty (Nasution and Nasution 2021). In addition, the human rights principle is that every person is born free with dignity as a human being. Human rights are categorized as experiencing violations if a person, group, or even state apparatus intentionally or unintentionally limits, reduces, or revokes those human rights (See Article 1 Point 6 of Law No. 39 of 1999).

In determining the application for a child marriage dispensation, the judge did not grant the application. The judge considered the reasons for the applicant did not have strong defenses. The judge's consideration is taken after seeing the trial facts process, both from the testimony of witnesses and the statements of the applicant's parties.

From a human rights perspective, the determination results follow human rights regulations, especially protecting children's human rights. This is as stated in Article 52 (1) of the Law. No. 39 of 1999 concerning Human Rights says that every child has the right to protection by parents, family, community, and state. In particular, regulations related to protecting children's rights are contained in the Act. Child protection and efforts to protect women's and children's rights are the Indonesian state's priority agenda (Mursyid Djawas, Gamal Achyar, Nursyirwan Bustanul Arifin, Masri Reza 2022). Moreover, the Indonesian state has also ratified international conventions on children's rights, namely the Convention on the Rights of The Child (Anwar Nawawi 2022). Indonesia is one of the countries that ratified the convention through Presidential Decree No 36 of 1990, which resulted in Law. No. 23 of 2002 concerning Child Protection (UUPA) (Asnawi 2015).

The reason for the application rejection was that the judge tried to prevent divorce and protect women as wives and children born in the future. Referring to the research results of M. Abdul Fattah, explaining that marriages carried out by the age category of children are very at risk of quarrels for economic reasons and in the end divorce often occurs, when a divorce occurs the most affected are women and children (Santoso 2017).

Women who marry early are also at risk of death because biologically, the strength of a woman's womb cannot be said to be strong. Besides that, children who are born really need living expenses, education, health, and other costs. The facts in the trial show that the applicant is a candidate for marriage. The husband does not have a clear job or nominal amount, so according to the judge, this can cause harm, especially to children, if a divorce

occurs in the future (Abubakar, Juliana, and Hasan 2021).

The judge also saw that the applicant's age was still underage, namely, 18 years. If referring to the provisions regarding the marriage age limit of the applicant regulated in the Human Rights Law for the protection of human rights for the applicants, the judge's determination was in line with the provisions of human rights, as in Article 1 (5) of Law No. 39 of 1999 concerning Human Rights, which explains that a child is every human being under the age of eighteen years. From this provision, it can be clarified that the judge's decision to reject the parties' request is under these human rights provisions. The decision to reject the child marriage dispensation is in line with human rights. If the stipulation is read from the side of the protection of the child to be born and it is feared because the applicant is still a minor, the judge considers it will be prone to divorce.

From the description above, it is clear that marriages carried out by minors open up opportunities for human rights violations. Quoting the results of research conducted by Mohd Al Adib Samuri, the international community also recognizes that child marriage is a violation of human rights because it has an impact on the non-fulfillment of the right to education and sexual violence and threatens reproductive health. Unfortunately, several Muslim countries legalize this marriage practice, including Malaysia. Malaysia has a family law rule allowing underage marriages, provided they obtain prior permission from the Malaysian Sharia courts. Efforts made by the Malaysian state to protect human rights are the proposed reform of family law that allows underage marriage through sharia court procedures (Mohd Al Adib Samuri, Noor Aziah Mohd Awal Bakar 2022).

## **Conclusion**

The legal argument of the Sukadana Religious Court judges in determining the rejection of the application for child marriage dispensation is that the judges integrate Islamic values while considering human rights principles. The Islamic values that became the judge's legal argument were *fiqh* rules regarding benefit and avoiding harm. In this case, the judge believed that the rejection gave *mashlahah* to the applicants because the age of the petitioners was still under 19 years old. Looking at the facts of the trial, The judges also believe that there is no emergency between the applicant parties. In addition, the nominal income amount is

unclear, so if the age dispensation is still given, then the judges' panel fears that it will cause harm to the family to be fostered. The judge is worried because the age of the applicants is not yet said to be adult. It is feared that a divorce will occur. From these considerations, the judge decided not to grant the applicant's request.

While implementing human rights values is used as the judges' legal argument, the judges seek to protect the petitioners. The applicants for the dispensation are legally not adult enough, so if the dispensation application is granted by the judge, the judge believes that in the future, there will be many human rights violations, such as the unfulfillment of the family's economic needs and opportunities for divorce. Many children's rights are not fulfilled if they have children, and worker exploitation will occur. So, in rejecting the child marriage dispensation, there is harmony between Islam and human rights, including the concept of human rights, which regulates the importance of the state's efforts to protect children's rights. In the researchers' opinion, Islam and human rights provisions are not contradictory. In fact, there is harmony between Islam and human rights rules because implementing Islamic values and human rights is solely for the benefit of avoiding disrepute and upholding the protection of human rights. It is recommended that the government socialize with the public, especially in remote areas related to the marriage law, which stipulates that the minimum age for marriage is 19 years for both men and women. This is seen as necessary as an effort to prevent child marriages that impact human rights violations. Acknowledgement: We would like to thank to Research and Community Service Center (Lembaga Penelitian dan Pengabdian Masyarakat) for guiding and giving valuable information. This research was funded by Institute for Islamic Studies Ma'arif NU (IAIMNU) Metro Lampung.

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