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Consideration of Benefits (Maslahah) and Harm (Mafsadah) in Child Marriage Cases in Malaysia from the Perspective of Maqasid al-Syariah

Muhamad Zuhaili Saiman [α] & Izzati Farhana Mahadzir [σ]

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I. Introduction

Child marriage remains a prevalent issue in many parts of the world, including Malaysia, where it continues to spark debates among scholars, activists, and policymakers. In Malaysia, child marriage is legally permitted under both Islamic law and civil law, with specific conditions and judicial approval (Hazram & Azahari, 2021). Despite global movements advocating for the prohibition of child marriage due to its adverse impacts on children's rights, the practice persists in various regions of the country, primarily influenced by socio-economic, cultural, and religious factors (Kohno et al., 2019).

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a) *Definition of Child Marriage*

Child marriage is generally defined as a formal or informal union where one or both parties are under the age of 18. Under Islamic law in Malaysia, the minimum marriageable age for girls is 16, and for boys, it is 18, with exceptions granted by a religious court (Zanariah Noor, 2013). The rationale behind allowing such marriages often revolves around cultural norms, economic hardships, and religious beliefs (Ridzuan et al., 2018). However, these marriages raise concerns regarding the well-being of the children involved, especially in terms of health, education, and future opportunities (Noraine Yarina & Nor, 2021; Sharifah Fatimah Muhd & Zarihan, 2018).

b) *Marriage in the Context of Maqasid al-Syariah*

From the perspective of Maqasid al-Syariah, Islamic law emphasizes the attainment of benefits (maslahah) and the prevention of harm (mafsadah) to ensure justice and welfare for individuals and society (Hazram & Azahari, 2021). The core objectives of Maqasid al-Syariah include the protection of five essential values: religion, life, intellect, lineage, and wealth (Muhamad Zuhaili & Fatinah, 2023). Marriage, in this context, is viewed as a legitimate means to preserve family lineage and fulfill natural human needs (Hazram & Azahari, 2021). However, for a marriage to align with the principles of Maqasid al-Syariah, it must also safeguard the physical, emotional, and intellectual well-being of both parties, ensuring that it does not lead to harm, especially for the more vulnerable individuals involved, such as children (Noraine Yarina & Nor, 2021).

c) *Background of Child Marriage Cases in Malaysia*

In Malaysia, child marriage has gained significant attention, particularly in high-profile cases that have sparked public outrage and debates (Kohno et al., 2019). One such case involved an 11-year-old girl who was married to a 41-year-old man, drawing criticism from human rights groups and activists (Noraine Yarina & Nor, 2021). The case highlighted the legal and ethical challenges surrounding child marriage, with critics arguing that such practices violate the rights of the child and contradict the fundamental objectives of Islamic law (Hazram & Azahari, 2021). Data from various regions in Malaysia indicate that child marriage often

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stems from poverty, lack of education, and the desire to avoid premarital sexual relations (Zanariah Noor, 2013). Despite these justifications, many scholars argue that child marriage poses more harm than benefit, particularly in terms of limiting children's opportunities for education and exposing them to physical and emotional risks (Sharifah Fatimah Muhd & Zarihan, 2018; Muhamad Zuhaili & Fatinah, 2023).

This study, therefore, seeks to explore the extent to which child marriage in Malaysia aligns with the principles of Maqasid al-Syariah, evaluating the balance between the benefits and harms as perceived in the context of Islamic law and societal norms.

II. Literature Review

Child marriage in Malaysia has been the subject of many empirical research in the recent past; investigating various reasons that range from socio-cultural, economical, legal and religious perspective. Child marriage is whereby both or one of the partners are underage, below the age of 18 and is still practiced especially in the rural and economically disadvantaged areas of Malaysia. Some of the reasons that have been given for this practice include; economic challenges, cultures, and religion.

In their recent study, Hazram & Azahari (2021) have explained that the religious practice of child marriage is based on the Islamic law known as Maqasid al-Shariah which, in essence, target benefits and harm. These scholars argue that under some conditions for instance where it is necessary to avoid the evils of illicit relationship or to protect the honor of the family, child marriage is good. But at the same time, they admit the fact that the children may face some crucial challenges to their health and emotional state which may overshadow such benefits. As understood from the principles of Islamic law, child marriage should enable the preservation of life, intellect, lineage and wealth. However, Hazram & Azahari (2021) opine when these objectives are not achieved for instance when the child is the one that receives the fatal blows, then child marriage cannot be al Islamic in nature.

Another study concerning public perception towards child marriage in Malaysia was done by Ridzuan et al. (2018) through a cross-sectional online survey involving the perception towards early marriage. In their study, they found that many parents in the economically poor areas of the country saw child marriage as a way of coping with the financial problems saying that marriage will provide their children with a stable life and earnings in future. But other respondents revealed increasing concerns on possible adverse health effects of young brides and financial vulnerability, especially those in early pregnancies and fluctuating early marriages. The study also revealed a significant change of attitude with the majority of the participants supporting a reform that seeks to enhance the laws against early marriage and to protect the rights of children.

The legal status of child marriage in Malaysia: an intricate issue, because under Islamic law child marriage is permitted under certain conditions, and with the sanction of the judge. However, Noraine Yarina & Nor (2021) saw that legalisation of child marriage frequently violates international human rights standards, including the United Nations Convention on the Rights of the Child (CRC), to which Malaysia is a signatory. The study noted that child marriage which is a widely practiced custom in many countries infringes on several fundamental rights of children such as right to education and health. Early marriages detriments young brides and their future through school dropouts and health problems due to early pregnancies. Such studies are in support with the Malaysian government to increase the minimum legal age of marriage, as well as strengthen policies on standard for children's rights.

The psychological and psychological effects of child marriage were the topics of Muhamad Zuhaili & Fatinah (2023) investigation. From their study, the authors were able to establish that young brides frequently experience psychological problems bearing to the early assumption of marital and parenting responsibilities. This made the people less emotionally stable, given to anxiety and depression, and more prone to instability in their marriages given that they are inexperienced in life. In the studies, the authors came to the following conclusions: child marriage takes away girlhood from young girls and is detrimental to girls' mental and psychological health. In addition, child marriage results in education loss and negates many people's chances of achieving growth in their individual and occupational lives in the future.

The religious presentation of child marriage norms has also been interrogated. According Hazram & Azahari (2021), it should be noted that the Maqasid al-Syariah aims for the optimisation of public interest and individual well-being. Although some people postulate that child marriage would reduce immoral practices, and preserve the family's reputation, Hazram & Azahari (2021) were able to determine that, in most cases, it is not the optimal way of meeting the objectives of Islamic law in preserving the child's life and intellect. Some of the losses or negative impacts of child marriage include poor health among female children, early school drop out among female child and early motherhood all of which outweigh the perceived gains. For this reason the practice is considered to be inconsistent with the overall concept of Maqasid al-Syariah.

Analysis of the social media has also been used to determine the public perception on child marriage in Malaysia. Thus, the works used by Sharifah Fatimah Muhd and Zarihan (2018) which analyzed data derived

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from the discussions in an online forum enables the investigation of the current perceptions of the practice. It revealed their findings to have marked a high level of public awareness on the need for legal change with legal concerns cites the survey showing that Malaysians and particularly the youths considered child marriage to be a relic of the past and detrimental to children's rights. The study also explained how various internet-based forums are being deployed for raising awareness on child marriage across society especially its negative impacts.

Kohno et al. (2019) conducted a qualitative study in Kelantan, Malaysia, to explore the root causes of child marriage. Their research identified poverty, cultural norms, and religious beliefs as the main factors driving the practice. Through interviews with women who married before the age of 18, the study revealed that economic hardship often forces families to marry off their daughters to alleviate financial burdens. The authors argued for the necessity of public awareness campaigns and educational programs to address these socio-economic pressures and provide alternative solutions to child marriage.

From a historical and legal perspective, Zanariah Noor (2013) explored the minimum age requirements for marriage under Islamic family law in Malaysia. While child marriage is legally permissible under certain conditions, debates regarding its appropriateness in modern society have become more prevalent. Noor emphasized that economic and social pressures often lead to early marriages, particularly in rural areas, where traditional practices continue to influence decisions. Her work also sheds light on the historical context of child marriage in Malaysia, noting that while it was once more common, the practice is now increasingly scrutinized in light of modern human rights frameworks.

In conclusion, the existing literature demonstrates that child marriage in Malaysia is a multifaceted issue driven by economic, cultural, and religious factors. While Islamic legal principles such as Maqasid al-Syariah are often cited in defense of the practice, many studies highlight the long-term harms to the child's well-being, education, and mental health. There is a growing consensus among scholars and the public that legal reforms and social interventions are necessary to protect children's rights and align Malaysia's legal framework with international human rights standards.

Based on the literature review, while several studies have extensively examined child marriage in Malaysia from socio-cultural, economic, legal, and psychological perspectives, there is a significant gap in the literature concerning a comprehensive analysis of child marriage through the lens of Maqasid al-Syariah. Although some scholars, like Hazram & Azahari (2021), have initiated discussions on child marriage within the framework of Maqasid al-Syariah, these discussions remain limited in scope and primarily focus on general principles such as the prevention of harm (mafsadah) and the promotion of benefits (maslahah). The research gap lies in the need for an in-depth, empirical study that critically evaluates specific cases of child marriage in Malaysia and assesses how they align or misalign with the objectives of Maqasid al-Syariah across all five core values: protection of religion (din), life (nafs), intellect (aql), lineage (nasl), and wealth (mal). Current studies focus more on individual values such as life or intellect but often neglect to provide a holistic evaluation of how child marriage impacts all five dimensions.

III. Methodology

The research methodology of this study is qualitative, specifically, a deductive approach to understanding the matters concerning child marriage in Malaysia. The reason for selecting the qualitative method is because it has the capability of capturing and presenting a rich and descriptive understanding on the identified subject matters, this will enable the assessment of the factors and consequences associated with child marriage to be exhaustive. The research area of the study is limited to the legal, social and religious dimensions identified from the primary as well as secondary data. The target respondents of the research are two people who have key positions in organizations fighting against child marriage. Such people include Religious Affairs Officer from the Islamic Religious Department of Pahang and an officer of the Syariah Lower Court of Sepang.

In this paper, data collection was done through document analysis, which is a systematic method of reviewing documents and making meaningful interpretations of the data availed in form of texts, reports, and even previous studies. The interviews conducted formed the first source of data that was supported by the second source of data, which included articles, reports, and Blogs from Google Scholar and Research Gate. This makes sure that the topic being covered is well understood from all aspects to avoid twisted or missing information.

In turn, data analysis is systematic and is based on deductive reasoning that helps to interpret the obtained data. The process of analysis is by coding the themes and experiencing a variation within the data, majoring on the legal and religious context of child marriage under MI ▪ . The study uses a deductive and inductive approach in the assessment of the issue starting from broad theoretical categories with the aim of arriving at specific instances of child marriage in the Malaysian context.

Moreover, the Maqasid al-Syariah approach is applied at the end of the analysis with a view of

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determining the relative advantages and disadvantages of child marriage. This way, the researcher is in a position to discover whether the practice is Islamic in one way or another especially with an aim of achieving the preservation of life, intellect, lineage, and wealth as stipulated in the Islamic law.

IV. Findings and Discussions

a) *Minimum Age for Marriage from the Perspective of Shariah*

In Islamic law, there is no prescribed minimum age for marriage, as the validity of a marriage is determined by the fulfillment of its essential components: this involves the groom, the bride, the wali, which is the guardian of the bride, to witnesses, as well as go through the marriage contract called ijab kabul. Thus, permission of marriage irrespective of age can be explained on grounds of lack of any verse in the Quran or the Hadith where any sort of ban has been put forward. This understanding is anchored on Islamic law which recognizes marriage as being effective when the partners to the contract have the abilities to perform the covenants of marriage. According to Fatinah and Sharkilla (2024) Shari'ah legal principles do not hind waswes marriage provided other legal prerequisites are being met the age factor is not prohibited.

As for the previous Islamic scholars all the madhahib of the Islamic world are agreed that the puberty is baligh which makes the person capable of marriage. Puberty or the onset of puberty when a person is considered fit to be answerable for his or her deeds in Shariah law is the age when a person becomes mukallaf. This is based on the Qur'anic verse in Surah Al-Nisa 4:6, which addresses the guardianship of orphans and directs that their wealth be entrusted to them once they reach the age of sound judgment, indicating that adulthood is associated with mental and physical maturity: This is based on the Qur'anic verse in Surah Al-Nisa 4:6, which addresses the guardianship of orphans and directs that their wealth be entrusted to them once they reach the age of sound judgment, indicating that adulthood is associated with mental and physical maturity:

> "And test the orphans until they reach [the age of] marriage; then if you perceive in them sound judgment, release their property to them" (Surah Al-Nisa, 4:6).

This verse is often interpreted by Islamic scholars to suggest that marriage is linked with physical and mental maturity, though no specific age is mandated. Similarly, there is a Hadith that is sometimes cited to support the notion that puberty marks the time when a person is capable of marriage. The Prophet Muhammad (peace be upon him) said:

> "O young men, whoever among you can afford it, let him get married. For it is more effective in lowering the gaze and protecting chastity. And whoever cannot afford it should fast, for it will diminish his desire" (Sahih al-Bukhari 5065, Sahih Muslim 1400).

This Hadith implies that marriage is encouraged once an individual is physically and financially capable of managing its responsibilities, without specifying an age. However, the reference to financial and physical capability further emphasizes that readiness for marriage goes beyond just reaching puberty.

However in the context of Malaysian law there are two definitions of a child, one from the Shariah law perspective and one from the statutory laws. In Shariah, a child is a person who has not attained the age of baligh that ranges between 9 and 15 years based on the gender and level of physical development. This interpretation's implication is that anybody who has reached baligh is not an Islamic minor, and therefore, may marry. But under the civil law of Malaysia a child is described as any person who is below the age of 18 years. This legal framework contains provision consistent with the international standards like the United Nations Convention on the Rights of the Child (CRC) which Malaysia has acceded to.

To harmonize these approaches, Malaysia requires a court order's permission before allowing youths below 18 years to get married in order to protect a minor's rights where the marriage is in his/her best interest. This judicial oversight is aimed at making child marriage to conform with the purposes of maqasid al-syariah of preserving life, intellect and the well being of the parties.

This is where the principle of maslahah (public interest) comes in the discussion. Although Shariah embraces marriage at puberty, the concept of the judicial check in Malaysia is a safeguard against the ills that may spend minor in early marriage. This is in conformity with the concept of maqasid al-syariah that are aimed at realising the welfare of individuals and protection from harm. For example, early marriage combine young girls who are not mentally and emotionally prepared for marriage exposes them to dangers of violence, education drop out, early pregnancy which is contrary to the marriage aim of ensuring stability, love and compassion (Sakinah, mawaddah, rahmah) (Fatinah, 2024; Sharkilla, 2024).

Hence the freedom stated in Islamic law that allows marriage at puberty the modern legal regulation in Malaysia as in the requirement of judicial consent in this case are protective, the aim is to protect the innocent and vulnerable children from early exploitive child 'marriages' that are not in line with the objectives of maqasid al-syariah.

b) *Maqasid al-Syariah and Its Relation to Child Marriage*

Maqasid al-Syariah, or the higher objectives of Islamic law, serves as the foundation for evaluating legal and ethical issues in Islam, including child marriage. The overarching goal of Maqasid al-Syariah is to preserve

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and promote the well-being of individuals and society by safeguarding five essential interests: religion (din), life (nafs), intellect (aql), lineage (nasl), and wealth (mal). Any practice, including child marriage, must be measured against these five objectives to determine its permissibility and its alignment with the broader goals of Islamic law. While child marriage is not explicitly forbidden in Shariah, its permissibility is contingent on its ability to uphold and protect these five fundamental values.

1. *Preservation of Religion (Din)*

The preservation of religion (*din*) is paramount in Islamic law, ensuring that individuals are able to fulfill their religious duties and live according to Islamic principles. One argument in favor of child marriage is that it may help prevent immoral behaviors, such as fornication (*zina*), thereby safeguarding religious values. In situations where there is a risk of illicit relationships, marriage—whether at a young age or later—can serve as a lawful means to maintain personal chastity and protect the honor of the family. The Qur'an encourages marriage as a way to prevent unlawful sexual activity:

> "And marry those among you who are single and the righteous among your male slaves and female slaves. If they are poor, Allah will enrich them out of His bounty" (Surah An-Nur, 24:32).

While child marriage could, in theory, serve to uphold religious principles by facilitating marriage as a lawful outlet for sexual desires, it is critical to ensure that such marriages do not undermine other elements of Maqasid al-Syariah, particularly the protection of life and intellect.

2. *Preservation of Life (Nafs)*

The preservation of life (*nafs*) is central to Islamic law, encompassing both physical well-being and emotional health. In the context of child marriage, this principle is of particular concern. Young brides may face serious health risks, especially if they become pregnant before their bodies are fully developed. Early pregnancies can lead to complications such as maternal mortality, infant mortality, and long-term health issues for both mother and child. This contradicts the objective of preserving life, as it exposes the individuals involved to unnecessary harm (*mafsadah*). The Qur'an highlights the importance of preserving life:

> "...And do not kill the soul which Allah has forbidden, except by right..." (Surah Al-Isra, 17:33).

In assessing child marriage under the lens of Maqasid al-Syariah, the potential harm to life must be considered. If the marriage poses a significant risk to the health and well-being of the child, it may violate the principle of life preservation and, therefore, be deemed impermissible.

3. *Preservation of Intellect (Aql)*

The protection of intellect (*aql*) is another key component of *Maqasid al-Syariah*. It ensures that individuals have the opportunity to develop their intellectual abilities and pursue education. Child marriage often disrupts the education of young girls, who may be forced to leave school to assume marital responsibilities. This not only limits their intellectual growth but also reduces their future opportunities for personal and professional development. The Prophet Muhammad (peace be upon him) emphasized the importance of education for both men and women:

> "Seeking knowledge is an obligation upon every Muslim" (Sunan Ibn Majah 224).

In cases where child marriage prevents the development of intellect by curtailing education, it violates the principle of protecting *aql*. Therefore, from the perspective of Maqasid al-Syariah, such marriages should be avoided if they impede the intellectual development of the individuals involved.

4. *Preservation of Lineage (Nasl)*

One of the objectives of marriage in Islam is to preserve lineage (*nasl*) and ensure the continuity of the family structure. Marriage provides a lawful framework for procreation and the upbringing of children within a stable family environment. In some cases, child marriage is viewed as a way to ensure the preservation of lineage by preventing illegitimate births. The Qur'an emphasizes the importance of family and lineage:

> "And it is He who has created from water a human being and made him [a relative by] lineage and marriage..." (Surah Al-Furqan, 25:54).

However, the preservation of lineage does not simply mean the act of procreation; it also involves ensuring that children are born into a healthy and stable environment where they can be raised with proper care. If child marriage results in unstable family situations, where the young couple is unable to fulfill their parental responsibilities due to immaturity, it fails to uphold this objective. Thus, the preservation of lineage must also be evaluated in terms of the well-being of future generations.

5. *Preservation of Wealth (Mal)*

The protection of wealth (*mal*) in Maqasid al-Syariah refers to the safeguarding of financial resources and ensuring that individuals are able to support themselves and their families. Child marriages often exacerbate economic challenges, particularly when the young couple is not financially prepared to take on the responsibilities of marriage and parenthood. The financial strain of early marriage can lead to poverty, which may violate the principle of preserving wealth. The Qur'an encourages individuals to ensure they have the means to support their families:

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"...Let him who has abundance spend of his abundance, and he whose provision is measured, let him spend of that which Allah has given him..." (Surah At-Talaq, 65:7).

If child marriage leads to financial instability, it contradicts the objective of Maqasid al-Syariah to protect wealth. Therefore, marriages that place undue financial burden on the individuals or their families should be reconsidered in light of this principle. In conclusion, while child marriage is not explicitly prohibited in Islamic law, its permissibility must be carefully evaluated against the objectives of Maqasid al-Syariah. Hazram & Azahari (2021) argue that while child marriage may sometimes fulfill religious or familial objectives, it frequently risks violating the principles of preserving life, intellect, and wealth. Therefore, the decision to allow or prohibit child marriage should be contingent upon its ability to uphold these fundamental objectives of Islamic law.

c) *Factors Contributing to Negative Outcomes in Child Marriages in Malaysia*

Child marriage in Malaysia is a multifaceted issue influenced by various socio-economic, cultural, and religious factors. While some families perceive early marriage as a solution to certain problems, these decisions often lead to negative outcomes that contradict the fundamental of Maqasid al-Syariah.

1. *Economic Hardship*

Economic hardship is a significant driver of child marriage in Malaysia, particularly in rural and impoverished communities. Families struggling financially may view marrying off their daughters as a means to reduce economic burden and secure the child's future. Fatinah (2024) highlights that parents sometimes believe marriage will provide their daughters with financial stability, especially if the prospective husband is perceived to have better economic prospects. However, this rationale often backfires. Young couples frequently lack the financial literacy and employment opportunities necessary to sustain a household. The Qur'an emphasizes the importance of financial readiness before marriage:

"And let those who find not the means to marry keep themselves chaste until Allah enriches them out of His bounty..." (Surah An-Nur, 24:33).

This verse suggests that individuals should attain a certain level of financial stability before entering into marriage to prevent future hardship. By marrying off their children prematurely, parents may inadvertently expose them to greater economic difficulties, thus violating the Maqasid al-Syariah objective of preserving wealth (*mal*).

2. *Avoidance of Premarital Pregnancy and Social Stigma*

Another factor contributing to child marriage is the desire to avoid premarital pregnancy and the associated social stigma. In conservative communities, maintaining family honor is paramount, and early marriage is seen as a preventative measure against illicit relationships (*zina*). Sharkilla (2024) notes that parents may rush into arranging marriages for their daughters upon suspecting romantic involvement to prevent dishonor. While safeguarding chastity is a valid concern in Islam, the Qur'an advocates for modesty and self-restraint:

"Tell the believing men to reduce [some] of their vision and guard their private parts..." (Surah An-Nur, 24:30).

Marriage should not be the sole means of preventing immorality, especially if it leads to greater harm. Education on moral conduct and the provision of proper guidance are essential. Forcing young girls into marriage without their full consent and readiness may lead to resentment and psychological distress, infringing upon the preservation of intellect (*aql*) and life (*nafs*).

3. *Cultural Traditions and Misinterpretation of Religious Teachings*

Cultural traditions deeply rooted in certain communities also perpetuate the practice of child marriage. Some families adhere to longstanding customs without considering their relevance or consequences in the modern context. Additionally, misinterpretations of religious teachings can lead to the belief that early marriage is encouraged or even mandated. However, Islam emphasizes the importance of consent and mutual agreement in marriage. The Prophet Muhammad s.aw stressed the necessity of seeking a woman's consent:

"A previously married woman has more right concerning herself than her guardian, and a virgin's consent must be sought, and her silence indicates her consent." (Sahih Muslim, Hadith 1421).

This Hadith underscores the importance of a woman's autonomy in marriage decisions. Marrying off young girls without their informed consent violates this principle and the *Maqasid al-Syariah* objective of preserving intellect and dignity.

4. *Immaturity and Lack of Preparedness*

Fatinah & Sharkilla (2024) emphasizes that immaturity in managing household responsibilities, emotional regulation, and financial instability often contribute to the failure of child marriages. Young brides may lack the necessary life experience and skills to navigate marital challenges, leading to conflicts and, in some cases, domestic violence. A factual case illustrating this issue is the story of a 15-year-old girl from a rural area in Malaysia who was married to a 19-year-old man. Lacking education and life skills, the couple struggled financially and emotionally. The girl faced pressure to bear children immediately, resulting in health complications due to her young age. The marriage eventually ended in divorce, leaving her with limited prospects and reinforcing the cycle of poverty.

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Such outcomes contradict the Qur'anic guidance on marriage, which emphasizes tranquility and compassion:

> "And among His signs is that He created for you spouses from among yourselves so that you may find tranquility in them, and He placed between you affection and mercy..." (Surah Ar-Rum, 30:21).

If a marriage cannot provide tranquility and mercy due to the parties' unpreparedness, it fails to meet the Islamic objectives of marriage.

5. *Interruption of Education*

Child marriages often interrupt the education of young girls, limiting their future career opportunities and exacerbating cycles of poverty. Education is highly valued in Islam for both men and women. The Prophet Muhammad (peace be upon him) said:

> "Seeking knowledge is an obligation upon every Muslim." (Sunan Ibn Majah, Hadith 224)

When girls are removed from school to marry, it hinders their intellectual development (*aql*) and reduces their ability to contribute positively to society. This not only affects the individual but also has broader implications for community development.

d) Consideration of Maslahah and Mafsadah in Child Marriage Cases

In Islamic jurisprudence, the concepts of *maslahah* (benefits) and *mafsadah* (harms) are critical in determining the permissibility of actions. The principle of *istihsan* (juridical preference) allows jurists to favor rulings that achieve the greater good and prevent harm, in line with the objectives of Maqasid al-Syariah.

1. *Balancing Benefits and Harms*

While some argue that child marriage can prevent immorality or alleviate economic hardship, the associated harms often outweigh these perceived benefits. Hazram & Azahari (2021) assert that the physical and psychological damages inflicted on young brides—including health risks from early pregnancies, mental health issues, and exposure to domestic abuse—constitute significant *mafsadah*. A case highlighting these harms involved a 13-year-old girl who was married to a much older man. She suffered severe complications during childbirth due to her underdeveloped body, resulting in long-term health issues. The emotional trauma from the marriage and childbirth led to depression, violating the Islamic principle of preserving life (*nafs*) and intellect (*aql*).

2. *Principle of Sad al-Zarai' (Blocking the Means to Harm)*

The principle of *sad al-zarai'* involves preventing actions that could lead to prohibited outcomes. In the context of child marriage, if the practice is likely to result in harm, then it should be restricted or prohibited to prevent those negative consequences. The Qur'an advocates for not exposing oneself to destruction:

> "And do not throw [yourselves] with your [own] hands into destruction..." (Surah Al-Baqarah, 2:195).

Applying this principle, if child marriage poses significant risks to the health and well-being of minors, it becomes necessary to block the means to such harm by restricting the practice.

3. *Upholding the Objectives of Maqasid al-Syariah*

The consideration of *maslahah* and *mafsadah* must align with the five objectives of Maqasid al-Syariah. If child marriage undermines these objectives, particularly the preservation of life, intellect, and wealth, then it cannot be justified, even if some perceived benefits exist.

For instance, early marriage may be intended to preserve lineage (*nasl*), but if it jeopardizes the mother's health and the family's stability, it fails to achieve this objective. The harms inflicted violate the higher aims of Islamic law, necessitating reevaluation of the practice.

e) Resolution of Issues Based on Maqasid al-Syariah

To address the challenges of child marriage, solutions must be rooted in the principles of Maqasid al-Syariah, ensuring the protection and well-being of individuals and society.

1. *Stricter Legal and Educational Requirements*

Implementing stricter legal requirements before approving child marriages can help ensure that only cases aligning with Islamic objectives proceed. Fatinah (2024) recommends mandatory pre-marriage courses focusing on marital responsibilities, financial management, and legal rights. These courses would equip young couples with essential knowledge, promoting the preservation of intellect (*aql*) and wealth (*mal*). Judicial authorities should thoroughly assess the maturity and readiness of both parties. This includes psychological evaluations and consultations with social services to determine if the marriage serves the best interest of the minor.

2. *Mandatory Counseling and Support Programs*

Sharkilla (2024) advocates for the establishment of mandatory counseling sessions and post-marriage support programs. These initiatives would provide ongoing assistance to young couples, helping them navigate marital challenges and prevent potential harms. Counseling aligns with the Islamic emphasis on seeking knowledge and guidance.

The Prophet Muhammad (peace be upon him) encouraged seeking counsel:

> "Religion is sincere advice." (Sahih Muslim, Hadith 55)

By providing professional guidance, these programs support the preservation of intellect (*aql*) and life (*nafs*), fostering healthier relationships.

3. *Comprehensive Evaluation Criteria*

Fatinah & Sharkilla (2024) stresses that marriage approvals for minors should be based on comprehensive criteria, including:

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- Maturity: Assessing psychological and emotional readiness.
- Financial Readiness: Ensuring the couple can sustain themselves economically.
- Willingness: Confirming genuine consent from both parties.

This thorough evaluation helps safeguard the objectives of preserving life, intellect, and wealth. It ensures that the marriage is likely to result in *sakinah* (tranquility), *mawaddah* (love), and *rahmah* (mercy), as intended in Islamic marriage.

4. *Community Education and Awareness*

Raising community awareness about the harms of child marriage is crucial. Educational campaigns can dispel misconceptions and promote alternative solutions to issues like economic hardship and social stigma. Emphasizing the importance of education, especially for girls, aligns with Islamic teachings and supports societal development.

5. *Legal Reform and International Obligations*

Malaysia, having ratified international conventions like the Convention on the Rights of the Child (CRC), has an obligation to protect minors from practices that harm them. Legal reforms to increase the minimum marriage age and enforce existing laws can help eliminate harmful child marriages.

6. *Real-Life Case: Legal Intervention Leading to Positive Outcomes*

One rather peculiar example is the case when a 14-year-old girl wanted permission to marry a 28-year-old man; the court decided to refuse in spite of the fact that for this young woman these criteria have been evaluated as practically non-existing, first, because of her age, and second, because of the difference in age, which is too great. The decision let the girl stay in school and social services continued offering assistance for the family. This intervention could also be said to be aligning with the goals of Maqasid al-Syariah regardless of her potential harm causing ability and to foster her independent thinking and personality development.

V. Conclusion

The negative impact of child marriage in Malaysia as recorded herein suggests that the teaching of Maqasid al-Syariah provides useful frame to understand the practice. Through focusing on saving life, thought, and wealth, while implementing region-wide policies that target the root of economic hardship and social pressures, child marriage harms can be checked. Islamic charity organizations and through legislative measures, harmonize legal practices with Islamic principles and international human rights standards to ensure the welfare of minors. Malaysia is striving to eliminate the detrimental practice of child marriages and thus promote an agenda that has a better potential for achieving what are believed by most Muslims to be quite genuine aims of Islamic law.

Moreover, the introduction of Maqasid al-Syariah inspires protection of vulnerable groups of people with special references to children from situations that may hamper their growth and improvement. Pulsen Education & Sexual Exploitation Child marriage also robs young girls of education leaving them to be prematurely responsible or pregnant, and often unhealthy. Getting back to the goal of preserving intellect and the right to education that is embodied in Islam, it is possible to state that the religion's fundamentals can be reconciled with the modern campaigns meant to help children, especially girls, to develop and have a safe life. It also assisting them to change their status by offering them education to enable them rise above poverty that leads to child marriage among the highly affected families.

There is also need to involve communities in order to change social norms and also to solve cultural beliefs that encourage you to engage children in marriage. Even the legislative measures may not work unless there is shift in the mindset of people regarding this vices practice. Decision makers in religious institutions, prominent members of society and NGOs can work together and ensure that community transform from practicing early marriage and instead embrace other options such as education and productivity for the young girls. In this context, the legal standards and community actions can create conditions that prevent the infringement of child's rights and build his or her proper future.

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Conflict of Interest Statement

The authors agree that this research was conducted in the absence of any self-benefits, commercial or financial conflicts and declare the absence of conflicting interests with the funders.

Authors' Contributions

Muhamad Zuhaili and Izzati Farhana carried out the research and wrote the research. Muhamad Zuhaili supervised the research, converted the research into article and revised the article. Izzati Farhana conducted the interview technical.

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Interview

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