

CONTEXTUALIZATION OF EARLY MARRIAGE HADITH: ANALYSIS OF MARRIAGE HADITH 'AISHA WITH SOCIOLOGY APPROACH

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Abstract

Many people interpret the Hadith about 'Aisha's marriage to legalise child marriage at this time because the Hadith states that 'Aisha was married by the Prophet at a very young age. However, basically interpreting a hadith is not only seen textually, contextual interpretation is also needed. So the presence of this research provides a more comprehensive insight into this issue. The research method used is qualitative with the type of literature study with primary data in the form of books of hadith and history regarding the sociological-historical facts of the hadith about 'Aisha's marriage. The results of this study indicate that the hadith about 'Aisha's marriage needs to be interpreted contextually both in terms of sanad and matan. Thus, in the current context, child marriage by referring to the hadith of 'Aisha's marriage to the Prophet cannot be done because it can have a negative impact on physical, mental, social and economic health conditions. In addition, there needs to be a reassessment of the laws in Indonesia that regulate child marriage which continues to increase every year.

Keywords: Child Marriage; Hadith; Sociology

Abstrak

Banyak pihak yang mengintrepretasikan hadis tentang pernikahan 'Aisyah untuk melegalkan perkawinan anak pada masa ini sebab dalam hadis menyebutkan bahwa 'Aisyah dinikahi oleh Rasulullah di usia yang sangat muda. Namun, pada dasarnya memaknai sebuah hadis tidak hanya dilihat secara tekstual, diperlukan pemaknaan secara kontekstual juga. Maka dengan hadirnya penelitian ini memberikan wawasan yang lebih komprehensif terkait isu ini. Metode penelitian yang digunakan adalah kualitatif dengan jenis studi kepustakaan dengan data primer berupa kitab-kitab hadis serta sejarah mengenai fakta sosiologis-historis hadis tentang pernikahan Aisyah. Hasil penelitian ini menunjukkan bahwa hadis pernikahan 'Aisyah perlu dimaknai secara kontekstual baik dari segi sanad dan juga matan. Sehingga dalam konteks sekarang, pernikahan anak dengan merujuk hadis pernikahan 'Aisyah dengan Rasulullah tidak bisa dilakukan karena dapat berdampak buruk terhadap kondisi kesehatan fisik, mental, sosial dan ekonomi.

Selain itu, perlu adanya pengkajian ulang terkait hukum di Indonesia yang mengatur pernikahan anak yang terus meningkat di tiap tahunnya.

Kata Kunci: Pernikahan Anak; Hadis; Sosiologi

INTRODUCTION

Child marriage is an issue that continues to be of concern to the Indonesian state. In the last 10 years of 2020 UNICEF and BPS released data on child marriages that were slow to decline. Explained that a decrease of 3.5%. While the target is expected to reach 8.74% in 2024 (UNICEF, 2020), more intense efforts need to be made so that child marriage continues to decline.

In Indonesia, the practice of child marriage occurs almost throughout the province. There are many factors that influence the occurrence of child marriage, including economic factors related to low education, not getting health socialization and decent work (Cameron et al., 2023; Subramanee et al., 2022). Specifically, child marriage can also be caused by unwanted pregnancy(KTD), matchmaking, school dropout due to limited costs, and the will of parents who tend to

want their children to be economically independent quickly (Yoshida et al., 2023). So that the child is no longer the responsibility of the parents and moved to her husband. There are also assumptions about child sexuality that are considered controllable after marriage.

The serious impact of child marriage is not only on the person of the couple but also on the children born to the couple. Data released shows that babies born to mothers under the age of 20 are almost 2 times more likely to be at risk of dying during the first 28 days compared to babies born to mothers aged 20-29 years (UNICEF, 2022). Another impact is also about the possibility of complications during pregnancy and childbirth is the leading cause of death of women aged 15 to 19 years.

Women who enter into early marriage are vulnerable to domestic violence (KDRT). Because biologically, in fact, the reproductive

system is not yet ready for sexual intercourse. (Fan & Koski, 2022). Furthermore, psychologically the child is also not ready to build a household with all the obligations that must be done. This condition is a concern of the government to issue Law No. 35 of 2014 jo Law No. 23 of 2002 on Child Protection. There is also the Marriage Law (UUP), namely Law Number 16 of 2019 jo law No. 1 of 1974 which explains that marriage can occur when both men and women are at least 19 years old.

Child marriage is often also packed with religious justification following the sunnah of the Prophet Muhammad (Jahroh, 2022; Samuri et al., 2022), complementing religion as well as avoiding adultery. In Islam, the age of marriage is not explicitly stated. Hadith about the Prophet marrying Aisha often used as guidance in marrying children. In addition, this hadith is also used as a pretext to oppose the provisions that have been included in the legislation and ignore the socialization carried out by BKKBN about the dangers of child marriage.

As a legacy of The Life Of The Prophet Muhammad, Hadith is a guide for Muslims in carrying out a series of daily activities. Traces of the Prophet's life have been codified in the Hadith so that it becomes the most actual reference for Muslims. Not only in the matter of worship to Allah Swt alone, the subject of social interaction among humans is also summarized in the Hadith of the Prophet. In terms of existence, the existence of Hadith after the Prophet Muhammad died is not comparable to the existence of the Qur'an due to several factors. As there are narrations of Hadith that are narrated in lafadz and meaning, the number of forgeries of Hadith, the time span of codification of Hadith is longer than the codification of the Qur'an and the method of determining the validity of a hadith is carried out by different methods.

So to strengthen how the Hadith remains firmly in existence, the effort made is to pay attention to matan's research. Because in addition to sanad Hadith, matan Hadith is also the most important part to be

reviewed. Today, various approaches have been created to understand the context of Hadith. One of them is the sociological approach. What about the sociological approach to the solution to understand the Hadith precisely. To remind also the urgency when understanding the Hadith by understanding the conditions and culture at the time the Hadith was narrated by the Prophet.

As for this study, it will discuss the hadith about the Prophet Muhammad who married 'Aisha who was still a child. According to the author, in the Hadith there are still many things that have not been completed the discussion, especially understanding it by using a sociological approach. The Hadith is still often used by the community to hold early marriages for their families. Not a few of them reasoned that they wanted to follow the example of the Prophet Muhammad who married 'Aisha who was then six years old. This is one of the misperceptions of society in understanding a hadith. So the existence of this study in order to provide education on how to

understand the Hadith 'Aisha by using a comprehensive sociological approach.

LITERATURE REVIEW

Some previous studies that examine similar child marriage is conducted by Yeni Herlina et al on Indonesia's efforts to overcome child marriage as the implementation of Sustainable Development Goals (Yoshida et al., 2023). He explained that one of the efforts made by proposing to raise the age of marriage and in collaboration with several institutions such as UNICEF and UN Women. Furthermore, there is also a study conducted by Andrea J et al on the practice of child marriage among Rohingya citizens in Bangladesh. This study describes the influence of gender inequality that occurs and the influence of religious norms surrounding the background of child marriage (Melnikas et al., 2020).

Third, research conducted by Arne Humaizah et al on Disregarding the Reproductive Rights of Women in Child Marriage in Indonesia. He explained that child marriage has a

significant impact on the neglect of women's reproductive rights so that many women are disadvantaged from this marriage (Huzaimah et al., 2023).

The fourth study on Child Marriage in South Asia: A Systematic Review. Explained by S Daarwin Subramanee et al that in the South Asian region marriage still occurs because of the relationship between economic ability and social life. The proposed solutions should be ranked on improving education, employment and the development of knowledge information on equality (Subramanee et al., 2022).

This study has similarities with some of the research is about the problem of child marriage. However, this study focuses on efforts to prevent child marriage, one of which is by strengthening literacy education. In this case, the researcher emphasizes on deepening the study of Hadith literacy which is often used as a postulate to normalize child marriage. It is hoped that the study through sociologists can change the

perception of readers and support to campaign for a ban on child marriage.

RESEARCH METHODS

The research method used in this article is a library study (librarian research) on the hadith about the marriage of asiyah with the Prophet Muhammad which is often packaged to legalize child marriage. furthermore, a study is also carried out on this hadith from its sociological point of view in order to produce laws that are in accordance with current conditions. The primary data used are books takhrij Hadith, Sharh Hadith and some books of jurisprudence. the secondary data in the form of journals or scientific articles, procedures that support research results.

RESULTS AND DISCUSSION

Understanding Hadith With A Sociological Approach

Sociology comes from the latin word "socius" meaning friend. And the word "logos" from the Greek Meaning story. In terms, sociology is a science that studies humans living in a group (Society), patterns of relationships between humans both

individually and in groups, human relationships with prevailing norms and social rules and human life with environmental conditions. (Setiadi & Kolip, 2013)

As a science, sociology has the following characteristics:

- a. Empirical. Sociology is based on observations or experiences from real life and common sense so that the results of these observations are not speculative.
- b. Theoretical. Sociology seeks to draw logical conclusions from the results of observation.
- c. Cumulative. Sociology based on pre-existing theories later than the theory can be expanded or deepened.
- d. Non-ethical. Sociology examines what social facts are from an event. (Narwoko & Suyanto, 2014)

While in the development of sociology, there are two groups of theories, namely classical theory and modern theory. One of the modern theories used in this study is the

theory of phenomenology Alfred Schutz. In general, the phenomenological approach is known as the one that is used to help understand various social symptoms or phenomena in society. This approach gives influence to social research methods. These influences include placing society as a subject in social actors in everyday life. (Nindito, 2014)

Alfred Schutz was one of the social scientists who contributed to the development of phenomenology. Although Schutz was not a pioneer of the phenomenological approach like Edmund Husserl, who is called the father of phenomenology, Schutz's phenomenological approach is known for a systematic, comprehensive and practical phenomenological approach. Schutz's goal in this phenomenological approach is to remind that human understanding is a method that makes sense in everyday life and will produce general truths that are controlled and can be proven. Thus, the phenomena displayed by individuals are a reflection of the

experiences and understandings they have acquired. (Wirawan, 2015)

Individually, the Prophet Muhammad was part of a social community. He often interacted with his people, for example, when the companions found a problem, they directly went to the Prophet to find a way out. Then the Prophet narrated a hadith according to the background of the conditions at that time. From this simple example, it can be seen that the sociological approach can be synergized with the study of Hadith science. Hadith by using a sociological approach will be an interesting innovation because by using a sociological approach, Islamic Religious Studies not only emphasize how the relationship with God but also regulate how the relationship between humans. So with the sociological approach will produce two outputs. The first Output is to know how the social conditions of the community at the time the Hadith was said and the second output is how we understand it if it is brought in the current context. (Assagaf, 2015)

This is in line with one of the tasks in the Social Sciences, namely "interpretative understanding of social conduct."According to one of the social scientists of naturalism, Friedriche, a prophet of any religion was an influential person in the social world and served to convey the importance of change in the future in order to avoid catastrophe. That is, the existence of the hadiths narrated by the Prophet PBUH gives the understanding that there will always be changes in social conditions in society because the Times will continue to evolve. So how the understanding of the Hadith is progressive (progress) and accommodating (adjusting) to the social conditions of contemporary society. (Ulum, 2022)

In studying a Hadith with a sociological approach can include the study of sanad and also matan. The following is a study of sanad and matan with a sociological approach:

1. Research with a sociological approach

The study of sanad to understand a hadith is no less important than the study of matan. In the study of isnaad Hadith with a sociological approach includes two categories, namely the first Category about the connectivity of isnaad and the second category about the science of Rijal al-Hadith.

The science of Rijal Al-Hadith:
عَلَّمَ يُحَدِّثُ فِيهِ عَنْ رِوَاةِ الْحَدِيثِ مَنْضُ الصَّحَابَةِ وَالتَّابِعِينَ
وَمَنْ بَعْدَهُمْ.

The science that discusses the narrators of Hadith, both from friends, Tabi'in and subsequent generations. (Ash-Shiddieqy, 2009)

In Rijal Al-Hadith, it includes the names of the narrators and their titles, generations, the names of teachers or friends of one generation and the year of birth, year of death and place of residence or country of the narrators. ('Itr, 1979)

Knowledge of names and nicknames of narrators (al-Asma' wa al-Kunya). The focus of this science is to know the names of the narrators and their nicknames so that there is no misunderstanding when meeting narrators who narrate Hadith both

have the same name, nickname or writing.

Knowledge of the names of teachers (Mashaikh al-Ruwah) or friends who are current with the narrator (Tabaqat al-Ruwah). The purpose of this science is to find teachers from a narrator so that the narration of the Hadith can be considered correct or it could be by looking at the names of friends who were with the narrator. This indicates the presence of social interaction between the narrator and his teacher or friends. ('Itr, 1979)

Knowledge of the place of residence and the land of narrators (Awtan wa Buldan al-Ruwah). In this science, in addition to containing the place of residence and the country of the narrator also contains the year of birth or the year of death. So that it can be known the condition of the region and the community of a narrator. ('Itr, 1979)

With these two categories, it can be seen how the identity of the narrator who received the hadith from the Prophet Muhammad and how

they narrated the Hadith to mukharrij so as to show the muttasil isnaad.

2. The study of the Hadith with a sociological approach

In the sociological approach, it takes information related to conditions in a society because society is one part of the object of study in sociology. If you want to understand the matan Hadith by showing how the condition of the community when the Hadith is narrated, it takes the science of Asbab al-Wurud as a science to assess the relationship with the situation of the condition of the community at the time the Hadith is narrated. There are different viewpoints regarding this matter amongst Quranic commentators: a number of them believe that:

عَلَّمَ يُعْرِفُ بِهِ السَّبَبُ الَّذِي وَرَدَ لِأَجْلِهِ الْحَدِيثُ وَالزَّمَانُ
الَّذِي جَاءَ فِيهِ.

Knowledge that explains the causes of the Prophet said his word and the condition when the Prophet said it. (Shiddieqy, 1975)

This is in line with one of the tasks of sociology, namely

“interpretative understanding of social conduct.”According to one of the sociologists of naturalism, Friedriche, a prophet of any religion is an influential person in the social world and is in charge of conveying the importance of later changes in order to avoid catastrophes. That is, the existence of the hadiths narrated by the Prophet PBUH gives the understanding that there will always be changes in social conditions in society. So how the understanding of the Hadith is progressive (progress) and accommodating (adjusting) to the social conditions of contemporary society. (Ulum, 2022)

3. Application Of Understanding Hadith With Sociological Approach

The following is an explanation of how the application of understanding a hadith about the Prophet Muhammad (PBUH) marrying Sayyidah ' Aisha with a sociological approach::

Hadith about the Prophet Muhammad who married Sayyidah '

Aisha in the Book of Sahih Al-Bukhari
index number 5133:

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

Narrated by Muh{ammad ibn
Yusuf, narrated to us Sufyan, from
Hisham, from his father, from 'Aisha
Radiya Allahu' Anha: that the Prophet
(peace and blessings of Allaah be
upon him) married her when she was
six years old, then he married her
when she was nine years old and lived
with her for nine years as
well.(Bukhari, 1400 H)

1. Research with a sociological approach

To find out the connectivity of
the Isad and the various identities of
the narrators, from the above hadith,
takhrij Hadith will be carried out

[حَدَّثَنَا مُعَلَّى بْنُ 5134 [صحيح البخاري].
أَسَدٍ، حَدَّثَنَا وَهَيْبٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ
عَائِشَةَ، «أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَزَوَّجَهَا وَهِيَ بِنْتُ
سِتِّ سِنِينَ، وَبَنَى بِهَا وَهِيَ بِنْتُ تِسْعٍ سِنِينَ» قَالَ هِشَامُ:
وَأُنْبِئْتُ أَنَّهَا كَانَتْ عِنْدَهُ تِسْعَ سِنِينَ.

Mu'alla ibn Asad, Wuhayb, from
Hisham ibn 'Urwah, from his father,'
Aisha Radiya Allahu ' Anha: the

Prophet (peace and blessings of
Allaah be upon him) married her when
she was six years old, and he married
her when she was nine. Hisham said
" " and it has been reported to me that
'Aisha lived with the messenger of
Allah for nine years.(Bukhari, 1400 H)

[صحيح مسلم/1422] وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى، أَخْبَرَنَا
أَبُو مُعَاوِيَةَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، ح وَحَدَّثَنَا ابْنُ ثُمَيْرٍ،
وَالْأَفْطُ لَهُ، حَدَّثَنَا عَبْدُ هُوَ ابْنُ سُلَيْمَانَ، عَنْ هِشَامٍ، عَنْ
أَبِيهِ، عَنْ عَائِشَةَ، قَالَتْ: تَزَوَّجَنِي النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ وَأَنَا بِنْتُ سِتِّ سِنِينَ، وَبَنَى بِي وَأَنَا بِنْتُ تِسْعٍ سِنِينَ.

And he told us Yahya ibn Yahya,
he told us Abu Mu'awiyah, from
Hisham ibn 'Urwah. Narrated Ibn
Numair, narrated ' Abdah i.e. Ibn
Sulayman from Hisham, from his
father, from 'Aisha Rad}yes Allahu
'Anha said: "the Prophet (peace and
blessings of Allaah be upon him)
married me when I was six years old
and built a house with me when I was
nine years old." (Al-Naysaburi, 2006)

[سنن أبي داود/2121] حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ، وَأَبُو
كَامِلٍ، قَالَا: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ
أَبِيهِ، عَنْ عَائِشَةَ، قَالَتْ: «تَزَوَّجَنِي رَسُولُ اللَّهِ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ وَأَنَا بِنْتُ سِتِّ سِنِينَ». قَالَ سُلَيْمَانُ: أَوْ سِتِّ وَدَخَلَ
بِي وَأَنَا بِنْتُ تِسْعٍ.

Narrated Sulayman ibn Harb and
Abu Kamil, both of them said:

narrated Hammad ibn Zaid, from Hisham, from his father, from 'Asyah Radiya Allahu 'Anha said: "the Prophet (peace and blessings of Allaah be upon him) married me when I was seven years old. Solomon said: "or six years and he touched me when I was nine years old." (Al-Sijistani, n.d.)

[سنن النسائي/3255] أَخْبَرَنَا إِسْحَقُ بْنُ إِبْرَاهِيمَ، قَالَ: أَنْبَأَنَا أَبُو مُعَاوِيَةَ، قَالَ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، تَزَوَّجَهَا وَهِيَ بِنْتُ سِتٍّ، وَبَنَى بِهَا وَهِيَ بِنْتُ تِسْعٍ.

Ishaq ibn Ibrahim reported to us, saying: Abu Mu'awiyah told us: Hisham ibn 'Urwah, from his father, from 'Aisha: that the messenger of Allah (peace and blessings of Allah be upon him) married her when I was six years old and built a house with her when I was nine years old." (Al-Kharasani, 1406 H)

After presenting the complete Hadith and takhrij Hadith redaction, it can be seen that there is individual interaction between individuals, from the teacher conveying to his students with different methods to form a series of Isad.

2. The study of sociology with a sociological approach

Aisha bint Abu Bakr al-Siddiq was the daughter of caliph Abu Bakr al-Siddiq and Umm Ruman. He was born in Makkah in the first month of the ninth year before the Hijrah. In the current Torah, there are many glad tidings of the coming of a universal reformer. In the Hadith it is explained that she married when she was six years old and lived with the messenger of Allah around the Prophet's mosque when she was nine years old. The age of 'Aisha when she married the Prophet is still a debate. However, the scholars agree that the Prophet married 'Aisha when' Aisha was very young and just entering puberty. And at the age of nine, it is very likely that 'Aisha has already reached puberty. Abu Bakr al-Siddiq as the father of 'Aisha approved of the decision of the Prophet Muhammad (peace be upon him) because the marriage of the Prophet Muhammad (peace be upon him) with his daughter was an order from Allah Swt to the Prophet Muhammad (peace be upon him) who came down through

his dream. (Tidjani, 2016) the Prophet said:

حَدَّثَنَا عُيَيْدُ بْنُ إِسْمَاعِيلَ، حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "أُرَيْتُكَ فِي الْمَنَامِ مَرَّتَيْنِ، إِذَا رَجُلٌ يَحْمِلُكَ فِي سَرَقَةٍ حَرِيرٍ، فَيَقُولُ: هَذِهِ أَمْرُكَ، فَأَكْشِفُهَا فَإِذَا هِيَ أَنْتِ، فَأَقُولُ: إِنَّ يَكُنْ هَذَا مِنْ عِنْدِ اللَّهِ يُمُضِهِ"

Narrated ' Ubayd ibn Isma'il, narrated to us Abu Usama, from Hisham, from his father, from 'Aisha said: The Messenger of Allah said: "You were shown to me in a dream twice. There was a man who took you in silk and said, 'This Is Your Wife. So I opened it and found you in it. So I said, 'If this is from Allah, he will make it come true. (Bukhari, 1400 H)

Whether or not it is permissible in the law, scholars have their own opinions about a father who marries his young child. Here is the opinion of the scholars:

1. Imam Malik, Imam Al-Shafi'i and Imam Ahmad argue that it is Sunnah for the father or grandfather not to marry his son until he reaches puberty. So it would be better to wait for him to reach puberty and get his consent and when he has reached puberty then the marriage cannot be

canceled. But in the Hadith 'Aisha is the law disunnahkan to get married immediately because the Prophet has received orders from Allah so that the obligation of Abu Bakr to marry his daughter immediately. (al-Nawawi, n.d.)

2. While Imam Abu Hanifa and other Salaf al-Salih argue that it is permissible for all guardians (not necessarily his father and grandfather) to marry him and the law of marriage is valid. And if it is puberty he has the right to make his choice, whether to continue his marriage or choose to separate. (al-Nawawi, n.d.)
3. Al-Muhallab thought that his father could marry his young daughter even though she could not be in jima'. (Al-Asqalani, 1449)
4. While Al-Tahawi and Ibn Hazm categorically forbid a father to marry his young son until he reaches puberty and ask permission. Both of them thought that only the messenger of Allah would get specificity. (Al-Asqalani, 1449)

As for the time for intercourse, Imam Malik, Imam Al-Shafi'i and Imam Abu Hanifa argue that the limit is when he can do jima' so that in this case each woman has different problems and can not be determined in the form of age. While Imam Ahmad argues that the child is already nine years old, if it is not yet nine years old then it should not be. Imam al-Nawawi is more inclined to the opinion of Imam Malik and others because in the Hadith of 'Aisha there is no mention of an age limit in performing jima'. (al-Nawawi, n.d.)

The Prophet (peace and blessings of Allaah be upon him) used to refer to the disbelievers. However, his marriage to 'Aisha was not regarded as something reprehensible and against the rules. This was due to the social conditions of the people at that time. First, marrying a very young woman has become a tradition so that the marriage of the Prophet and 'Aisha is not the first time. Second, the psychological condition of women at that time tended to be more mature than today. So that at that time the marriage of a man with a woman who

is still small is a common thing. (Al-Hamidi, 1993)

Hadith of the Prophet Muhammad who married 'Aisha became one of the key Orientalists to attack the religion of Islam. They regard the Prophet Muhammad as a pedophile for having married 'Aisha at a very young age. These accusations of orientalist come in the absence of data on the historicity of antiquity.

Child marriage by definition is presented in several studies, one of which is marriage carried out by someone who has an age below the limit of provisions stipulated in the positive law of the Indonesian state which is 19 years old both men and women or in general marriage carried out by two people who are teenagers or minors (Friyadi & Azzahra, 2023; Rahyu & Ahmad Muzhaffar, 2022; Shufiyah, 2018). This is because at a minor age a child is considered incapable of marriage. These disabilities include biological and psychological in children (Yoshida et al., 2023).

This phenomenon still continues to occur in society because there are factors that trigger it to keep doing it. Among them is the existence of gender bias or gender inequality both in the field of education and employment. Child marriage is a gender inequality against women because it is often a coercion from parents. Women were neglected and asked to focus on domestic duties only and allow men to work and improve their education.

Furthermore, the religious culture that has been built in Indonesia is still widely considered that child marriage is able to distance itself from the adultery of promiscuity that is rampant (Friyadi & Azzahra, 2023). This opinion is relevant to many cases of MBA among adolescents and children. However, this child marriage is not in accordance with the main purpose of marriage, which is to create a *sakinah* family but rather only to cover the shame and cover the sins committee (Hasbi, 2013).

From the Hadith of 'Aisha, it can provide a lesson that the social

conditions of society at that time with modern times have changed a lot. Many people still use the Hadith as a pretext for early marriage without looking at the historical side. This is only the case with the Apostles. He received a direct order from God to marry her.

Another factor is that 'Aisha is also known as a young woman with perfect mental and physical maturity even though she is still very young to get married. 'Aisha's intelligence was out of bounds, in contrast to children her age. In addition, the presence of 'Aisha as the wife of the Prophet Muhammad also had an impact on the development of Da'wah media among women at that time. 'Aisyah became a "caretaker" when the community, especially women, encountered problems of Islamic law. They felt embarrassed when they asked the Prophet directly about the laws concerning Muslim Women, Family and biological needs. (Al-Khatib, 1988) until when the Prophet died, 'Aisha became a substitute figure for the prophet because she had

prepared a lot of knowledge about the laws of Islam and also as the wife of the Prophet who belonged to the companions who narrated many hadiths or *Al-Mukthirun fi al-Hadith*. (Yuslem, 2001)

Related to the hadith 'a<Isha, it does not mean that the Hadith can not adjust the time and place today (li kulli age wa makan) because only the Prophet can marry 'Aisha when she was still young. However, the Hadith can also apply when there is a worrying problem in a community environment so that there is only one solution that must be done, namely getting married at an early age.

This means that every action of the state must follow the laws that have been established. One is about marriage. India has laws governing marriage. Provisions regarding the minimum age to be able to enter into marriage are contained in Law No. 1 of 1974 which reads as follows:

Article 7

"Marriage is only permitted if the man has reached the age

of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years." [1]

However, Law No. 1 of 1974 on marriage has been changed to Law No. 16 of 2019.

In this case, the minimum age of marriage for women is equal to the minimum age of marriage for men, which is 19 (nineteen) years. The age limit is considered to have matured the body and soul to be able to carry out marriage in order to realize the purpose of marriage properly without ending in divorce and get healthy and qualified offspring. It is also expected that an increase in the age limit higher than 16 (sixteen) years for women to marry will result in a lower birth rate and lower the risk of maternal and child mortality. In addition, it can also fulfill the rights of children so as to optimize the growth and development of children including parental assistance and provide children with access to education as high as possible.

Although the law that regulates the minimum age limit in marriage has been written, there are still many areas in Indonesia that perform marriages at an early age because of the marriage dispensation. Where the dispensation of marriage is delegated to the Religious Court for Muslims and the District Court for people of other religions. The Central Bureau of Statistics has conducted a survey in ten provinces with vulnerable child marriage aged 7-15 years, including South Kalimantan, West Java, East Java, West Sulawesi, Central Kalimantan, Banten, Bengkulu, Central Java, Jambi and South Sulawesi. (Databoks, 2020)

Cultural factors are often their first reason for early marriage. The second factor is to avoid adultery so that both parents from both sides want to marry their children even though their age is still far from the requirements written in the law. And the third factor is the economy. Parents are no longer able to give responsibility to the child. So they

want the child to get married and the responsibility to be moved.

In fact, after entering domestic life, there are many problems that come from the family. Because every family in wading through domestic life must have experienced problems. Problems that often occur in the community include: (Mazidah, 2014)

- a. Economic problems. Economic problems more often arise due to the inability of families to earn income to meet daily needs. The impact of economic problems is very diverse. Such as not being able to pay for education, not being able to meet child nutrition, proper clothing and even a healthy place to live. The lower the economic level will impact the high crime rate caused by the demands of daily needs.
- b. Infidelity. Infidelity is a form of infidelity of husband to wife or vice versa. And infidelity often occurs in this modern era because the moral ethics in society are getting lower.
- c. Domestic violence (domestic violence). Domestic violence is an act

against a husband or wife that results in physical, psychological or sexual suffering. In Indonesia itself is no stranger to the term domestic violence. But some people still think domestic violence is something that should be kept private and there should be no outside interference.

To avoid household problems caused by early marriage is necessary a strong synergy between the community and the local government. The community needs to be directed and re-educated regarding the impact that occurs when the marriage of his family who are still at an early age. The role of local government needs to re-affirm the essence of the written rules of law so that the rules are there to be implemented properly, not just as a formality.

After a comprehensive study of the understanding of the Hadith of the age of Aisha's marriage with the Prophet, then to interpret a hadith text is not only capitalized textually, but contextually necessary understanding by looking at how the social conditions of ancient society

when the Hadith is narrated and society in the modern era today.

CONCLUSION

Hadith about the marriage of the Prophet Muhammad with Aisha when conducted sociological studies both in terms of isnaad and matan produce interpretations that are more in line with the development of the current era. In terms of isnaad, there is individual interaction between individuals, from the teacher conveying to his students with different methods to form a series of isnaads to the Prophet Muhammad. Whereas in terms of matan, understanding the Hadith of marriage 'Aisha regarding the age of marriage is not an urgent matter when brought to the current reality. The thing that needs to be considered is physical and mental maturity to reduce problems in the household.

REFERENCE

- 'Itr, N. al-D. (1979). *Manhaj al-Naqd fi 'Ulum al-Hadith*. Dar al-Ma'arif.
- Al-Asqalani, I. H. (1449). *Fathul Bari*. Darul Ma'rifah.

- Al-Asqalani, I. H. (1987). *Fath al-Bari*. Dar al-Rayyan.
- Al-Hamidi, A.-H. (1993). *Baitun Nubuwwah: Rumah Tangga Nabi Muhammad Saw*. Yayasan al-Hamidi.
- Al-Kharasani, A. A. R. (1406). *Sunan al-Nasai'i*. Dar al-Ma'rifah.
- Al-Khatib, M. 'Ajjaj. (1988). *al-Sunnah Qabla Tadwin*. Maktabah Wahbah.
- al-Nawawi, Y. ibn S. (n.d.). *al-Minhaj fi Sharh Sahih Muslim ibn al-Hajjaj*. Baitul Afkar.
- Al-Naysaburi, M. ibn al-H. (2006). *Shahih Muslim*. Dar Taibah li Nashri' wa al-Tauzi'.
- Al-Sijistani, S. ibn al-A. (n.d.). *Sunan Abu Dawud*. Maktabah al-Ma'arif.
- Ash-Shiddieqy, M. H. (2009). *Sejarah dan Pengantar Ilmu Hadis*. Pustaka Rizki Putra.
- Assagaf, J. (2015). Studi Hadis Dengan Pendekatan Sosiologis: Paradigma Living Hadis. *Jurnal Holistic Al-Hadis*, 1(2).
- Bukhari, M. ibn I. (1400). *Al-Jami' al-Shahih al-Bukhari*. al-Maktabah al-Salafiyyah.
- Cameron, L., Contreras Suarez, D., & Wieczkiewicz, S. (2023). Child marriage: using the Indonesian family life survey to examine the lives of women and men who married at an early age. *Review of Economics of the Household*, 21(3), 725–756. <https://doi.org/10.1007/s11150-022-09616-8>
- Databoks. (2020). *10 Provinsi dengan Pernikahan Perempuan Usia Dini Tertinggi pada 2020*. Databoks. <https://databoks.katadata.co.id/datapublish/2021/12/16/10-provinsi-dengan-pernikahan-perempuan-usia-dini-tertinggi-pada-2020>
- Fan, S., & Koski, A. (2022). The health consequences of child marriage: a systematic review of the evidence. *BMC Public Health*, 22(1). <https://doi.org/10.1186/s12889-022-12707-x>
- Friyadi, A., & Azzahra, F. (2023). Pernikahan Dini Dalam Perspektif Hadis. *Minaret Journal of Religious ...*, 1, 32–37. <http://jim.iainkudus.ac.id/index>

- php/MINARET/article/view/47%0Ahttp://jim.iainkudus.ac.id/index.php/MINARET/article/viewFile/47/17
- Hasbi, R. (2013). Ridwan Hasbi: Nikah MBA (Married by Accident) dalam Tinjauan Hadits Nabawi. In *An-Nida'* (Vol. 38, Issue 2).
- Huzaimah, A., Abdillah, M., Laila, N. Q., Tamudin, M., & Puji Astuti, T. M. (2023). Disregarding the Reproductive Rights of Women in Child Marriage in Indonesia. *Samarah*, 7(2). <https://doi.org/10.22373/sjhg.v7i2.17392>
- Jahroh, S. (2022). NOT NINE BUT EIGHTEEN: Husein Muhammad on Aisha's Marriage Age. *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 15(1). <https://doi.org/10.14421/ahwal.2022.15104>
- Mazidah, N. (2014). *Sosiologi Keluarga*. UINSA Press.
- Melnikas, A. J., Ainul, S., Ehsan, I., Haque, E., & Amin, S. (2020). Child marriage practices among the Rohingya in Bangladesh. *Conflict and Health*, 14(1). <https://doi.org/10.1186/s13031-020-00274-0>
- Narwoko, J. D., & Suyanto, B. (2014). *Sosiologi: Teks Pengantar dan Terapan*. Kencana.
- Nindito, S. (2014). Fenomenologi Alfred Schutz: Studi tentang Konstruksi Makna dan Realitas dalam Ilmu Sosial. *Ilmu Komunikasi*, 2(1).
- Rahyu, P., & Ahmad Muzhaffar. (2022). Perempuan dan Pernikahan Anak Dalam Perspektif Hukum Islam. *Musāwa Jurnal Studi Gender Dan Islam*, 21(1). <https://doi.org/10.14421/musawa.2022.211.41-51>
- Samuri, M. A. A., Awal, N. A. M., & Bakar, M. A. A. (2022). CURBING CHILD MARRIAGE AMONGST MUSLIMS IN MALAYSIA: TOWARDS LEGAL REFORM. *UUM Journal of Legal Studies*, 13(1). <https://doi.org/10.32890/uumjls.2022.13.1.1>
- Setiadi, E. M., & Kolip, U. (2013). *Pengantar Sosiologi Pemahaman, Fakta dan Gejala*

- Permasalahan Sosial: Teori, Aplikasi dan Pemecahannya*. Kencana.
- Shiddieqy, M. H. A. (1975). *Falsafah Hukum Islam*. Bulan Bintang.
- Shufiyah, F. (2018). Pernikahan Dini Menurut Hadis dan Dampaknya. *Jurnal Living Hadis*, 3(1). <https://doi.org/10.14421/livinghadis.2017.1362>
- Subramanee, S. D., Agho, K., Lakshmi, J., Huda, M. N., Joshi, R., & Akombi-Inyang, B. (2022). Child Marriage in South Asia: A Systematic Review. In *International Journal of Environmental Research and Public Health* (Vol. 19, Issue 22). <https://doi.org/10.3390/ijerph192215138>
- Tidjani, A. (2016). 'Aishah binti Abu Bakr RA: Wanita Istimewa yang Melampaui Zamananya. *Dirosat: Jurnal of Islamic Studies*, 1(1).
- Ulum, B. (2022). Pemahaman Hadits Berbasis Pendekatan Sosiologi. *Al-Yazidiy: Ilmu Sosial, Humaniora Dan Pendidikan*, 4(1).
- UNICEF. (2020). *Perkawinan Anak di Indonesia*. UNICEF.
- UNICEF. (2022). *Melahirkan anak usia dini*. UNICEF.
- Wirawan, I. . (2015). *Teori-Teori Sosial Dalam Tiga Paradigma (Fakta Sosial, Definisi Sosial Dan Perilaku Sosial)*. Kencana.
- Yoshida, Y. H., Rachman, J. B., Darmawan, W. B., Internasional, D. H., Padjadjaran, U., & Anak, P. (2023). Upaya Indonesia Dalam Mengatasi Pernikahan Anak Sebagai. *Aliansi: Jurnal Politik, Keamanan Dan Hubungan Internasional*, 1(3).
- Yuslem, N. (2001). *Ulumul Hadis*. Mutiara Sumber Widya.