

# The Prevalence Of Child Marriage: Comparitive Study Of Indonesia And Other South Asian States

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## Abstract

*Child marriage is a serious issue that has yet to be addressed by Indonesia. This practice severely affects the rights of the child and also Indonesian society as a whole. From a human rights perspective, child marriage is a form of gender-based violence. The causes of early marriage in Indonesia include pregnancy out of wedlock, which is also supported by westernized social life as well as the influence of the media, low education, economic factors and patriarchal culture. Meanwhile, other South Asian States such as India are influenced by economic violence against Muslim women perpetrated by their husbands. This practice in India has a detrimental impact on Muslim women's access to health services, educational attainment, social mobility, and employment opportunities. Furthermore, Bangladesh is affected by family poverty, while Pakistan is affected by financial shocks and school dropout rates. Although multiple factors causally affect the prevalence of child marriage, Indonesia and other South Asian States have shown that protective laws may help to lower the rates of child marriages and adolescent fertility. This article analyzes Indonesia's legal framework in efforts to protect child marriages and compares it with other South Asian States. The main issue of this paper is that early marriage violates the children's rights and both the Indonesian government and the international community should be obligated to combat early child marriage. The methodology employed by this article is a qualitative method of comparative legal case study, where secondary data such as books, articles, reports, online web sites, and court cases are analyzed. This article concludes that existing evidence shows that Indonesia and other South Asian states still lack in enforcement and monitoring delays to ensure the rights of the child and protect women. Alternative legal*

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*protection should be applied in order to ensure that women and children can gain access to higher education and hold their life in their own hands.*

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## 1 Introduction

Child marriage is a violation of human rights because the practice can be considered a form of violence against children.<sup>1</sup> The issue is complex, therefore, a comprehensive and holistic solution should be considered for the best interest of the child. Factors contributing to child marriage include poverty, lack of access to education, culture, religion, and social norms.<sup>2</sup>

At this time, Indonesia is one of the States with the highest rate of child marriage under the age of 18 (eighteen) years old.<sup>3</sup> This is concerning as studies show that girls who get married below the age of 18 (eighteen) years old are less likely to finish secondary education because they are more likely to be occupied by day-to-day household chores.<sup>4</sup> Furthermore, these girls are more prone to domestic violence because of the power dynamic where the man is much older than the girl.<sup>5</sup>

Currently, Indonesia has laws in place that is intended to prevent child marriage. However, these laws still leave room for parents to make the decision for their children to get married at a young age.<sup>6</sup> The policies in place today heavily rely on the political

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<sup>1</sup> The National Development Planning Agency, "National Strategy On The Prevention Of Child Marriage National Strategy On The Prevention Of Child Marriage," 2020, <https://www.unicef.org/indonesia/sites/unicef.org.indonesia/files/2020-06/National-Strategy-on-Child-Marriage-Prevention-2020.pdf>.

<sup>2</sup> Ayako Kohno dkk., "Investigation of the Key Factors That Influence the Girls to Enter into Child Marriage: A Meta-Synthesis of Qualitative Evidence," ed. oleh Jonathan Jong, *PLOS ONE* 15, no. 7 (17 Juli 2020): e0235959, <https://doi.org/10.1371/journal.pone.0235959>.

<sup>3</sup> Badan Pusat Statistik, *Prevention of Child Marriage Acceleration that cannot wait* (Kementerian Bappenas, 2020), <https://www.unicef.org/indonesia/media/5021/file/Prevention%20of%20Child%20Marriage%20Report.pdf>.

<sup>4</sup> Edo Rusyanto, "One in Nine Females Face Child Marriage in Indonesia," *Jakarta Globe*, diakses 19 Maret 2024, <https://jakartaglobe.id/news/one-in-nine-females-face-child-marriage-in-indonesia>.

<sup>5</sup> Asep Firmansyah dan Resinta Sulistiyandari, penerj., "Govt Targets to Reduce Child Marriage to 8.74 Percent: Ministry," *Antara News*, 19 November 2023, <https://en.antaranews.com/news/299019/govt-targets-to-reduce-child-marriage-to-874-percent-ministry>.

<sup>6</sup> Anthin Lathifah, Briliyan Ernawati, dan Anwar Masduki, "Problems with the Islamic legal system regarding child marriages in Indonesia during the covid-19 pandemic period," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (2 Desember 2022): 155–76, <https://doi.org/10.18326/ijtihad.v22i2.155-176>.

will of regional leaders, especially in poverty stricken areas.<sup>7</sup>

Other South Asian State such as India, Bangladesh, and Pakistan, are facing similar issues regarding the prevention of child marriage.<sup>8</sup> These States have enacted special laws such as the Child Marriage Restraint Act, however, the implementation of such regulations conflict with customary laws. Therefore, it is necessary to dissect the issues arising in Indonesia and other South Asian States in order for society to brinforth adequate strategies by reflecting on the current situation that is happening domestically and internationally.

This article analyzes Indonesia's legal framework in efforts to protect child marriages and compares it with other South Asian States. The main issue of this paper is that early marriage violates the children's rights and both the Indonesian government and the international community should be obligated to combat early child marriage. Section 2 of this article states the problem statement that is still rampant in Indonesia's law enforcement and monitoring efforts in combating child marriage, and its necessity to compare Indonesia's legal framework with other South Asian States. Section 3 lays down the methodology of this article where a qualitative method of legal case analysis is used, and secondary data such as books, articles, reports, online web sites, and court cases are analyzed. Section 4 states the current law that is in effect in Indonesia and the international community. Section 5 demonstrates how Indonesia's current legal framework fails to create legal awareness to influence individuals' behavior to stop the practice of child marriage. This is also rampant in other South Asian States such as India, Pakistan, and others. This article concludes that existing evidence shows that Indonesia and other South Asian states still lack in enforcement and monitoring delays to ensure the rights of the child and protect women. Alternative legal protection should be applied in order to ensure that women and children can gain access to higher education and hold their life in their own hands.

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<sup>7</sup> Deni Setiyawan, Hadi Tuasikal, dan Hafidz Adhi Karana, "The Phenomenon of Divorce during the Election Period in the Perspective of Islamic Law," *Jurnal Media Hukum* 31, no. 1 (20 Mei 2024): 150–66, <https://doi.org/10.18196/jmh.v31i1.21868>.

<sup>8</sup> UNICEF dan UNFPA, "Child Marriage South Asia An Evidence Review," Technical Report (UNICEF ROSA, 2019), <http://digitalrepository.fccollege.edu.pk/handle/123456789/949>.

## 2 Problem Statement

From the introductory statement above, the author is interested in addressing the legal challenges in the prevention and prohibition of child marriage in Indonesia by comparing legal frameworks in other South Asian States. This problem is very important as an ongoing solution is needed in order for children to strive as children and to not become victims of child marriage. By comparing and contrasting other South Asian States, the author intends to give insight on how to harmonize child marriage prevention laws that can be enacted more effectively in Indonesia.

## 3 Methods

This article applies a legal normative approach. According to Soerjono Soekanto and Sri Mamuji, the legal normative approach employs legal research and analysis using secondary data.<sup>9</sup> One of the ways the legal normative approach is applied is by comparing and contrasting legal systems by looking at different legal frameworks and their synchronization with the current situation in other States.<sup>10</sup> According to Konrad Zweigert and Henz Kotz, comparative legal research involves “the comparison of spirit and style of different legal systems or of comparable legal institutions or of the solution of comparable legal problems.”<sup>11</sup> This article will also employ a comparative method to contrast Indonesia’s legal framework with other South Asian States, such as India and Pakistan, in order to find the best socio legal solution to combat child marriage. Furthermore, this article will use secondary sources such as books, articles, journals, and websites, that will be referenced in the citations.

## 4 Child Marriages in the Current Legal Framework Under Indonesian Law and International Law

### 4.1 Child Marriages Under International Law

Although international law does not specifically address child marriages, the

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<sup>9</sup> Sri Mamudji dan Soerjono Soekanto, *Penelitian Hukum Normatif suatu tinjauan singkat* (Jakarta: Raja Grafindo Persada, 2003).

<sup>10</sup> Irwansyah Irwansyah, “*Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*,” Yogyakarta: Mirra Buana Media 8 (2020).

<sup>11</sup> Igor I. Kavass, “Konrad Zweigert, and Hein Kötz., An Introduction to Comparative Law. Translated by Tony Weir. Amsterdam, New York, Oxford: North-Holland Publishing Co., 1977. Vol. I, Xvii, 385 p.; Vol. II, Xvii, 379 p. US\$93.50.,” *International Journal of Law Libraries* 7, no. 3 (Juni 1979): 290–95, <https://doi.org/10.1017/S0340045X00000356>.

international community still takes a strong stance to combat the practice. Under international human rights law child marriages can be issues such as sexual exploitation, the abuse of children, human trafficking, and forced labor, have been entwined with child marriage.<sup>12</sup> As stated by the United Nations Children's Fund Research Center: "there has been virtually no attempt to examine the practice of child marriage as a human right violation *in itself*."<sup>13</sup>

The international community recognizes that, essentially, marriage is about consent between an adult male and an adult female. Article 16 of the 1946 Universal Declaration of Human Rights ("UDHR") states the following:

1. "Men and women of full age, without any limitation due to race, nationality, or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage, and its dissolution;
2. Marriage shall be entered into only with the free and full consent of the intending spouses;
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."<sup>14</sup>

The UDHR makes it clear that a man and a woman of full age in a marriage have full and equal rights. However, the UDHR does not specifically define what is considered a "full age."

The only international treaty that defines a child is the 1989 Convention on the Rights of the Child ("CRC"). Article 1 of the CRC states that a child is "every human being below the age of 18 years. Currently, the CRC has 140 States that have ratified the treaty into their domestic law,<sup>15</sup> therefore, the "best interest of the child" principle stipulated under the CRC provides an important base for States to evaluate their laws with respect

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<sup>12</sup> Susanne Louis B. Mikhail, "Child Marriage and Child Prostitution: Two Forms of Sexual Exploitation," *Gender & Development* 10, no. 1 (Maret 2002): 43–49, <https://doi.org/10.1080/13552070215896>; A. Raj, "When the Mother Is a Child: The Impact of Child Marriage on the Health and Human Rights of Girls," *Archives of Disease in Childhood* 95, no. 11 (1 November 2010): 931–35, <https://doi.org/10.1136/adc.2009.178707>; Elizabeth Warner, "Behind the Wedding Veil: Child Marriage as a Form of Trafficking in Girls," *American University Journal of Gender, Social Policy & the Law* 12 (2004): 233.

<sup>13</sup> Maggie Black, "Early Marriage: Child Spouses. Innocenti Digest No. 7" (UNICEF Innocenti Research Centre, Piazza SS, Maret 2001).

<sup>14</sup> United Nations, "Universal Declaration of Human Rights," United Nations (United Nations), diakses 27 Februari 2024, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

<sup>15</sup> "Status of Ratification International Dashboard," United Nation Human Rights, diakses 27 Februari 2024, <https://indicators.ohchr.org/>.

to the protection of children, including the practice of child marriage since it clearly infringes the child's rights.<sup>16</sup>

International law still fails to provide protection because international treaties are not self-executing. It is still up to the States to determine the mandatory minimum age for a man and a woman to marry.

#### **4.2 Child Marriages Under Indonesian Domestic Law**

Indonesian law is mostly statutory based rooted from the 1945 Indonesian Constitution and the State's ideology of *Pancasila*.<sup>17</sup> Under Article 1, Paragraph 3 of the 1945 Constitution, "The State of Indonesia shall be a state based on the rule of law." Influenced by Dutch Law before Indonesia's independence in August 17, 1945, Indonesia adopted the Civil Law system or the European Continental System until today.<sup>18</sup>

According to Article 28B of the 1945 Constitution, marriage is a protected right of every Indonesian citizen. Article 28B states: "Every person shall have the right to establish a family and to procreate based upon lawful marriage." Furthermore, Article 28B also protects and guarantees the rights of children for survival, growth and development.

Laws about marriage are codified under Law No. 1 year 1974 about Marriage ("Indonesian Marriage Law"). Article 47 states: "(1) A child under the age of 18 (eighteen) or those who have never been married are under the authority of their parents so long as they are not deprived of their authority; (2) Parents shall act on behalf of the child about all legal actions in and out of Court." Art 7 (1), The Indonesian Marriage Law also states that in order to get married, a man must be 19 (nineteen) years of age and a woman must be at least 16 (sixteen) years old.<sup>19</sup> Consequently,

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<sup>16</sup> Lavinia Spiess dan -Jones Louise Pyne, "Children at risk of statelessness in the fight against terrorism," *Statelessness & Citizenship Review* 4, no. 1 (Juni 2022): 33-65, <https://doi.org/10.3316/informit.670185042651255>.

<sup>17</sup> Fais Yonas Bo'a, "Pancasila sebagai Sumber Hukum dalam Sistem Hukum Nasional," *Jurnal Konstitusi* 15, no. 1 (29 Maret 2018): 21, <https://doi.org/10.31078/jk1512>.

<sup>18</sup> Ariyanto Ariyanto, "Regulation of Fraud in Civil Code: a Comparative Study Between The Indonesian Civil Code and Netherlands Nieuw Burgerlijk Wetboek," *Jurnal Penelitian Hukum De Jure* 23, no. 4 (1 Desember 2023): 455, <https://doi.org/10.30641/dejure.2023.V23.455-472>.

<sup>19</sup> Article 7 (1), Law Number 35 of 2014 concerning Amendment to Law Number 23 of 2002 on Child Protection.

Indonesian law establishes that any marriage under the specified age requirement is considered child marriage.

However, the Indonesian Marriage Law does not give full protection from child marriage. Parents still have the right to request dispensation to the Indonesian national Courts so that their son and/or daughter could get married below the age requirement of the Indonesian Marriage Law.<sup>20</sup>

Specifically, children's rights are listed under Law No. 35 year 2014 about Amendments to Law No. 23 year 2002 about Child Protection. ("Indonesian Child Protection Law"). Indonesia is a signatory State of the CRC and has implemented that a child is an individual below the age of 18 (eighteen), and includes unborn fetuses.<sup>21</sup> Some of the child's rights that are affected by child marriage include:

1. The right to live, grow, develop and participate fairly in accordance with human dignity, and to receive protection from violence and discrimination;<sup>22</sup>
2. The right to know one's parents, to be raised and cared for by one's own parents, and to have the right to be cared for or adopted as a foster child or adopted child of another person if for some reason the parents cannot guarantee the child's growth and development;<sup>23</sup>
3. The right to obtain education and teaching in the context of personal development and level of intelligence in accordance with his interests and talents;<sup>24</sup>
4. The right to express and have one's opinion heard, receive, seek and provide information according to one's level of intelligence and age for the sake of one's development in accordance with the values of decency and propriety;<sup>25</sup>
5. The right to rest and use free time, socialize with children of the same age, play, have recreation and be creative in accordance with their interests, talents and

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<sup>20</sup> Article 7(3). Ibid

<sup>21</sup> Article 1(1). Ibid

<sup>22</sup> Article 4. Ibid

<sup>23</sup> Article 7(1) and (2). Ibid

<sup>24</sup> Article 9(1). Ibid

<sup>25</sup> Article 10. Ibid

level of intelligence for the sake of self-development;<sup>26</sup> and

6. The right to receive protection from discrimination, economic and sexual exploitation, neglect, cruelty, violence and abuse, injustice and other wrongful treatment for children who are in the care of parents, guardians or other parties;<sup>27</sup>

Moreover, children's rights are considered a part of basic human rights as evinced in Law Number 39 year 1999 about Human Rights ("Indonesian Human Rights Law"). Children's rights that have been violated because of child marriage include:

1. The right to life maintains life and improves the standard of living;<sup>28</sup>
2. The right to receive care, education, training and special assistance at state expense, to guarantee a life in accordance with human dignity, increase self-confidence and ability to participate in the life of society, nation and state;<sup>29</sup>
3. The right to know who their parents are, to be raised and cared for by their own parents, and to have the right to be cared for or adopted as a foster child or adopted child of another person if for some reason the parents are unable to raise or care for their child;<sup>30</sup>
4. The right to be raised, cared for, educated, directed and guided in life by parents or guardians until adulthood in accordance with the provisions of laws and regulations;<sup>31</sup>
5. The right to have adoptive parents or guardians through a court order if both parents die or for some legitimate reason are unable to carry out their obligations as parents;<sup>32</sup>
6. The child's right to obtain legal protection from all forms of physical or mental violence, neglect, ill-treatment and sexual harassment while in the care of their parents or guardians, or any other party responsible for the child's care;<sup>33</sup>

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<sup>26</sup> Article 11. Ibid

<sup>27</sup> Article 13. Ibid

<sup>28</sup> Article 53(1) Law Number 39 Tahun 1999 concerning Human Rights.

<sup>29</sup> Article 54. Ibid

<sup>30</sup> Article 56. Ibid

<sup>31</sup> Article 57(1). Ibid

<sup>32</sup> Article 57(2). Ibid

<sup>33</sup> Article 58(1). Ibid

7. The right to obtain education and teaching in the context of personal development in accordance with one's interests, talents and level of intelligence;<sup>34</sup>
8. The right to seek, receive and provide information according to his intellectual level and age for the sake of his development as long as it is in accordance with the values of decency and propriety;<sup>35</sup>
9. The right to rest, socialize with children of the same age, play, have recreation and be creative in accordance with their interests, talents and level of intelligence for their own development;<sup>36</sup>
10. The right to obtain protection from economic exploitation activities and any work that endangers oneself so that it can interfere with one's education, physical health, morals, social and spiritual life;<sup>37</sup> and
11. Children who are deprived of their liberty have the right to defend themselves and obtain justice before an objective and impartial juvenile court in a session closed to the public.<sup>38</sup>

## 5 Current Challenges in Combating Child Marriage in Indonesia and Other South Asian States

### 5.1 Analysis of The Practice of Child Marriage in Indonesia

The revised Indonesian Marriage Law under Law No. 16 year 2019 about Amendments to Law No. 1 Year 1974 about Marriage ("Revised Indonesian Marriage Law"), Art 1 regulates age limits for marriage, and is considered to be the middle way to combat child marriage. The law reflects the customary practices in Indonesian customs and religion. However, the relaxation of the conditions for carrying out underage marriages, namely through dispensation, results in deviations from the rules. Thus, the proposed marriage dispensations are seldomly rejected by the Indonesian Courts.<sup>39</sup>

Child marriage practices in Wedusan Village, Pati, Central Java, as research by Umar

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<sup>34</sup> Article 60(1). Ibid

<sup>35</sup> Article 60(2). Ibid

<sup>36</sup> Article 61. Ibid

<sup>37</sup> Article 64. Ibid

<sup>38</sup> Article 66(4). Ibid

<sup>39</sup> Sudirman Sudirman dkk., "Examining the complexity of child marriage as sexual violence in digital era," *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (30 September 2023): 310–28, <https://doi.org/10.22219/ljih.v31i2.28881>.

Faruq Tohir, a prominent researcher of Sharia Law, revealed the fact that marriage is not taboo. In fact the parents willingly give their child for marriage as soon as their daughter is considered able to bear children.<sup>40</sup> This situation is supported by the persistence of the tradition where girls do not have the right to freedom to choose their husbands because of arranged marriages by their parents.<sup>41</sup> The influence of this patriarchal culture encourages children not to possibly contradict their parents' wishes, but must always obey their father's decisions, if they don't obey the child can be retaliated against.<sup>42</sup>

Furthermore, early marriage in the Sasak Lombok community, according to research by Siti Nur Kaerani, is influenced a lot by social factors, specifically environmental influences, namely social influences, such as the environment, many of whom do not go to school and also many of their social friends who marry early.<sup>43</sup> Other factors that attribute to child marriage include low level of education or knowledge of parents, children, and society which influences their mindset in understanding and comprehending the meaning of the purpose of marriage.

In contrast to previous research, Adburrasyid Ridha in his study in Indramayu, Gawuswetan stated that a significant factor driving child marriage is promiscuity resulting in pregnancies outside of marriage. Other factors include parental separation from divorce, work, or death, weak economy, low education, and religious practice.<sup>44</sup>

Different research results were also obtained from Ariyanto et al. Their research stated that early marriage is common for the people of Kobu, Rokan Ilir in Riau, Sumatra. Child

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<sup>40</sup> Umar Faruq Thohir, "Konsep Tawakkal Dalam Perspektif Pasangan Perkawinan Anak Di Desa Wedusan Probolinggo Jawa Timur," *Jurnal Hukum Islam* 17, no. 2 (15 Desember 2019): 210–29, <https://doi.org/10.28918/jhi.v17i2.2392>.

<sup>41</sup> Gempur News.com, "Badan Penyuluhan Keluarga Berencana/Bpkb Memberikan Sosialisasi Tentang Pernikahan Dini Di Balai Desa Wedusan Kec.tiris Probolinggo," *Gempur News* (blog), 20 Juli 2018, <https://www.gempurnews.com/2018/07/20/badan-penyuluhan-keluarga-berencana-bpkb-memberikan-sosialisasi-tentang-pernikahan-dini-di-balai-desa-wedusan-kec-tiris-probolinggo/>.

<sup>42</sup> Salam Aboulhassan dan Krista M. Brumley, "Carrying the Burden of a Culture: Bargaining With Patriarchy and the Gendered Reputation of Arab American Women," *Journal of Family Issues* 40, no. 5 (April 2019): 637–61, <https://doi.org/10.1177/0192513X18821403>.

<sup>43</sup> Siti Nurul Khaerani, "Faktor Ekonomi Dalam Pernikahan Dini Pada Masyarakat Sasak Lombok," *QAWWAM* 13, no. 1 (21 Desember 2019): 1–13, <https://doi.org/10.20414/qawwam.v13i1.1619>.

<sup>44</sup> Abdurrasyid Ridha, "Pernikahan Di Bawah Umur Dan Keutuhan Keluarga: Kasus Di Indramayu," *Tatar Pasundan: Jurnal Diklat Keagamaan* 14, no. 1 (10 Juni 2020): 77–86, <https://doi.org/10.38075/tp.v14i1.43>.

marriages are carried out without compulsion as children willingly conduct marriage based on their affectionate feeling for each other.<sup>45</sup> Likewise, support from their parents further motivates these children into early marriages. Couples who went through child marriage believe that their partner is a gift from God, in other word, young couples are grateful for the marriage.

Gea, et al in their study in East Medan District revealed that one of the factors causing underage marriage in the Medan Denai substrict of East Mean is attributed to the uncontrolled dating style that is influenced by the western media. In this community, children use online media too much so that they are influenced by promiscuity.<sup>46</sup> The mass media which provides a lot of non-educative shows in Slahung District, Ponorogo Regency.<sup>47</sup>

According to the Indonesian Child Protection Law, a child's rights is an integral part of human rights that must be guaranteed, protected, and affirmed by parents, families, citizens, and the government.<sup>48</sup> However, Indonesia still fails to provide adequate protection by the law. The data below shows the proportion of women who are married or are cohabitating at the age of 18 (eighteen). This data is spread across the following provinces in Indonesia in the 2020-2022 period:<sup>49</sup>

Province	Proportion of Women Aged 20-24 Years Who Married or Cohabited Before Age 18 by Province (Percent)		
	2020	2021	2022
ACEH	5.43	4.60	4.83
NORTH SUMATRA	5.95	4.82	3.80

<sup>45</sup> Jumili Arianto dkk., "Perkawinan Dibawah Umur dan Keberlangsungan Rumah Tangga, Kubu Rokan Hilir," *Indonesian Journal of Social Science Education (IJSSE)* 3, no. 2 (31 Juli 2022): 169, <https://doi.org/10.29300/ijssse.v3i2.5473>.

<sup>46</sup> Muhammad Yusron Hamid Gea dkk., "Upaya KUA Dalam Mengatasi Fenomena Pernikahan Dibawah Umur Di Kecamatan Medan Timur," *NUSANTARA : Jurnal Ilmu Pengetahuan Sosial* 9, no. 6 (1 Juli 2022): 2279-88, <https://doi.org/10.31604/jips.v9i6.2022.2279-2288>.

<sup>47</sup> Agus Munib dan Miftahul Huda, "Pernikahan di Bawah Umur dan Relasinya Terhadap Keluarga di Kecamatan Slahung Kabupaten Ponorogo," *Journal of Economics, Law, and Humanities* 2, no. 1 (2023): 95-112.

<sup>48</sup> Muhammad Joni dan Zulchaina Z. Tanamas, *Aspek Hukum Perlindungan Anak dalam Perspektif Konvensi Hak Anak* (Citra Aditya Bakti, 1999).

<sup>49</sup> Badan Pusat Statistik Indonesia, "Proporsi Perempuan Umur 20-24 Tahun Yang Berstatus Kawin Atau Berstatus Hidup Bersama Sebelum Umur 18 Tahun Menurut Provinsi - Tabel Statistik," diakses 22 Maret 2024, <https://www.bps.go.id/id/statistics-table/2/MTM2MCMY/proporsi-perempuan-umur-20-24-tahun-yang-berstatus-kawin-atau-berstatus-hidup-bersama-sebelum-umur-18-tahun-menurut-provinsi--persen.html>.

WEST SUMATRA	5.03	3.48	3.62
RIAU	9.19	5.55	5.79
JAMBI	14.03	10.67	9.91
SOUTH SUMATRA	13.44	12.24	11.42
BENGKULU	10.68	11.93	8.80
LAMPUNG	10.24	9.77	8.14
KEP. BANGKA BELITUNG	18.76	14.05	7.91
KEP. RIAU	7.31	2.89	4.87
DKI JAKARTA	1.45	4.68	2.07
WEST JAVA	11.96	10.09	8.65
CENTRAL JAVA	10.05	9.75	7.80
IN YOGYAKARTA	1.83	3.52	2.78
EAST JAVA	10.67	10.44	9.46
BANTEN	6.23	6.00	7.08
BALI	8.79	5.06	3.66
WEST NUSA TENGGARA	16.61	16.59	16.23
EAST NUSA TENGGARA	9.22	5.95	5.71
WEST KALIMANTAN	17.14	13.84	12.84
CENTRAL KALIMANTAN	16.35	15.47	14.72
SOUTH KALIMANTAN	16.24	15.30	10.53
EAST KALIMANTAN	11.79	8.64	7.22
NORTH KALIMANTAN	12.70	10.16	8.37
NORTH SULAWESI	14.01	13.56	8.82
CENTRAL SULAWESI	14.89	12.51	12.65
SOUTH SULAWESI	11.25	9.25	9.33
SOUTHEAST SULAWESI	16.09	13.26	12.26
GORONTALO	14.73	11.64	13.65
WEST SULAWESI	17.12	17.71	11.70
MALUKU	6.84	7.08	3.89
NORTH MALUKU	15.29	13.09	12.52
WEST PAPUA	12.91	12.27	7.54
PAPUA	13.78	13.21	9.70
INDONESIA	10.35	9.23	8.06

Based on the data above, several regions in Indonesia, namely, Aceh, West Sumatra, Riau, Banten, South Sulawesi, and Gorontalo experienced an increase in numbers in early cohabitation between a man and a woman in 2022 from the previous year. Meanwhile in other areas there was a quite drastic decline, but there was a decrease but it was small and tended to be stagnant, such as in the North Sumatra, Nusa

Southeast West, East Nusa Tenggara, Central Sulawesi, and the cumulative decline in child marriage rates in Indonesia tends to be insignificant, namely only 1.17 points. This is because the majority of Indonesia's population is Muslim. Apart from that, there are also oddities in the data in large/metropolitan/city areas such as the Special Region of Jakarta, North Sumatra, Yogyakarta, the data appears to be in very small quantities, giving rise to doubts about the validity of the existing data.

It can be said that the presence of child marriage prevention law has little to no effect on the prevalence of such practices. Child marriage in Indonesia is determined mostly by socio-economic factor surrounding the child, mostly impacting girls.<sup>50</sup> Policies need to be aimed not only towards the child, but also to households and communities as a whole because child marriage is mostly the decision of the parents.<sup>51</sup>

## 5.2 Analysis of The Practice of Child Marriage in Other South Asian States

Most South Asian States prohibits the practice of child marriage in their existing civil and/or criminal law,<sup>52</sup> however, because South Asia is heavily influenced by customary law, most of these laws are overlooked.

In many parts of the world, parents encourage the marriage of daughters considering the financial and social benefits and freeing the family from economic burdens.<sup>53</sup> Child marriage is a fundamental violation of girls' human rights that should not happen and should not be forced by parents for any reason.<sup>54</sup> Child marriage is a complex problem that is still difficult to prevent,<sup>55</sup> as evidenced by data on the increase in the number of child marriages in the world, such as data from the United Nations International Children's Emergency Fund ("UNICEF"). Throughout the world, the rate of child

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<sup>50</sup> Lisa Cameron, Diana Contreras Suarez, dan Susan Wieczkiewicz, "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, no. 3 (1 September 2023): 725–56, <https://doi.org/10.1007/s11150-022-09616-8>.

<sup>51</sup> Yayan Sopyan dkk., "Child Exploitation by Parents in Early Marriage: Case Study in Cianjur West Java, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (30 November 2023): 1921–42, <https://doi.org/10.22373/sjhk.v7i3.14804>.

<sup>52</sup> UNICEF dan UNFPA, "Child Marriage South Asia An Evidence Review."

<sup>53</sup> Nancy Folbre, *Valuing Children: Rethinking the Economics of the Family* (Harvard University Press, 2008).

<sup>54</sup> Akanksha Dash dan Ananya Sharma, "Child Marriage: A Violation of Rights," *Supremo Amicus* 10 (2019): 5.

<sup>55</sup> Dian Latifiani, "The Darkest Phase for Family: Child Marriage Prevention and Its Complexity in Indonesia," *Journal of Indonesian Legal Studies* 4 (2019): 241.

marriage is nearly half of child brides live in South Asia at 45% (forty five percent) with the next largest share in Sub-Saharan Africa 20% (twenty perfect), followed by East Asia and the Pacific 15% (fifteen percent), and Latin America and the Caribbean 9%

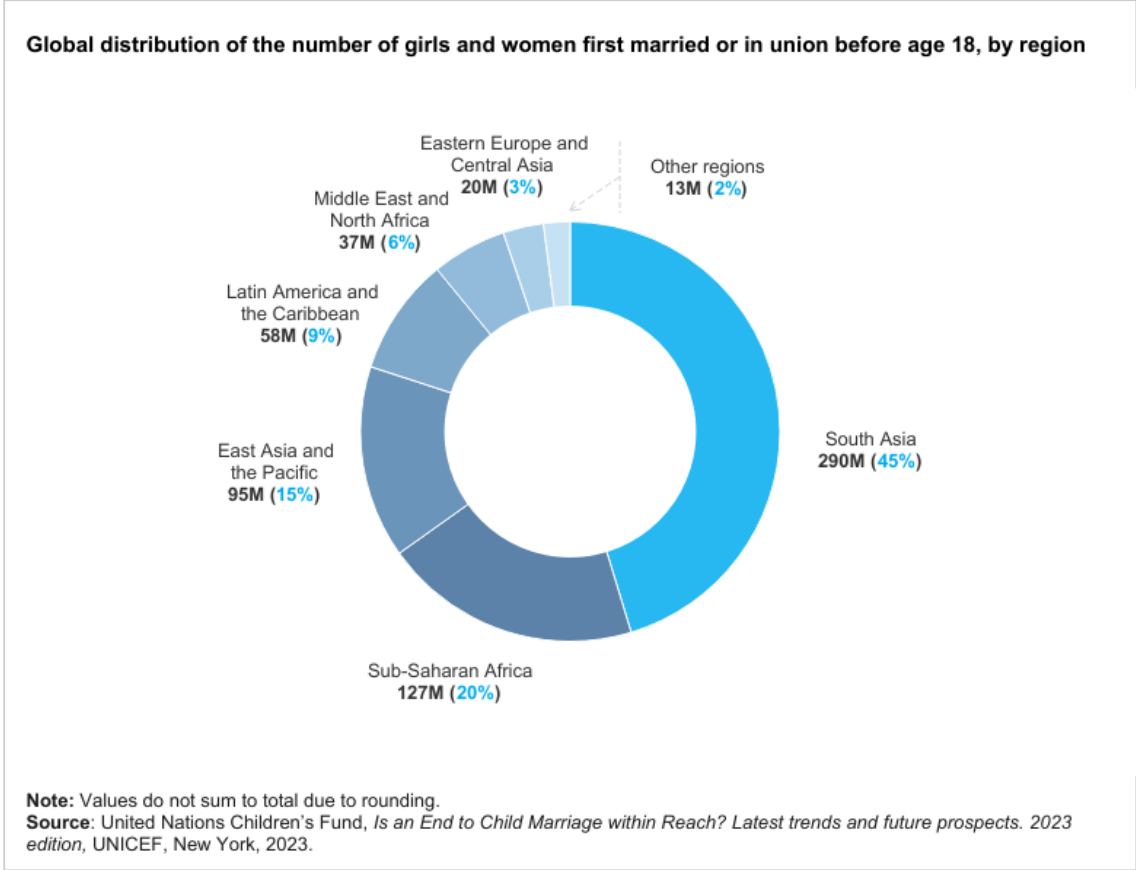


Figure 1. Child Marriage among Girls in the World<sup>56</sup>

From the data above, South Asia is the region with the highest number of child marriages, as a Hindu-majority country, it proves that the root of the problem in this place is certainly not due to Islam. Bangladesh and Pakistan also have the highest number of child marriages as shown in the following data:

<sup>56</sup> Hana Moumen, "Is an End to Child Marriage within Reach?," UNICEF DATA, 5 Mei 2023, <https://data.unicef.org/resources/is-an-end-to-child-marriage-within-reach/>.

South Asia is home to around 290 million child brides, accounting for 45 per cent of the global total

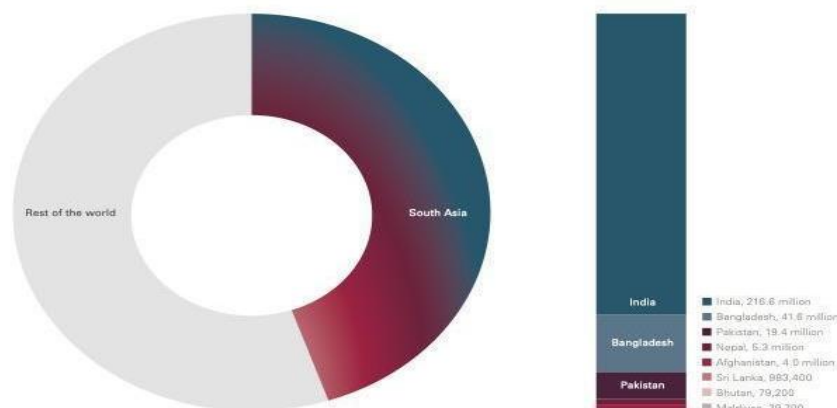


Figure 2. About one in four young women in South Asia were first married or in a union before their 18th birthday.<sup>57</sup>

Similar to global trends, the prevalence rate of child marriage and early marriage and teenage pregnancy in Southeast Asia remains high. Indicatively, the percentage of women aged 20 to 24 who were married or in union before 18 ranges from 35.4% (thirty five point four perfect) in Laos PDR, 17% (seventeen percent) in Indonesia, and 11% (eleven percent) in Vietnam. This is aggravated by the ensuing adolescent birth rate of 47 births per 1000 females aged 15 to 19 in the region; only slightly below the global average of 50.<sup>58</sup>

Indonesia is the second highest in comparison after Laos which is a predominantly Buddhist State. Hence, child marriage is not the root of the problem because of Islam. Although, from Figure 1 some of the areas with high levels of child marriage are Islamic countries, because it is common knowledge that child marriage is a common practice in Muslim countries.<sup>59</sup>

In the Qur'an and al-Sunnah, there is no explicit mention of the limits of adolescence. However, when it is related to law, the Prophet once said that a person who has been

<sup>57</sup> Hana Moumen, "A Profile of Child Marriage in South Asia," UNICEF DATA, 5 Mei 2023, <https://data.unicef.org/resources/a-profile-of-child-marriage-in-south-asia/>.

<sup>58</sup> "ASEAN Calls for Ending Child, Early and Forced Marriage," ASEAN Main Portal, 7 Maret 2019, <https://asean.org/asean-calls-for-ending-child-early-and-forced-marriage/>.

<sup>59</sup> Komputri Apria Santi dan Sefri Kandi Ja'far Yazid, "Konsep Pemikiran Ahmad Tafsir Dalam Ilmu Pendidikan Islam," *Raudhah Proud To Be Professionals : Jurnal Tarbiyah Islamiyah* 5, no. 1 (30 Juni 2020): 63–77, <https://doi.org/10.48094/raudhah.v5i1.65>.

burdened with the obligation to carry out the Shari'ah after he reaches the age of maturity which is marked by ihtilam (إحتالم), namely dreaming of Jima' and accompanied by the release of semen in men and menstruation in women.<sup>60</sup>

Apart from the history of the marriage of Rasullullah Salallahu Alaihi Wasalam (SAW), his marriage to Siti Aisyah AS is also often used as a reference, resulting in arguing that the Sunnah of the Prophet was the reason for child marriage.<sup>61</sup> An issue in Central Java involving Sheikh Puji which became a national issue when he married Lutfiana Ulfa when she was 12 years old. However, Sheikh Puji argued that during the marriage, his wife only carried out her obligations as a wife after she was 17 years old, five years after her marriage (this is similar to what Rasullullah did). Now that Ulfa is 27 years old, her marriage is still harmonious with her Sheikh Puji.<sup>62</sup>

The marriage between Lutfiana Ulfa and Sheikh Puji was done based on an agreement between Sheikh Puji and Ulfa himself, where both of them wanted to form a happy family and make him a director of their company. Even though the Chairman of the National Commission for Children also asked Sheikh Puji to cancel his marriage at that time, in reality, Sheikh Puji apparently did not cancel the marriage on the grounds that the marriage had been approved by Ulfa's parents.<sup>63</sup> Many parents like Ulfa's parents in the world give up their children to other people with the reason of avoiding premarital sex (adultery), often even for various personal benefits, the parents force by the daughter's guardian into marrying an older individual.

Likewise, if we look at the data in developing countries in South Asia, India, which is

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<sup>60</sup> Yazir Farouk dan Rena Pangesti, "Kronologi Syekh Puji Kembali Viral, Kasus Nikahi Bocah 7 Tahun hingga Curhat Malam Pertama Lutviana Ulfah," Suara.com, diakses 23 Maret 2024, <https://www.suara.com/entertainment/2023/04/11/140908/kronologi-syekh-puji-kembali-viral-kasus-nikahi-bocah-7-tahun-hingga-curhat-malam-pertama-lutviana-ulfah>.

<sup>61</sup> Lailiyatur Rohmah, "Analisis Hadits Tentang Usia Pernikahan Sayyidah 'Aisyah Dengan Batas Minimal Usia Nikah Dalam Khi," *Mabahits: Jurnal Hukum Keluarga Islam* 4, no. 02 (28 November 2023): 85–93.

<sup>62</sup> Sumarni dan Rosiana Chozanah, "Menikah di Usia 12 Tahun, Lutfiana Ulfa Beberkan Momen Malam Pertama dengan Syekh Puji," suara.com, diakses 23 Juli 2024, <https://www.suara.com/entertainment/2023/04/09/171514/menikah-di-usia-12-tahun-lutfiana-ulfah-beberkan-momen-malam-pertama-dengan-syekh-puji>.

<sup>63</sup> Charlotte Werner, "To What Extent Does the Law Need to Do More to Address the Gendered Discrimination in Employee Dress Codes?," dalam *AICILS 2017 (Oxford) Conference Proceedings* (5 Th Academic International Conference On Interdisciplinary Legal Studies, FLE Learning, 2017), <http://www.fletraining.com/wp-content/uploads/2019/01/AICILS-2017-March-Oxford-Conference-Proceedings-240517.pdf#>.

predominantly Hindu, has the highest number of child marriage cases, followed by Bangladesh and Pakistan.<sup>64</sup> Child marriage data in Association of South East Asian Nations (“ASEAN”) only includes Indonesia, where the majority of people are Muslim, followed by Cambodia and Vietnam which are predominantly Buddhist States. Therefore, the main root of the problem of child marriage is not because of the Muslim religion. In fact Muslim countries have tried to prevent restrictions on the age of marriage such as in Turkey, Iran, South Yemen, Republic of Tunisia, Morocco, Algeria, Afghanistan, Somalia.<sup>65</sup>

### 5.2.1 Child Marriage in India

India is a State adhering to the Common Law legal, and the majority of its citizens are Hindu with Muslims as the minority. Based on the Child Marriage data Figure 2 above, it is recorded that India has a very high rate of child marriage. In the historical literature regarding child marriage in India, in substance the age limit for girls to marry has been regulated but provides a context for finding the overlap between the politics of nationalism and sexuality.<sup>66</sup>

The Indian Constitution pays special attention to the rights of children under Art. 15 that safeguard children’s rights and privileges. Nationally, India has started to combat child marriage and implement prohibitions under India’s national law in Art. 1 the Sarda Act of 1929. The Sarda Act prohibits girls below the age of 15 and boys below the age of 18 to get married. In 1978, Art. 2 (a) the Sarda Act was amended to increase the age limit from 15 to 18 years for girls and 21 years in the case of boys. In 2006, the 1978 amendment to the Sarda act was repelled and the Prohibition of Child Marriage Act was created to enforce stringent matters against those who practice child marriage by implementing the Child Marriage Prohibition Officers.<sup>67</sup>

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<sup>64</sup> S Daarwin Subramanee dkk., “Child Marriage in South Asia: A Systematic Review,” *International Journal of Environmental Research and Public Health* 19, no. 22 (17 November 2022): 15138, <https://doi.org/10.3390/ijerph192215138>.

<sup>65</sup> “Batas Usia Perkawinan dalam Hukum Keluarga Negara-negara Muslim,” Universitas Islam An Nur Lampung, diakses 27 Maret 2024, [https://an-nur.ac.id/batas-usia-perkawinan-dalam-hukum-keluarga-negara-negara-muslim/#google\\_vignette](https://an-nur.ac.id/batas-usia-perkawinan-dalam-hukum-keluarga-negara-negara-muslim/#google_vignette).

<sup>66</sup> Samita Sen dan Anindita Ghosh, *Love, Labour and Law: Early and Child Marriage in India* (B1/I-1 Mohan Cooperative Industrial Area, Mathura Road New Delhi 110 044: SAGE Publications Pvt. Ltd, 2021), <https://doi.org/10.4135/9789354792915>.

<sup>67</sup> Indian Prohibition of Child Marriage Act of 2006, Art. 2(a).

According to Ramphul, the prevalence of economic violence among women from socio-economically backward Muslim minority communities in North India within the framework of domestic violence.<sup>68</sup> It is apparent that economic violence against Muslim women perpetrated by their husbands occurs in India and has a negative impact on Muslim women's access to health services, educational attainment, social mobility and employment opportunities.<sup>69</sup> Their findings show that among the components of economic violence experienced by women, the tendency for employment sabotage is higher than economic control and economic exploitation.<sup>70</sup> Clearly, there is a need for special focus on increasing minority community women's access to development opportunities.

Apart from that, research by Biswamitra Sahu in 2016, shows the role of education “modern” for girls would allow women to play an important role in realizing their personal preferences.<sup>71</sup> In this case, the marriage negotiation spectrum shows that the relationship between education and agency is not straightforward.

Conclusively, India still needs to implement stronger laws because child marriage prohibition laws are still unclear and contradictory. This led the Indian Courts to interpret different meanings to the articles of the Prohibition of Child Marriage Act of 2006. If child marriage is to be addressed, the Prohibition of Child Marriage Act must override all customary laws in regards to consent and age limit.

### 5.2.2 Child Marriage in Bangladesh

The legal system is common law and Sharia law, with high numbers of reported women's sexuality being controlled through child marriage.<sup>72</sup> In addition, one of the

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<sup>68</sup> Ramphul Ohlan, “Economic Violence among Women of Economically Backward Muslim Minority Community: The Case of Rural North India,” *SSRN Electronic Journal*, 2021, <https://doi.org/10.2139/ssrn.3901341>.

<sup>69</sup> Linda Sanneving dkk., “Inequity in India: The Case of Maternal and Reproductive Health,” *Global Health Action* 6, no. 1 (Desember 2013): 19145, <https://doi.org/10.3402/gha.v6i0.19145>.

<sup>70</sup> Amanda M. Stylianou, “Economic Abuse Within Intimate Partner Violence: A Review of the Literature,” *Violence and Victims* 33, no. 1 (2018): 3–22, <https://doi.org/10.1891/0886-6708.33.1.3>.

<sup>71</sup> Biswamitra Sahu, Patricia Jeffery, dan Nakkeeran N, “Contextualizing Women's Agency in Marital Negotiations: Muslim and Hindu Women in Karnataka, India,” *SAGE Open* 6, no. 3 (Juli 2016): 215824401666745, <https://doi.org/10.1177/2158244016667450>.

<sup>72</sup> Amira Mashhour, “Islamic Law and Gender Equality: Could There be a Common Ground?: A Study of Divorce and Polygamy in Sharia Law and Contemporary Legislation in Tunisia and Egypt,” *Human Rights Quarterly* 27, no. 2 (2005): 562–96.

main reasons for child marriage is family poverty.<sup>73</sup> Parents in some developing countries believe that daughters are an economic burden on the family and decide to marry off their daughters early.<sup>74</sup>

Bangladesh implemented Art. 1 of the Child Marriage Restraint Act of 1929 which prohibits the marriage between a male under 21 (twenty one) years old and a female under 18 (eighteen) years old. The Child Marriage Restraint Act also implements punishment on parents and guardians that support child marriages.<sup>75</sup> However, under customary religious law such as Muslim, Hindu, and Christianity that is practiced in Bangladesh, marriage is permitted at an earlier age than 18 (eighteen) years old.<sup>76</sup> Under Bangladesh Muslim law, a guardian and/or parent can give consent to give a child up for marriage upon assumption of puberty.<sup>77</sup> The majority of Muslims in Bangladesh follow the Sunni-Hanafi school of legal thought.<sup>78</sup> Even some laws are codified in the Muslim Family Law Ordinance of 1961.<sup>79</sup> Furthermore, under Hindu law in Bangladesh, when a girl attains puberty, usually occurring at 13 (thirteen) years old, the girl can get married.<sup>80</sup>

According to the UNICEF, Bangladesh ranks fourth globally in terms of the number of child marriages.<sup>81</sup> As stated above, poverty, culture, religious beliefs, and lack of education are a few reasons for child marriage practices in Bangladesh. Even though the Bangladesh Government has made efforts to eliminate child marriage, such as the

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<sup>73</sup> B Suresh Lal, "Child Marriage in India: Factors and Problems" 4, no. 4 (2013).

<sup>74</sup> Farah Deeba Chowdhury, "The Socio-Cultural Context of Child Marriage in a Bangladeshi Village," *International Journal of Social Welfare* 13, no. 3 (2004): 244–53, <https://doi.org/10.1111/j.1369-6866.2004.00318.x>.

<sup>75</sup> Ferdousi Nahid, "Child Marriage in Bangladesh: Socio-Legal Analysis," *International Journal of Sociology and Anthropology* 6, no. 1 (31 Januari 2014): 1–7, <https://doi.org/10.5897/IJSA11.024>.

<sup>76</sup> Rebecca Everly, "Strengthening the Legal Protection Framework for Girls in India, Bangladesh, Kenya and Liberia: Concept Note," 2010.

<sup>77</sup> Rabia Bhuiyan, "Gender and Child Rights: Bangladesh Perspective," *Journal of Islamic State Practices in International Law* 7 (2011): 11.

<sup>78</sup> Aruna Kashyap, "Will I Get My Dues ... before I Die?": *Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce* (New York, NY: Human Rights Watch, 2012).

<sup>79</sup> Shahnaz Huda, "Personal Laws in Bangladesh: The Need for Substantive Reforms," *Dhaka University Studies Part F* 15 (2004): 103.

<sup>80</sup> Nqobizwe Mvelo Ngema, "Child Marriages in the Context of Bangladesh's International Human Rights Obligations," *Perspectives of Law and Public Administration* 11, no. 3 (2022): 448–55.

<sup>81</sup> Ahnaf Tahmid, "Child Marriage in Bangladesh: Policy and Ethics," *Bangladesh Journal of Bioethics* 11 (17 September 2020), <https://doi.org/10.3329/bioethics.v11i1.49193>.

implementation of the National Action Plan to End Child Marriage (2018-2030),<sup>82</sup> corruption, the complexity of legal procedures, and improper implementation of the law still remains a challenge in combating child marriage.<sup>83</sup>

Bangladesh's national laws and customary laws create a conflicting paradoxical relationship in combating child marriage.<sup>84</sup> For example, the Child Marriage Restraint Act provide penal sanctions for those willingly participating in child marriage, however, the marriage still remain valid and recognized under Bangladesh law. Furthermore, child marriage continues to be supported under religious practices. Unclear parameters and sanctions under the Child Marriage Restraint Act gives more authority for religious practice to continue the practice of child marriage despite penal sanctions.<sup>85</sup>

### 5.2.3 Child Marriage in Pakistan

According to literature research from Agus Hermanto, Et-Al, India and Pakistan are among 7 (seven) States that do not impose marriage age limits below agreed standards, besides Egypt, Tunisia, Morocco, Iran and Ceylon.<sup>86</sup> Pakistan is a Muslim majority State with approximately 96% (ninety six percent) of the population being Muslim.<sup>87</sup> Child marriage in Pakistan has been an on going human rights issue that has yet to be resolved. Pakistan is ranked at number 6 (six) as one of the highest number of child

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<sup>82</sup> Samiya Huda Antora, "Improving Child Marriage Interventions in Bangladesh A Literature Review," 2019.

<sup>83</sup> Mies Grijns dan Hoko Horii, "Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns," *Asian Journal of Law and Society* 5, no. 2 (November 2018): 453–66, <https://doi.org/10.1017/als.2018.9>.

<sup>84</sup> Sarah C. White, "Beyond the Paradox: Religion, Family and Modernity in Contemporary Bangladesh," *Modern Asian Studies* 46, no. 5 (September 2012): 1429–58, <https://doi.org/10.1017/S0026749X12000133>.

<sup>85</sup> Taqbir Huda, "Minor Marriages in Islam and Bangladesh: Harmonising God's Law with State Law in the Quest for Reform," *SOAS Law Journal* 4 (2017): 59.

<sup>86</sup> Agus Hermanto dkk., "Penerapan Batas Usia Pernikahan Di Dunia Islam: Review Literature," *At-Tahdzib: Jurnal Studi Islam Dan Muamalah* 9, no. 2 (14 Oktober 2021): 23–33.

<sup>87</sup> Pakistan Bureau of Statistics, "Population by Religion" (Islamabad, 2020), <https://www.pbs.gov.pk/node/96>.

marriage practice<sup>88</sup> where girls are disproportionately affected.<sup>89</sup>

The main issue in Pakistan is that child marriage is closely related to the absence of education. According to the Center of Reproductive Rights, better access to education leads to the reduction of child marriage practices.<sup>90</sup> The research also suggests that girls with secondary education are less likely to enter into a marriage before the age of 18 (eighteen).<sup>91</sup> Under Article 25(a) of the Pakistani Constitution, the State is only required to provide compulsory education from age 5 (five) to 16 (sixteen).

As with any government, Pakistan is obligated to prevent and protect child marriage practices within their legislation. However, current Pakistani law still leaves gaps to prosecute those to practice child marriage because of the inconsistencies in interpretation of these laws. The government should develop a national strategy in order to monitor cases and punish those who practice and support child marriage as the practice is considered a violation of human rights.

## 5. Conclusion

Child marriage also has an impact on children's rights, one of which is the right to education, health, growth and development, interests, talents, future, security, agency and reproductive capacity as recognized in the UDHR and CRC. This practice severely affects the rights of the child and also Indonesian society as a whole. From a human rights perspective, child marriage is a form of gender-based violence. Although multiple factors causally affect the prevalence of child marriage, Indonesia and other South Asian States have shown that protective laws may help to lower the rates of child

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<sup>88</sup> United Nations Human Rights, "Opening The Door To Equality : Access To Justice For Dalits in Nepal" (the Office of the High Commissioner for Human Rights (OHCHR) in Nepal, 2011), [https://nepal.ohchr.org/en/resources/Documents/English/reports/HCR/2011\\_12\\_07\\_Opening\\_the\\_Door\\_to\\_Equality\\_E.pdf](https://nepal.ohchr.org/en/resources/Documents/English/reports/HCR/2011_12_07_Opening_the_Door_to_Equality_E.pdf).

<sup>89</sup> Muazzam Nasrullah dkk., "Girl Child Marriage and Its Effect on Fertility in Pakistan: Findings from Pakistan Demographic and Health Survey, 2006–2007," *Maternal and Child Health Journal* 18, no. 3 (1 April 2014): 534–43, <https://doi.org/10.1007/s10995-013-1269-y>.

<sup>90</sup> United Nations Population Fund, *Marrying Too Young ; End Child Marriage* (New York: the United Nations Population Fund, 2012), <https://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>; and Jeannette Bayisenge, "Early Marriage as a Barrier to Girl's Education," 2010.

<sup>91</sup> Sofia Naveed dan Dr Khalid Manzoor Butt, "Causes and Consequences of Child Marriages in South Asia: Pakistan's Perspective," *South Asian Studies* 30, no. 2 (16 September 2020), <http://111.68.103.26/journals/index.php/IJSAS/article/view/3011>.

marriages and adolescent fertility. The causes of early marriage in Indonesia include pregnancy out of wedlock, which is also supported by westernized social life as well as the influence of the media, low education, economic factors and patriarchal culture. Meanwhile, other South Asian States such as India are influenced by economic violence against Muslim women perpetrated by their husbands. This practice in India has a detrimental impact on Muslim women's access to health services, educational attainment, social mobility, and employment opportunities. Furthermore, Bangladesh is affected by family poverty, while Pakistan is affected by financial shocks and school dropout rates. Therefore, it is necessary to dissect the issues arising in Indonesia and other South Asian States in order for adequate strategies to be implemented.

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