


Sexual Violence Offenses in Child Forced Marriage Due to Extramarital Pregnancy

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Abstract

The enactment of Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS Law) categorizes child marriage as a form of sexual violence (Article 4 in conjunction with Article 10), allowing for criminal penalties against the perpetrators. However, the TPKS Law does not provide clear criteria for defining child marriage, making its implementation challenging. This research employs a normative method, utilizing a statute approach, conceptual approach, and case approach. In several urban cases, child marriage occurs due to extramarital pregnancies, which are often used as justification by parents to compel their children to marry-despite the child's unwillingness. The primary reason given is to preserve the family's honor. Judges typically approve marriage dispensation requests submitted by parents based on the notion of the common good. Such approvals reinforce the assumption that the marriage is consented to by the child, even when the child actually has no other options. In many instances of child marriage, husbands frequently abandon their wives after the marriage ceremony, as their primary motivation for marrying is not to assume responsibility as husbands and fathers. This situation exacerbates the wife's condition, forcing her to bear the responsibilities of parenthood alone while

facing societal stigma. This qualitative prescriptive legal analysis identifies variables that can be used to determine whether a forced marriage can be regarded as sexual violence. These variables also aim to provide certainty in the fair enforcement of the law, particularly for young women, who represent a vulnerable group.

Keywords

Child Forced Marriage, Criminal Offense, Sexual Violence, Variables.

HOW TO CITE:

Chicago Manual of Style Footnote:

¹ Nashriana Nashriana, Putu Samawati, Suci Flambonita, Vera Novianti, Muhammad Sayuti Hasan, “Sexual Violence Offenses in Child Forced Marriage Due to Extramarital Pregnancy,” *Journal of Law and Legal Reform* 6, no 4 (2025): 1761-1804, <https://doi.org/10.15294/jllr.v6i4.22256>.

Chicago Manual of Style for Reference:

Nashriana, Nashriana, Putu Samawati, Suci Flambonita, Vera Novianti, Muhammad Sayuti Hasan. “Sexual Violence Offenses in Child Forced Marriage Due to Extramarital Pregnancy.” *Journal of Law and Legal Reform* 6, no 4 (2025): 1761-1804. <https://doi.org/10.15294/jllr.v6i4.22256>.

Introduction

One of the targets of the Indonesian government is to realize Golden Indonesia by 2045. Golden Indonesia means that it is hoped that Indonesia will achieve the condition of a developed, prosperous, modern, civilized country, and inhabited by a civilized society.¹ One of the advantages that Indonesia has in achieving the target of Golden Indonesia in 2045 is the demographic bonus, where the population growth rate in Indonesia is relatively stable and reaches 1.25% per year with 70% of the Indonesian population being in the productive age group of 15-64 years.²

The creation of unqualified human resources in 2045 begins with the inability to form quality human resources in the 2020s. One of the contributors to the creation of unqualified human resources is the formation of immature families both physically, psychologically, and economically. The immature families in question are families formed from child marriages. The psychosocial problems faced by child marriages are the numbers that continue to increase.

The data on child marriage published by Statistics Indonesia (BPS) indicates that over the past decade, the rate of child marriage has increased by 10.5% each year. The province with the highest rate of child marriage in 2023 is West Nusa Tenggara, with a percentage of 17.32%, followed by South Sumatra at 11.41% and West Kalimantan at 11.29%. According to UNICEF data from 2023, Indonesia ranks fourth in the world for the number of female child marriages, with an estimated 25.53 million individuals, making it the country with the highest rate of child

¹ Arif Zeinfiki Djunaedi, Kautsar R Salman, and Heri Supriyanto, "Venturing the Golden Indonesia 2045: Are Electricity and Broadband Development for 5 Indonesian Priority Industries Impactful?," *Ventura, Journal of Economics, Business, & Accountancy* 28, no. 2 (2024): 168–81, <https://doi.org/10.14414/jebav.v27i2.4513>.

² Willya Achmad et al., "Taking Advantage Of Indonesia's Demographic Bonus In 2024: Challenges And OpportuniAes Memanfaatkan Bonus Demografi Indonesia Di Tahun 2024: Tantangan Dan Peluang," *Management Studies and Entrepreneurship Journal* 5, no. 2 (2024): 4425–34, <http://journal.yrpiipku.com/index.php/msej>.

marriage in the ASEAN region.³ The high number of child marriages in Indonesia has prompted the government to implement policies through Law No. 12 of 2022 concerning Sexual Violence Crimes (TPKS Law), which includes forced child marriage as one form of sexual violence.

Forced marriage refers to the act of coercing an individual who is under guardianship, custody, or similar authority to enter into a marriage against the fundamental principles of marriage.⁴ A marriage should legally be conducted with explicit mutual consent between the prospective bride and groom, both of whom must meet the legal requirements outlined in Law No. 16 of 2019 in conjunction with Law No. 1 of 1974 concerning Marriage (Marriage Law).⁵ One of the essential requirements is the minimum age for marriage, which is set at 19 years for both women and men (Article 7 of the Marriage Law).⁶ This age limit serves as a classification indicator of whether a marriage falls into the category of child marriage. If either or both parties are under the age of 19, the marriage shall be categorized as child marriage.⁷ Philosophically, forced child marriage is contrary to civilized human values. Children are trust from God that must be protected from an early age. In the future, their will play a role and strategic position in the development of a country, including in Indonesia. Child marriage will shackle and cut off the fulfillment of children's rights.

³ Yoesep Budianto, "Tingginya Angka Perkawinan Usia Anak Di Indonesia," *Dalam* <https://www.kompas.id/baca/riset/2024/03/08/Tingginya-Angka-Perkawinan-Usia-Anak-Di-Indonesia> 8 (2024).

⁴ Adillah Srikandi Karim, "Pemaksaan Perkawinan Dalam Perspektif Tindak Pidana Kekerasan Seksual Menurut Undang-Undang Nomor 12 Tahun 2022," *LEX ADMINISTRATUM* 12, no. 1 (2023).

⁵ Darlin Rizki1, Frina Oktalita, and Ali Sodiqin, "Maqasid Sharia Perspective in Changes the Marriage Age Limits for Women According to Law Number 16 of 2019," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (2022): 487–508.

⁶ Wahyu Prabowo et al., "Implementation of the Age Limitation for Marriage from the Perspective of Indonesian Family and Marriage Law," *Journal of Private and Commercial Law* 7, no. 1 (2023): 69–96, <https://doi.org/10.15294/jpcl.v7i1.43973>.

⁷ Vania Zulfa, Uswatun Hasanah, and Fitriana Kusaini, "The Phenomenon of Early Marriage and Its Impact on Family Resilience," *Journal of Family Sciences* Special Ed, no. Seminar on Family, Child, and Consumer Issue: Building a Quality Family to Create a Golden Indonesia (2024): 48–58, <https://doi.org/10.29244/jfs.vi.49929>.

The practice of child marriage has fundamentally caused concern among society, health observers, human rights advocates, and the government.⁸ This issue poses a challenge for the state in ensuring children's rights to life, growth, and development, as well as their right to protection from violence and discrimination,⁹ as stated in the 1945 Constitution of the Republic of Indonesia, Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 on Child Protection, and the ratification of the Convention on the Rights of the Child.¹⁰ The existing regulation is a legal basis for protecting children who are victims of forced marriage in Indonesia. In addition, it has been specifically regulated in Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence.

Research conducted by Yeni and friends, inventoried government programmes in implementing SDGs 5.3, in the form of drafting measures for gender equality and women's empowerment and child protection, in collaboration with international agencies such as UNICEF and UN Women. As well as revising the marriage law to change the minimum age of marriage from 16 years old to 19 years old.¹¹ The change in the age of girls from 16 to 19 as a requirement for marriage, as formulated in Article 7 paragraph (1) of Law No. 16 of 2019, is, of course, based on fundamental thought to guarantee the fulfillment of girls' rights to survival, growth, and development properly. Another study related to the issue of child marriage was conducted by Dwi

⁸ Wahyuni Retnowulandari et al., "The Prevalence Of Child Marriage: Comparative Study Of Indonesia And Other South Asian States," *Jambura Law Review* 6, no. 2 (2024): 339–66, <https://doi.org/10.33756/jlr.v6i2.24257>.

⁹ Ismail Marzuki and A Malthuf Siroj, "Pemaksaan Perkawinan Dalam Konteks Kajian Hak Asasi Manusia Dan Undang-Undang Tindak Pidana Kekerasan Seksual," *REUSAM: Jurnal Ilmu Hukum* 10, no. 2 (2023): 215–26.

¹⁰ Aldi Robby Surbakti and Maulidya Mora Matondang, "The Effectiveness Of Law No 35 Of 2014 Concerning Child Protection In Protecting Children's Rights In The Educational Environment Using Analysis Of Siyasa Dusturiyah (Case Study Of Karo District)," *Indonesian Interdisciplinary Journal of Sharia Economics (IIJSE)* 6, no. 3 (2023): 1–23.

¹¹ Yeni Herliana Yoshida, Junita Budi Rachman, and Wawan Budi Darmawan, "Upaya Indonesia Dalam Mengatasi Pernikahan Anak Sebagai Implementasi Sustainable Development Goals (SDGS) Tujuan 5 (5.3)," *Aliansi: Jurnal Politik, Keamanan Dan Hubungan Internasional* 1, no. 3 (2022): 153–66.

Anggun Apriyanti. The results of the study conducted focus on the description of the factors behind the increase in child marriage in Indonesia, advocacy efforts to eliminate child marriage are solutions offered to reduce the number of child marriages in Indonesia.¹² A similar study was also conducted by Ni Kadek Dinda and Putu Nygrahaeni. The research was conducted in order to map the factors behind the decision to marry a child. There are 10 factors described ranging from poor family economic factors, post-conflict insecurity, family instability, legal conditions prevailing in Indonesia, low education levels, the influence of community cultural norms, peer influence, the influence of religious beliefs, patriarchal ideology, and fulfilment of individual needs.¹³ This research is very urgent to be conducted because it is intended to map the real conditions of why child marriage occurs a lot in society. The results of the study will greatly assist the government in taking what policies as an effort to minimize child marriage.

Several studies conducted illustrate how the condition of child marriage has an impact on various aspects of life. Research conducted by Qurrotul Ainiyah and Yulia Nisah, shows the risks of child marriage for women's life.¹⁴ Research conducted by Qurrotul Ainiyah and Yulia Nisah shows that forced marriage has a detrimental impact on women, including psychological distress, loss of educational opportunities, limited career prospects, marital discord, domestic violence, and economic instability. Children are forced to marry even though they have not met the age limit for marriage, so it is appropriate for the government and society to make efforts as early as possible to avoid and reduce the number of cases of forced child marriage that occur in Indonesia, whatever the reason.

Other research explains the various efforts made by the Indonesian government to reduce the number of child marriages. Advocacy efforts carried out by conducting campaigns through the distribution of

¹² Dwi Anggun Apriyanti, "Perlindungan Perempuan Dan Pernikahan Di Bawah Umur," *PAMPAS: Journal of Criminal Law* 2, no. 1 (2021): 115–24.

¹³ Ni Kadek Dinda Pramesti Cahyaningrat and Putu Nugrahaeni Widiyasavitri, "Pernikahan Dini: Keinginan Atau Paksaan? Sebuah Literature Review," *Jurnal Ilmiah Wahana Pendidikan* 9, no. 21 (2023): 480–88.

¹⁴ Yulia Nisah, "Impact Of Forced Marriage On Young Women In Bades Village , Pasirian , Lumajang," *JASNA : Journal for Aswaja Studies* 5, no. 1 (2025): 59–74.

educational videos on the dangers or adverse effects of child marriage and videos that encourage changes in public perceptions regarding the prevention of child marriage; distribution of child marriage prevention leaflets; conducting workshops, seminars, and open dialogues on sex education, reproductive health, and the urgency of revising the Indonesian Marriage Law.¹⁵ Preventive measures in the form of socialization and education to the community are certainly very strategic in solving problems that exist in society. Therefore, this research is very relevant to be carried out as an effort to break the chain of many acts of forced marriage against children. Although the government has made efforts to reduce the number of child marriages, it is still not effective in preventing child marriage. The results of research conducted by Rizky and Lisa explain that the policies and regulations implemented by the Indonesian government have not been effective in preventing child marriage. The fact obtained that the ineffectiveness of preventing child marriage is motivated by the culture of the community, which believes that marriage is the achievement of the final task as a parent by transferring responsibility to their child's husband. People also think that it is better to marry early than to commit adultery.¹⁶ In fact, the issuance of regulations is a strategic initial stage in the success of law enforcement. But from this study it was found that the existing regulations do not guarantee that society will not carry out forced marriages.

Considering the significant impact of child marriage, the government has enacted Law No. 12 of 2022 concerning Sexual Violence Crimes, which categorizes forced marriage of minors as a form of sexual violence (referring to Article 4 in conjunction with Article 10).¹⁷ The implementation of this regulation has undoubtedly sparked controversy within society. One of the serious social issues, particularly in the city of Palembang, is the high number of adolescent pregnancies. The 1A Religious Court of Palembang has recorded that, until August 2024, fifty-two applications for marriage dispensation, requests for conducting

¹⁵ Milda Irhamni and Gumilang Aryo Sahadewo, "Child Marriage in Indonesia: A Literature Review," *Available at SSRN 4520455*, 2023.

¹⁶ Rizky Irfano Aditya and Lisa Waddington, "The Legal Protection Against Child Marriage in Indonesia," *Bestuur* 9, no. 2 (2021): 126.

¹⁷ Itok Dwi Kurniawan, "Study of Forced Marriage as a Form of Sexual Violence," *UNES Law Review* 6, no. 2 (2023): 5131–37.

marriage under the stipulated minimum age, submitted by parents citing pregnancy as the reason.¹⁸ The figure represents a 15.5% increase from 45 applications in the previous year. From these data, it can be understood that sociologically shows in society, especially in the city of Palembang, there are facts of forced marriages carried out by parents which are directly proportional to the submission of marriage dispensations for children who are not old enough to marry.

Pregnancies occurring at a young age compel parents to arrange marriages for their children, even if the children do not consent to such actions. This situation can lead to legal repercussions for the parents due to the imposition of marriage on minors, even if it is justified as a means to cover up a scandal. The Sexual Violence Crimes Law does not accept such justifications. Article 10 of the law emphasizes that forced marriage under cultural or rape-related circumstances is classified as sexual violence and stipulates that the perpetrators may face a maximum sentence of 9 years in prison and/or a fine of Rp200,000,000 (two hundred million Rupiah).¹⁹ Understanding forced marriage as a form of sexual violence gives rise to various interpretations from different perspectives, such as religious law, customary law, and national law. These differing interpretations will complicate the enforcement of the law if clarity in applying and enforcing it in such cases fails to be achieved. Hence, setting variables that strongly define forced marriage as sexual violence is crucial to prosecute offenders and reduce the incidence of child marriage effectively.

This doctrinal legal research examines legal issues normatively by analyzing legislation within a coherent legal framework.²⁰ The conceptualization of the principles of legal certainty and utility in

¹⁸ Website 1A Religious Court of Palembang, https://sipp.palembang.go.id/list_jadwal_sidang and http://palembang.go.id/index.php?option=com_content&view=article&id=169&Itemid=590

¹⁹ Topo Santoso and Hariman Satria, "Sexual-Violence Offenses in Indonesia: Analysis of the Criminal Policy in the Law Number 12 of 2022," *Padjadjaran Jurnal Ilmu Hukum* 10, no. 1 (2023): 59–79, <https://doi.org/10.22304/pjih.v10n1.a4>.

²⁰ Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (April 1, 2020): 20–33, <https://doi.org/10.14710/GK.2020.7504>.

understanding child marriage as a form of sexual violence in Indonesia is carried out through several approaches: legislative approach, conceptual approach, and case approach. The main data in this study are laws and regulations, supported by primary data sourced from interview data at the research location, namely in the city of Palembang. Therefore, data collection is based on primary legal materials and field data. The analysis is conducted prescriptively to produce prescriptions that reflect the essence of legal research, which is in line with the character of legal science.²¹ The conclusions were drawn inductively and deductively by explaining the entire process employed, from recording systematic patterns and collecting interview data from respondents to verifying these records with subsequent findings and ultimately drawing final conclusions that analyze issues more precisely and accurately based on relevant theories.²² The results of this process indicate that specific cases can serve as a foundation for more general conclusions. It is hoped that the idea of forced marriage as a form of sexual violence, applying the principles of legal certainty, legal comparability, and legal utility, can serve as a benchmark for law enforcement regarding sexual violence offenses in child marriage and contribute to reducing the incidence of child marriage in Indonesia.

A. Facts in Societies Regarding Forced Marriage by Parents

The definition of forced marriage is not found explicitly in various laws and regulations in Indonesia, but the prohibition on forced marriage can be found by detailing and interpreting it through interpretive reasoning. The following are several laws and regulations in force in Indonesia that provide meaning regarding the prohibition of forced marriage or forced marriage, namely:

1. Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) expressly stated in Article 16

²¹ Shidarta Shidarta, "Putusan Pengadilan Sebagai Objek Penulisan Artikel Ilmiah," *Undang: Jurnal Hukum* 5, no. 1 (2022): 105–42, <https://doi.org/10.22437/ujh.5.1.105-142>.

²² Rina Marlia, "Penalaran Deduktif, Induktif Dan Bahasa Dalam Penulisan Ilmiah," *Jurnal Review Pendidikan Dan Pengajaran* 7, no. 4 (2024): 16818–24.

paragraph (1) letters a and b.²³ This provision has been ratified by Law Number 7 of 1984 which confirms that every country in terms of marriage and family relations must guarantee that women have the same rights as men to enter into marriage and choose a partner with free and full consent.²⁴

2. International Covenant on Civil and Political Rights (ICCPR) was ratified by Indonesia on 28 October 2005 through the Republic of Indonesia Law Number 12 of 2005 concerning the Ratification of the International Covenant on Civil and Political Rights (Law No. 12 of 2005).²⁵ Article 23 paragraph (3) of the ICCPR states that “no marriage may be entered into without the free and full consent of the parties intending to marry.”
3. The 1964 Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages. Article 1 of the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages states that no marriage shall be entered into without the full and free consent of the parties, expressed by them directly and in the presence of a party having the authority to validate the marriage and in the presence of witnesses, as provided by law.²⁶

²³ Nurulbahiah Awang, “Islamic Family Law In Malaysia And Reservations Into Article 16 Islamic Family Law In Malaysia And Reservations Into Article 16 Of CEDAW among the Islamic States That Had Entered into Reservations into Some Provisions of the Convention on the Elimination ,” *6th Muzakarah Fiqh & International Conference*, no. June (2023).

²⁴ Mahfud Mahfud and Rizanizarli Rizanizarli, “Domestic Violence against Women in Indonesia: The Recent Domestic Violence Elimination Law Analysis,” *Fiat Justisia: Jurnal Ilmu Hukum* 15, no. 4 (2021): 385–98, <https://doi.org/10.25041/fiatjustisia.v15no4.2276>.

²⁵ Muhammad Ibnu Abil et al., “Legal Protection of Stateless Person in Indonesia: Human Rights Dimensions,” *Hang Tuah Law Journal* 6, no. 2 (2022): 144–53, <https://doi.org/10.30649/htlj.v6i2.112>.

²⁶ Enjelina Venesia Mokalliran, Cornelis Dj. Massie, and Caecilia J.J Waha, “Implementasi Konvensi Internasional Tentang Penghapusan Segala Bentuk Diskriminasi Terhadap Tenaga Kerja Perempuan Di Indonesia,” *Lex Administratum* 11, no. 2 (2023): 208–20, <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/47760>.

4. Law Number 1 of 1974 concerning Marriage (Marriage Law) Article 6 paragraph (1) which states: “Marriage must be based on the agreement of both prospective bride and groom”. The affirmation in the Marriage Law is the main signal and reinforcement that the state is present by providing protection for its citizens, especially in providing a guarantee that marriage must be based on consensus without coercion between the two prospective bride and groom.²⁷
5. Law Number 39 of 1999 concerning Human Rights (Human Rights Law). Article 10 paragraph (2) of the Human Rights Law states that “A valid marriage can only take place based on the free will of the prospective husband and prospective wife concerned, in accordance with the provisions of statutory regulations”. In the explanation of Article 10 paragraph (2) of the Human Rights Law, what is meant by free will in this case means that the marriage is carried out based on pure intentions without coercion, deception or pressure from anyone against the prospective wife or prospective husband.²⁸
6. Law Number 35 of 2014 Amendment to Law Number 23 of 2002 concerning child protection by implementing the principles of non-discrimination; the principle of the best interests of the child; the principle of the right to life; survival and development; and the principle of respect for the opinions of children, clearly explains in Article 26 paragraph (1) point c that “Parents are obliged to prevent their minor children from getting married”. Furthermore, it is explained in Article 26 Paragraph (2) that it is reaffirmed that if parents are prevented due to death or unknown whereabouts, this responsibility is carried out by their relatives. This means that both parents and anyone who is the child’s guardian are obliged to prevent child

²⁷ Muksalmina Muksalmina et al., “Dynamics Of Marriage Age Limitation In Islamic Law And Positive Law,” *Syiah Kuala Law Journal* 6, no. 2 (2022): 200–212, <https://doi.org/10.24815/sklj.v6i2.29120>.

²⁸ Widyarini Indriasti Wardani and Suroto, “The Implementation of Regulations on Human Rights Violations in Legislation in Indonesia,” *Journal of Law and Sustainable Development* 11, no. 12 (2023): 1–23, <https://doi.org/10.55908/sdgs.v11i12.1530>.

marriage from occurring, even forced marriage against children.²⁹

7. Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law). Article 10 paragraph (1) states that “Any person who unlawfully forces, places a person under his or her power or another person’s power to carry out or allow a marriage to be carried out with him or another person, shall be punished for forced marriage, with a maximum imprisonment of 9 (nine) years and/or a maximum fine of IDR 200,000,000.00 (two hundred million rupiah)”. In addition, Article 10 Paragraph (2) has also categorized things that are included in forced marriage, namely child marriage, forced marriage in the name of cultural practices, and forced marriage of rape victims to rape perpetrators.

Article 28B of the 1945 Constitution mandates that every person, through a legal marriage, has the right to form a family and continue their lineage. Furthermore, every person also has the right to survival, growth, development, and protection from violence and discrimination. The right to form a family through a legal marriage must be carried out with the free will of both prospective spouses, as also stipulated in the provisions of Article 10 of Law No. 39 of 1999 concerning Human Rights (hereinafter referred to as Law 39 of 1999 concerning Human Rights). Referring to the provisions of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, the marriageable age for women, which was initially 16 years, is now 19 years.³⁰

Regarding child marriage, we can also find it in India and Bangladesh. One of the contributing factors to child marriage in India is related to economic problems (the poverty factor), which is a long-standing issue. Families consider girls as an economic burden that is only ended by marriage. Additionally, the dowry price can become more expensive with increasing age and the level of education of the woman.

²⁹ A Aryani et al., “Legal Consequences of Child Marriage Judging from Law No. 35 of 2014 Concerning Child Protection,” *Legal Brief* 11, no. 3 (2022): 1886–95, <https://doi.org/10.35335/legal.Legal>.

³⁰ Vincentius Setyawan, “Forced Marriage As One of the Crimes of Sexual Violence,” *Iblam Law Review* 3, no. 3 (2023): 83–90, <https://doi.org/10.52249/ilr.v3i3.154>.

Child marriage in Bangladesh falls into the highest category in South Asia and is one of the highest in the world. In this case, most parents believe that they will be more financially secure if their daughters get married. UNICEF has also recently reported that the largest number of very young brides can be found in the Western and Southern parts of Bangladesh³¹ bordering India. The widespread practice of child marriage in Bangladesh is extremely detrimental to the lives and futures of millions of Bangladeshi girls, their families, and the community as a whole, perpetuating a cycle of low development indicators and slow economic progress.³¹

Child marriage is not only a violation of a girl's rights, but it also severely hinders efforts to reduce gender-based violence, advance education, address poverty, and improve health indicators. Child brides in South Asia are often forced into sexual activity at an early age and therefore experience childbirth at a very young age. Because their bodies are not fully developed, these young adolescents are at a much greater risk of experiencing life-threatening or debilitating conditions from childbirth, such as obstetric fistula and hemorrhage, or even death. Many child brides throughout the region face such a fate: girls aged between 15 and 19 are twice as likely to die from complications of pregnancy and childbirth compared to women aged between 20 and 24, according to UNICEF data on child marriage in the region. Furthermore, girls are more vulnerable to contracting life-threatening diseases because they are often given to much older men who have a higher chance of being infected with HIV or having other sexually transmitted infections due to previous sexual experiences.³² Many factors contribute to marriage, including economic factors, family size, education, tradition, and family relationships.³³

However, amidst all those controversies, there are other opinions regarding child marriage. According to an anthropologist researcher at

³¹ ICRW and UNFPA, "Child Marriage in Southern Asia," 2016, 1–23.

³² Budi Prasetyo, Edy Sanjaya, and Indira Hastuti, "Marriage Law Perspective Against Underage Marriage," *International Journal of Educational Research & Social Sciences* 3, no. 1 (2022): 518–24, <https://doi.org/10.51601/ijersc.v3i1.304>.

³³ Diah Rahayu et al., "Social Stigma in Adolescents Who Do Early Marriage at School Age," *International Journal of Social Science and Business* 5, no. 4 (2021): 561, <https://doi.org/10.23887/ijssb.v5i4.40077>.

the University of California - Santa Barbara, Dr. Susan Schaffnit, child marriage may be the “best locally available option”, and therefore people should not be too quick to decry it.³⁴ Being a married citizen can improve a girl’s societal standing, and marrying early can ensure a rather dignified future. However, child marriage potentially being the best pragmatic option in a place overwhelmed with economic corruption arguably does not say much about the righteousness of the practice. Utilitarianism should not be a reliable method of determining morality especially when it comes to something as critical as human rights issues; a practice producing the most benefits or minimizing the most costs should not and does not necessarily equate to it being acceptable. Although stealing money from a bank can theoretically produce great benefits for a thief such as financial stability, it is undoubtedly a morally deplorable act and should be accompanied by severe consequences if caught.

This rule clearly provides reinforcement that there is no forced marriage that can be done to the prospective bride and groom. The provisions above prove that forced marriage in Indonesia has been prohibited by positive Indonesian law since 1974, even so the number of child marriages in Indonesia has actually increased every year, not only children who live in rural areas but also children who live in urban areas the number of requests for marriage dispensation because the age of the prospective bride and groom is under 19 years is still relatively high. The TPKS Law further provides special affirmation on the prohibition of forced marriage for children which can be punished with imprisonment and fines. The implementation of this provision is proof of the government’s seriousness as an impact of the increasing number of forced child marriages that occur in Indonesia. Efforts to minimize the number of child marriages are carried out in order to provide protection for the growth and development of children as the next generation of the nation.

The main cause of child marriage is the belief held by many parents that marriage is the only solution when their child has an extramarital pregnancy. They tend to agree to marry off their children immediately, primarily to avoid family shame. This finding emerged during field

³⁴ “Child Marriages’ — Coercion or Choice? | The Current,” accessed March 26, 2025, <https://news.ucsb.edu/2019/019341/child-marriages-coercion-or-choice>.

research conducted in Palembang. The table below details some case examples of child marriage.³⁵

Table 1: Child forced marriage due to extramarital pregnancy

No	Female's Age	Male's Age	Case	Reason for Marrying Child
1	11 years	13 years	the pregnancy that occurred was not understood by both of them.	1.Covering the shame of the family; 2.Making both children responsible for their actions.
2	14 years	15 years	pregnancy in junior high school children in dating relationships.	1.Covering the shame of the family 2.Stopping morally unacceptable conducts. 3.Making both children responsible for their actions
3	14 years	17 years	forced marriage because residents caught them having sex.	1.Covering the shame of the family 2.Stopping morally unacceptable conducts.
4	15 years	15 years	a dating relationship that led to a pregnancy and the man didn't want to take responsibility.	1.Covering the shame of the family 2.Demanding responsibilities from the boy.
5	17 years	23 years	a couple who had an abortion because the man didn't want to take the responsibility of marrying her.	1.Covering the shame of the family 2.Demanding responsibilities from the man.

Source: processed selected cases, August 2024

³⁵ Results of interviews with 150 respondents who were perpetrators of child marriage in Palembang City, August 2024

The cases above were selected as examples due to their differing background contexts. as for a brief description of the five cases contained in table 1 above as follows:

1. *First case* (Female 11 years old and Male 13 years old), It's happen in February 2024, a pair of parents discovered that their sixth-grade daughter was pregnant. The relationship she formed with a peer involved several encounters influenced by information accessed through social media, without sufficient understanding of the potential risks, including the possibility of pregnancy. When the two married, they still had limited awareness of the consequences that could arise from such a relationship.
2. *Second case* (Female 14 years old and Male 15 years old), The relationship between the two as a dating couple had lasted for six months at that time. The girl's pregnancy was discovered in April 2024, when she has been carrying for five months. Both were classmates at a private high school in Palembang. Despite the circumstances, they were compelled to marry. This situation forced the girl to discontinue her education due to shame, while the boy chose to transfer to another school.
3. *Third case* (Female 14 years old and Male 17 years old), This couple's relationship drew public attention due to their morally unacceptable conducts. The girl was still a junior high school student, while the boy was a teenager who had dropped out of school. Since they were neighbors, their families knew each other well. An incident led to the parents of both being called to provide clarification regarding the situation. Although the couple expressed that they were not ready to continue their relationship into a marriage, their parents decided to proceed. This decision reflects the social dynamics and familial pressures often involved in handling such situations.
4. *Fourth case* (Female 15 years old and Male 15 years old), The couple, both junior high school students, first met through social media and had been dating since September 2023. They met regularly after school, despite attending different schools. In May 2024, upon discovering that the girl was pregnant, the boy ended communication with her. The girl eventually

informed her parents of her condition, who then approached the boy's family to discuss the situation. This meeting resulted in both families deciding to arrange a marriage between the two teenagers. The last,

5. *Fifth case* (Female 17 years old and Male 23 years old), The couple met by chance when the woman booked the man as her online ride-sharing driver. They began dating in March 2023, during which time the man promised a serious commitment, giving the woman confidence in their future together. However, when she faced challenging circumstances, due to her pregnancy, he failed to fulfill his promises, leading her parents to step in and seek resolution through legal channels. This case underscores the complexities in providing legal protection for young people in relationships involving significant decisions and commitments, as well as the importance of safeguarding their rights within the broader legal framework.

The descriptions of the five cases above show that the child marriages that occurred were motivated by force, either because of parental coercion or because of community pressure. In some cases in urban areas, child marriage is forced because of pregnancy, which seems to justify forcing the marriage of a child when sometimes the child does not want it. The main reason put forward by parents is to cover family disgrace. Generally, judges will also grant marriage dispensation applications submitted on the grounds of benefit. The acceptance of the marriage dispensation application by the judge strengthens the assumption that the marriage is approved by the child, even though the child has no other choice. In some cases of child marriage, after the marriage is held, most husbands will lose responsibility and even leave their wives unceremoniously, because the main point of marriage is not the basis for responsibility as a husband and father. This condition certainly worsens the situation of women who are burdened with responsibility and followed by discrimination in society.

Other cases were also identified, though their stories were similar. Additionally, these five cases involved Non-Governmental Organizations (NGOs) in their resolution approaches, particularly the Palembang Women Crisis Centre (WCC-Palembang) and the Grassroots Women's Forum (*Forum Komunitas Perempuan Akar*

Rumput or FKPAR). The approach taken by these organizations emphasized ensuring that any marriage occurs with mutual agreement from the couple so that they are willing to accept each other and assume marital responsibilities post-wedding. WCC and FKPAR, in fact, do not advocate marriage without the child's consent, but in these cases, all parents insisted on marriage to cover up the shame and to urge the children to take responsibility for their actions. Yet, most forced marriages result in divorce. For the first case specifically, WCC and FKPAR exercised extra caution due to the couple's very young age and lack of understanding of marital responsibilities.³⁶ The potential outcomes if both parties are forced into marriage include:

1. Lack of understanding of marital and parental rights and responsibilities;
2. The 13-year-old boy is unfit for earning a livelihood, as no employer can legally hire a minor, which would violate labor laws;
3. Pregnancy at 11 years old is highly risky, as an 11-year-old's uterus is unprepared for full-term fetal development, heightening pregnancy and other health risks;
4. Children born to mothers who lack knowledge of their own and their baby's health conditions are at a high risk of stunting or disability; and
5. If the mother successfully carries the first pregnancy, another pregnancy could follow soon since both remain in a fertile age range and are no longer restricted from sexual activity. Consequently, more children could be born into economically unstable families, potentially raising poverty rates.

There are still many other issues that will arise as a result of forced marriage of children. The forced marriage of a child due to pregnancy results in the child's powerlessness in defending their rights.³⁷ The

³⁶ Resume of interview with Executive Director of Women Crisis Center (WCC) Palembang, Mrs. Yessi Apriani and Chair of Grassroots Women Community Forum (Forum Komunitas Perempuan Akar Rumput – FKPAR) Mrs. Susilawati, July 2024

³⁷ Rahimin Affandi Abdul Rahim and Rika Dilawati, "Causes and Impacts of Early Marriage: A Phenomenological Study in the Cimarel Hamlet Community, West

tendency that occurs is for children to feel ashamed, blame themselves, and even feel ashamed of the family name. The child is conditioned to accept what is the will of the parents in determining what steps will be taken in dealing with the problem of pregnancy outside of marriage. In this case, the child is positioned as a victim of the treatment of parents who force marriage on the child. The child's condition as a victim is in a state of crisis that requires immediate help so as to reduce the impact / prolonged trauma on the child.³⁸

However, many parents are not yet aware and understand that marriage is not the only solution to be taken.³⁹ Covering up shame and embarrassment is the main reason for parents to force their children into marriage after discovering that their child is pregnant or has engaged in sexual relations outside of marriage.⁴⁰ The justification for covering dishonour and maintaining the good name of the family expressed to the child makes the child accept the marriage suggestion made by the parents.⁴¹

Nurmalinda stated that child marriage has a profound negative impact on a child's physical, psychological, and social well-being. Girls who marry young are at increased risk of health complications, including during pregnancy and childbirth. They are also more likely to experience emotional trauma, depression, and anxiety. Early marriage often deprives girls of educational opportunities, social connections, and personal

Bandung Regency," *TEMALI: Jurnal Pembangunan Sosial* 5, no. 1 (2022): 29–44, <https://doi.org/10.15575/jt.v5i1.16085>.

³⁸ Yustina Gemilang and Magdalena Pranata Santoso, "Video Psikoedukasi Sebagai Psychological First Aid Dalam Menolong Anak Korban Sexual Abuse," *Aletheia Christian Educators Journal* 2, no. 1 (2021): 105–24, <https://doi.org/10.9744/aletheia.2.1.105-124>.

³⁹ M Musthofa and Sarah Qonita Lutfiah, "Early Marriage and Its Influence on Family Harmony in an Islamic Perspective," *Al-Risalah* 15, no. 1 (2024): 197–214, <https://doi.org/10.34005/alrisalah.v15i1.3351>.

⁴⁰ Irhamni and Sahadewo, "Child Marriage in Indonesia: A Literature Review."

⁴¹ Ayako Kohno et al., "Investigation of the Key Factors That Influence the Girls to Enter into Child Marriage: A Meta-Synthesis of Qualitative Evidence," *PLoS One* 15, no. 7 (2020): e0235959.

growth, leaving them vulnerable to domestic violence and isolation. In essence, child marriage stunts a child's development in multiple ways.⁴²

Forced marriage cases are also often experienced by female victims of sexual violence, the purpose of which is to cover up the shame of both families, so that the child born later by the victim has a father, or to avoid criminal responsibility or criminal punishment. This marriage mode is because the victim and her family feel cornered by the burden of having to bear the stigma of shame due to the rape. Forced marriage, which is then the reason for resolving it through the restorative justice mechanism, actually distances the victim from access to justice and recovery, places the victim in a situation of violence, causes impunity for the perpetrator, and normalizes sexual violence. The victim, on the other hand, because of her subordinate position as a woman or girl, is forced to follow the family's decision on the grounds of good name or hope that the perpetrator will be responsible for the victim or the child born later. In reality, after forced marriage, the victim is at risk of experiencing sexual violence, physical violence, psychological violence, and neglect in the household. The act of marrying the victim to the perpetrator of rape thus, in addition to only confirming the perpetrator's impunity, also traps women as victims of rape in the chain of violence.⁴³

The implementation of the Law on Sexual Violence Crimes (TPKS Law) can serve as a momentum to prevent parents from forcing marriages on their children, even if the reason is pregnancy.⁴⁴ The consent of the child who will undergo the marriage must take precedence, as a child will face the consequences of their life. Parents must be wise in assuming their roles by prioritizing the protection and best interests of the child. Their obligation is to provide guidance, educate, and protect

⁴² Nurmalinda in Fakhri Abdul Rozak and Rizka Isnur Aviana, "The Impact of Child Marriage : Challenges to Achieving Indonesia ' s 2045 Goals," *Jurnal Anifa: Studi Gender Dan Anak* 5, no. 2 (2024): 85–101, <https://doi.org/10.32505/anifa.v5i2.8184>.

⁴³ Sondang Frishka Simanjuntak in Juvani Leonardo et al., "Tindakan Pidana Pemaksaan Perkawinan," *Lex Crimen* 12, no. 3 (2023): 1–11.

⁴⁴ I Made Wahyu Chandra Satriana and Ni Made Liana Dewi, "Law Brakes to Protect Victims of Sexual Violence Against Children and Women in the Private Field," *Journal Equity of Law and Governance* 2, no. 2 (2022): 115–22, <https://doi.org/10.55637/elg.2.2.5828.115-122>.

the child so they can prepare for their future.⁴⁵ The pregnancy that has occurred is something that cannot be reversed, so this situation must be faced wisely. ⁴⁶The solution offered should not be one that caters to the parents' ego, but rather one that considers the best plan for the child's future according to the child's consent.

B. Variables of Child-Enforced Marriage as Sexual Violence

The operational definition of forced marriage is not explicitly found in various legislations in Indonesia, including the Marriage Law and the Law on Sexual Violence Crimes (TPKS Law).⁴⁷ However, the prohibition against forced marriage can be understood through reasoning and interpretation of existing legal provisions. Article 10, paragraph (1) of the TPKS Law states that:

“Anyone who unlawfully compels, places another person under his or her own power or that of another person, or uses that power to force or allow a marriage to take place with him or her or with another person shall be punished for forced marriage with imprisonment of up to 9 (nine) years and/or a fine of up to Rp200,000,000.00 (two hundred million rupiah)”.

Furthermore, Article 10, paragraph (2) also mentions that the matters included in forced marriage are as follows:

- 1) Child marriage,
- 2) Forced marriage under the guise of cultural practices, and
- 3) Forced marriage between the victim and the perpetrator of rape.

⁴⁵ S H Suhasril, *Perlindungan Hukum Terhadap Anak Dan Perempuan* (PT. RajaGrafindo Persada-Rajawali Pers, 2023).

⁴⁶ Sri Murni, “The Marriage Age Limit According to Indonesian Law No. 16, 2019 as Effort to Child Protection,” in *International Conference on Law, Economics and Health (ICLEH 2020)* (Atlantis Press, 2020), 222–30.

⁴⁷ Setyawan, “Forced Marriage As One of the Crimes of Sexual Violence.”

Referring to Article 10, paragraph (1) and paragraph (2) of the Law on Sexual Violence Crimes (TPKS Law), the elements of forced marriage that can be considered as variables are as follows:

1) Act

Act in this context refers to actions or intentions that can be interpreted as being based on bad faith. In other words, the act has a negative connotation, thus it is prohibited. The indicators that can be used to assess whether an act is a prohibited action include:

- a) Violating the law,
- b) Contradicting decency,
- c) Contradicting public order,
- d) Contradicting the rights of others, or
- e) Causing harm to others.

The act encompasses both individual and collective actions, in this case, carried out without the consent of the child to be married.

2) Physical and mental/psychological threats

Physical threats result in visible and tangible physical harm, causing pain or discomfort, while mental/psychological threats encompass any actions that induce fear, loss of self-confidence, loss of ability to act, feelings of helplessness, and/or severe psychological suffering.⁴⁸ Mental or psychological threats are not always expressed harshly or violently; they can be conveyed subtly and persuasively under the guise of religious values or parental obedience.

3) Purpose of the act

The purpose of the acts that can be referred to in the articles of the above-mentioned law includes:⁴⁹

⁴⁸ Saiful Abdullah, "Rekonsepsi Makna Pengancaman Kekerasan Atau Menakut-Nakuti Dalam Undang-Undang Informasi Dan Transaksi Elektronik," *Jurnal Rechtidee* 17 (2022): 205–6.

⁴⁹ R Valentina Sagala, "Ketika Negara Mengatur Kekerasan Seksual: Analisis Hukum Terhadap Rancangan Undang-Undang Penghapusan Kekerasan Seksual. Guepedia" (Guepedia. [https://www.google.co.id/books/edition/Ketika_Negara ...](https://www.google.co.id/books/edition/Ketika_Negara_...), 2020).

- a) To gain material benefits and/or to attain honor or advantages in terms of certain positions,
 - b) To cover up events deemed to bring shame to the family or to heal illnesses,
 - c) To adhere to and preserve prevailing customs, where avoidance may lead to bad karma or the like,
 - d) To uphold religious values such as avoiding or preventing adultery; and/or
 - e) To hold the rapist accountable or demand accountability from men who do not treat women well.
- 4) Desire to be obeyed

The desire to be obeyed represents a dominant position or power relation that creates domination. This condition is vulnerable to abuse due to the emergence of dominance within a relationship. The desire in this case, is that of the person wanting to impose the marriage. Individuals or parties capable of forcing child marriage include:⁵⁰

- a) Parents or guardians or family members of the child, namely those who have familial or blood relations;
- b) Religious leaders, including spiritual teachers, study instructors, or respected religious figures;
- c) Community leaders, including respected figures in the neighborhood, such as neighborhood heads or elders, including traditional leaders or chiefs of tribes, or association heads;
- d) Superiors, or employers, or individuals with power to force child marriages, such as wealthy individuals who compel indebted parents to marry off their child to them or to others.
- e) Marriage registrars who are aware of and/or suspected to know about a forced marriage but do not prevent it; and

⁵⁰ Results of surveys and in-depth interviews with 150 respondents and 7 informants. Palembang, April-June 2024.

- f) Other parties deemed capable of facilitating forced child marriages, including netizens spreading information and provocation regarding child marriages.

5) Freedom to act

The freedom to act is interpreted as an individual's freedom to marry minors or to be married off to someone not approved or agreed upon by the child. In this case, the child lacks the capacity to refuse or say no to the forced marriage imposed upon them. The approval for marriage dispensation from the court is often used by parents as a basis for claiming that the child has agreed to the marriage. Parents feel free to marry off their children based on the dispensation issued by the court. However, when the child is presented to the judge during the application for dispensation, they state that it is their own wish for the marriage to take place, not their parents'.⁵¹

Nevertheless, we must understand that children are sometimes persuaded by their parents by saying that the child in the womb will not have a father if they do not marry and that they will be mocked by society, even claiming that the community will also bear the shame. This intimidating persuasion puts pressure on the child; whether they like it or not, they are compelled to follow their parents' wishes. They are not given choices but are obligated to comply with the desires of those older than them.

6) Losses to the child

The harm experienced by the child can serve as a measure for determining criminal elements. The harm in this context includes both material and immaterial losses that the child may suffer in the future. Article 1366 of the Civil Code states, "Every individual shall be liable not only for their actions but also for their negligence and lack of due diligence." This provision emphasizes that legally, individuals must act with

⁵¹ Results of an interview with Muhammad Aliyuddin, S.Ag., MH., Deputy Director of 1A Religious Court of Palembang, May 23, 2024, 13.30 Western Indonesia Standard Time

caution towards others, including children. Caution is a legal obligation for all individuals; they must adhere to standards of caution when acting towards others.⁵² If this principle is violated, the violator is obligated to compensate the harmed party. Referring to Article 1246 of the Civil Code, the forms of loss include:

- a) Costs, which refer to any money (including expenses) that must be actually incurred by the harmed party,
- b) Reduction in the value of a party's assets as a result of another party's actions, and
- c) Interest, which refers to any profits that should have been obtained but were not due to actions by another party.

In the context of criminal law, the losses experienced by victims can include both material and immaterial damages resulting from the negative impacts of crime.⁵³ The primary focus of criminal law is to punish offenders who commit unlawful acts that harm society as a whole. The elements of loss in criminal law encompass unlawful acts (*actus reus*), malicious intent (*mens rea*), and the existence of tangible losses that can be proven.⁵⁴ Therefore, it can be concluded that the losses victims suffer may be direct or indirect, including losses that may arise in the future.

The six variables above serve as instruments that can be used to determine whether a forced marriage can be classified as sexual violence.

⁵² Madeline Mamesah, Konoras Abdurrahman, and Prayogo Presly, "SISTEM TRANSAKSI ELEKTRONIK DALAM PERJANJIAN JUAL BELI MELALUI MEDIA ONLINE," *Lex Privatum V* 10, no. 1 (2022): 328–41, <https://doi.org/10.2207/jjws.91.328>.

⁵³ Andi Maysarah, "MEKANISME GANTI KERUGIAN TERHADAP KORBAN TINDAK PIDANA," *Jurnal Warta* 13, no. 1 (2019): 1–23.

⁵⁴ Iwan Setiawan and Trias Saputra, "Tindakan Hukum Bagi Pelaku Bullying Terhadap Anak Di Bawah Umur," *Journal of Social and Economics Research* 6, no. 1 (2024): 846–62.

The use of these variables aims to create legal certainty, which according to Gustav Radbruch, includes the following:⁵⁵

1. First, certainty in the formulation of norms and legal principles that do not contradict each other, both from the articles within the law as a whole and in relation to other articles outside the law.
2. Second, certainty in the implementation of the norms and principles of the law. Legal norms must be formulated in sentences that do not contain multiple interpretations. In this regard, uniform interpretation is necessary for law enforcement officials. Clear variables can serve as guidelines for officials to act in accordance with applicable law.

It is important to raise public awareness about the significance of social control. The general perception that marriage is a domestic and personal matter that does not require intervention from anyone outside the family leads to the law being unable to function as a primary protector. When forced marriages or domestic violence occur, individuals outside the family often hesitate to intervene, citing that they are not family members or fearing potential legal repercussions from the family. Understanding the boundary between private and public spheres in the enforcement of laws related to forced marriage or domestic violence remains very low. Legally, the prohibition of forced marriage of minors has been emphasized in the TPKS Law. The subsequent responsibility lies within the legal structure, which is obliged to enforce the law, including providing resources, facilities, and infrastructure, as well as ensuring government involvement in various programs that can guarantee protection for women and children to secure their rights. Equally important, society must actively participate in the prevention and handling of forced marriage cases involving children, as the primary priority is to provide the best protection for the interests of the child.

Marriage is a human right guaranteed by the state through the 1945 Constitution of the Republic of Indonesia. Forming a family and continuing offspring through a legal marriage is a right for every

⁵⁵ Fira Mubayyinah, "Legal Review Of Indefinite Revocation Of The Political Right To Hold Public Office Against Corruption Convicts," *Prophetic Law Review* 1, no. 1 (2019): 90–107, <https://doi.org/10.20885/plr.vol1.iss1.art6>.

Indonesian citizen as affirmed in Article 28B Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which reads: “Every person has the right to form a family and continue their descendants through a legal marriage”.⁵⁶ The right to marry is also regulated in Article 10 of the Constitution of the Republic of Indonesia Number 39 of 1999 on Human Rights which states that:

- (1) Every person has the right to form a family and continue their descendants through a legal marriage.
- (2) A valid marriage can only take place by the free will of the prospective husband and prospective wife concerned, in accordance with the provisions of the legislation.

A valid marriage means that it has fulfilled all the requirements that have been determined, both religiously and according to the applicable law in Indonesia. The provisions regarding marriage as previously explained are regulated in Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage and its implementing regulations, namely Government Regulation of the Republic of Indonesia Number 9 of 1975 concerning the Implementation of Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage. The age of marriage for women, from sixteen years to nineteen years, is regulated in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage.

The prevention and elimination of child marriage is one of the targets of the Sustainable Development Goals (SDGs) which are targeted to be realised by 2030⁵⁷. Seeing the phenomenon of child marriage in Indonesia which is already in an emergency condition, the Government of Indonesia has integrated the reduction of child marriage rates into the 2020-2024 National Medium-Term Development Plan (RPJMN). The child marriage rate is targeted to decrease from 11.2% in 2018 to 8.74% in 2024.⁵⁸

⁵⁶ Juvani Leonardo Fiore Mongkaren, Debby Telly Antow, and Rudolf Sam Mamengko, “Tindak Pidana Pemaksaan Perkawinan Menurut Undang-Undang Nomor 12 Tahun 2022,” *Lex Crimen* 12, no. 3 (2023).

⁵⁷ Sri Yuliani et al., “Analisis Stakeholder Dalam Strategi Pencegahan Perkawinan Anak Di Indonesia,” *Spirit Publik: Jurnal Administrasi Publik* 17, no. 2 (2022): 130–49.

⁵⁸ Yuliani, Et.all

Another example of marriage is the forced marriage that occurs in Indonesia. Forced marriage is included in one of the criminal acts of sexual violence as contained in Article 10 Paragraph (1) TPKS Law. Forced marriage refers to Article 10 Paragraph (2) TPKS Law, namely:⁵⁹

- a. child marriage;
- b. forced marriage in the name of cultural practices; or
- c. forced marriage between the victim and the perpetrator of rape.

The types of marriages found in the Study of Culture-Based Violence Against Women, include kawin sambung, kawin lari, kawin Cina Buta, kawin grebeg (kawin tangkap or mudemu), forced marriage due to pregnancy or sexual intercourse and early marriage.⁶⁰ Violence Against Women Study area also found that there is a customary settlement mechanism and negotiation space between parties when forced marriage occurs, although it tends not to favour women.

The forced marriages in question include child marriage, forced marriage in the name of cultural practices, including forced marriage of victims with perpetrators of rape. Referring to Article 16 TPKS Law, that in addition to imprisonment and fines, perpetrators of Criminal Acts of Sexual Violence can be sentenced to additional punishment in the form of revocation of child custody or guardianship, announcement of the identity of the perpetrator, deprivation of benefits obtained from criminal acts and / or payment of restitution.⁶¹

Some of the factors that cause forced marriages include adultery, being of legal age but not yet married), because of the tradition of marrying into the family (cousins), because of debt problems, this is the reason why forced marriages occur among the community. When referring to these factors, forced marriage is not justified and is contrary to the principles contained in human rights, because in the case of forced marriage it is carried out without the will of one or both parties, but on the basis of coercion or perhaps even threats. Whereas it is known that every individual has the right to do something in accordance with their

⁵⁹ Marzuki and Siroj, "Pemaksaan Perkawinan Dalam Konteks Kajian Hak Asasi Manusia Dan Undang-Undang Tindak Pidana Kekerasan Seksual."

⁶⁰ Marzuki and Siroj.

⁶¹ Kekerasan Seksual Menurut Undang-Undang Nomor 12 Tahun 2022," *LEX ADMINISTRATUM* 12, no. 1 (2023).

personal will as part of the right to individual freedom as stipulated in Article 4 of Law No. 39/1999 on Human Rights.⁶²

Meanwhile, coercion of marriage contained in Article 10 paragraphs (1) and (2) of the TPKS Law which states that every person who unlawfully forces, places a person under his or her power or another person, or abuses his or her power to perform or allow a marriage to be performed with him or with another person, shall be punished for coercion of marriage. In this provision, the punishment imposed is imprisonment for a maximum of 9 years and/or a maximum fine of two hundred million rupiah.

Based on the above provisions, there are several elements of the criminal offence of coercion of marriage, namely:⁶³

- a) Every person (who);
- b) Unlawfully;
- c) Forcing, placing a person under his or her power or another person, or abusing his or her power to perform or allow a marriage to be performed with him or with another person.

In addition, the meaning of forced marriage is also expanded to include child marriage, forced marriage in the name of cultural practices, and forced marriage of victims with perpetrators of rape as mentioned in Article 10 paragraph (2) of the TPKS Law. Efforts to minimise all forms of criminal acts of sexual violence, including forced marriage, contain the objectives of preventing all forms of sexual violence; handling, protecting and restoring victims; carrying out law enforcement and rehabilitating perpetrators; realising an environment without sexual violence; and ensuring the non-recurrence of sexual violence⁶⁴. Based on this, it is found that even though forced marriage is a new form or type of sexual violence due to the absence of rules regulating forced marriage previously either in the Child Protection Law, or in other laws so that its existence guarantees the protection of women, especially for women who are the main objects in the practice of forced marriage.

⁶² Marzuki and Siroj, "Pemaksaan Perkawinan Dalam Konteks Kajian Hak Asasi Manusia Dan Undang-Undang Tindak Pidana Kekerasan Seksual."

⁶³ Ibid, 222

⁶⁴ Article 3 TPKS Law.

Table 2: Prevention of Forced Child Marriage

No	Description	Importance and Influence	Child marriage prevention strategies
1	Children Play a primary and strategic role as a medium for delivering information and education for peers (peer educators), including in the prevention and handling of child marriage.	Importance Child marriage prevention strategies and operationalisation measures will determine the fulfilment and protection of children’s rights to education, health, utilising adolescence and securing their future. Influence: Influence is weak because children have no power in decision-making about their future. Control over the child’s life is in the hands of adults (parents and programme authorities).	Children will strongly support the Strategy for Optimising Children’s Capacity. Strengthening the capacity of children that can be optimised is the capacity as peer educators and counsellors, which is a program of the Ministry of PPPA. Strengthening girls’ capacity to advocate and build self-welfare
2	Family: Secondary role, namely the group that determines the success of the policy Strategic role can prevent child marriage	Interests: Parents’ interests in child marriage are dominated by economic interests and adherence to socio-cultural and religious values. The interest of protecting children’s rights has not been prioritised. Influence: Parents have a lot of power (influence) because they hold the authority in making decisions in the family, including determining the future of their children.	Improving the economic conditions of families and changing perspectives on child marriage will support the Strategy for an Environment that Supports Child Marriage Prevention.

3	<p>Schools: Secondary role that determines the success of the policy.</p> <p>The strategic role of schools is as a medium for delivering reproductive health information and education and decision makers for the continuation of children's studies.</p>	<p>Interests: Schools tend to prioritize maintaining the good name of educational institutions and social, cultural and religious norms rather than fulfilling children's rights to receive education and future security.</p> <p>Influence: Schools have the power to determine the continuation of education for students who are pregnant before marriage</p>	<p>School support for child marriage prevention policies requires a change in perspective in two ways: the importance of reproductive health education being provided openly to children and school administrators' awareness of the rights of all children to continue their studies.</p> <p>Schools through adolescent reproductive health education and sensitivity to the fulfillment of the right to education for all children will support the Accessibility and Expansion of Services Strategy</p>
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C. Patterns of Handling / Recommendations for the Form of Protection for Child Victims of Marriage due to Pregnancy

First, providing easy access for victims to report in the event of a criminal act of sexual violence in this case forced marriage for any reason, be it child marriage, marriage in the name of culture, and forced marriage of victims to the perpetrator of rape. Ease of access involves relevant agencies, both UPTD PPA Institutions, in Articles 39-41 of the TPKS Law have regulated the reporting mechanism for victims, where victims can report what they have experienced to the relevant institutions mentioned in the regulation. However, how this reporting can be carried out, the ease of access to it can run often depends on the location, the existing infrastructure. Socialisation of good reporting information is also important. If there is a lack of socialisation about the reporting

mechanism, it often leads to many victims not knowing where or how to report. Given that not everyone can read the regulations or especially victims of forced marriage who only want to report their case after the marriage has occurred do not understand whether they are still included in the category of victims in the incident. Accessibility is also influenced by the social stigma attached to victims related to sexual violence where forced marriage is included in this scope. According to Zahir and Saputra, who were later re-quoted by Meirani Rubianto and Aman Pratama, the fear of public judgement often makes victims reluctant to report cases of forced marriage.

Second, handling victims by guiding the handling, protection and recovery of children who are victims of forced marriage. The rights of victims in handling include the right to information on the entire process and results of Handling, Protection, and Recovery; the right to obtain documents on the results of Handling; the right to legal services; the right to psychological strengthening; the right to health services including medical examination, action, and treatment; the right to services and facilities in accordance with the special needs of the Victim; and the right to the removal of sexually charged content for cases of sexual violence with electronic media. Protection; providing information on protection rights and facilities, providing access to information on the implementation of Protection; Protection from threats or violence of the perpetrator and other parties as well as the recurrence of violence; Protection of identity confidentiality; Protection from the attitude and behaviour of law enforcement officials who humiliate the Victim; Protection from loss of employment, job transfer, education, or political access; and Protection of Victims and/or whistleblowers from criminal prosecution or civil lawsuits for Sexual Violence Crimes that have been reported, while recovery consists of medical rehabilitation, social mental, social empowerment, restitution and compensation, and social reintegration.

Third, in the event of forced marriage due to pregnancy where the perpetrator is an adult, the case of Sexual Violence Crimes cannot be resolved outside the judicial process, so that the case continues to the criminal justice process unless the perpetrator is a child, but the child is still given the right to express his/her opinion to accept the marriage or not.

Fourth, giving the child the right to continue the pregnancy or not even though the pregnancy is based on consensual acts or due to rape while still being guided by the Health Law which regulates these provisions.

Fifth, the need for protection by the establishment of implementing regulations for Article 10 paragraphs (1) and (2) by containing special provisions that prioritise the principles of respect for dignity, non-discrimination, the best interests of victims in this case child victims, justice for child victims of forced marriage, justice, benefit and legal certainty for children as victims of forced marriage.

Sixth, there is a need for comprehensive implementing regulations related to SOPs and mechanisms starting from the stages of investigation, prosecution, and examination in court while still paying attention to and upholding human rights, honour and without intimidation.

Seventh, it is necessary to strengthen parenting in the family so as to minimise the occurrence of cases against children, if sexual violence has occurred, the need for family and parental assistance to children who are forced to marry for any reason as a form of physical and psychological strengthening of children and believe that not all of them are resolved by marriage (married off) if there is a pregnancy for the child. The victim's right to handling, protection, and recovery since the occurrence of the crime of sexual violence.

Eighth, the need to Strengthen the Increased Socialization of the HKSR (Sexual and Reproductive Health Rights) forum for Adolescents so as to minimize the number of child marriages and provide solutions if marriage cannot be avoided, children's rights in terms of education, health services and the economy are still provided.

Ninth, Effective fulfillment of the requirements for Marriage Dispensation for children who are still guided by Supreme Court Regulations Number 5 of 2019 that the requirements for granting/approving marriage dispensation, all requirements, both recommendations from Psychologists, Social Workers, BKKBN, Midwives/Doctors and other parties must still be prioritized and adhered to, because if it is still tolerated with the reason of KTD (unwanted pregnancy) it becomes a common thing for parents to do to legalize child marriage and violations of the marriage age limit will increase.

Finally, there is a need for synergy in the coordination of each ministry regarding the method of mentoring programs for children who marry due to pregnancy. Attempts to force marriage on children with the alibi of pregnancy can result in the loss of children's rights as victims in protection to determine their own fate. When everything is arranged by parents, including forced marriage due to pregnancy, it can create new criminal acts and is contrary to the purpose of marriage to create a household, namely forming a marriage/household that is eternal and happy because coercion from the beginning can cause the household to become disharmonious and cause disharmony between husband and wife. The need for consent from children as victims of criminal acts when asked to marry so that each party, both parents, perpetrators and victims, do not unilaterally force children who are victims of pregnancy due to criminal acts of sexual violence. With the existence of this TPKS Law, women and men have an equal position and status in all matters relating to marriage and family relationships, one of which is about the freedom for women to choose a husband and enter into marriage only on the basis of their free and complete consent without any coercion from any party.

Conclusion

Cases of child marriage due to extramarital pregnancies are increasing, particularly in urban areas. Underage children who are pregnant are often forced to marry primarily to cover the family's shame and to hold the man responsible for the pregnancy. The legal issue that arises is that child marriage constitutes a criminal act of sexual violence, as regulated by the Law on Sexual Violence Crimes (TPKS Law) and the Child Protection Law. Child marriage due to pregnancy places both parents and children in a morally precarious position. Forcing a child to marry violates the TPKS Law, yet not marrying them may deprive their daughter and her children of their rights. Ensuring the best protection for their children is vital to restoring their well-being, and forced marriage is not the only solution. The primary and essential action to take is to achieve a common understanding among parents, children, and the community in promoting the sustainability of the child's life. Thus, children should no longer be viewed as objects but as subjects with rights and responsibilities to determine their own lives. Furthermore, the TPKS

Law requires reinforcing legal instruments, such as Government Regulations or other implementing regulations, that provide further provisions regarding issues related to forced marriage that can be categorized as sexual violence.

References

- Abdul Rahim, Rahimin Affandi, and Rika Dilawati. "Causes and Impacts of Early Marriage: A Phenomenological Study in the Cimarel Hamlet Community, West Bandung Regency." *TEMALI: Jurnal Pembangunan Sosial* 5, no. 1 (2022): 29–44. <https://doi.org/10.15575/jt.v5i1.16085>.
- Abdullah, Saiful. "Rekonsepsi Makna Pengancaman Kekerasan Atau Menakut-Nakuti Dalam Undang-Undang Informasi Dan Transaksi Elektronik." *Jurnal Rechtidee* 17 (2022): 205–6.
- Abil, Muhammad Ibnu, Daffa Dzaky Adi Shaka, Muhammad Aryaguna Penan, and Mehmet Enes Deligöz. "Legal Protection of Stateless Person in Indonesia: Human Rights Dimensions." *Hang Tuah Law Journal* 6, no. 2 (2022): 144–53. <https://doi.org/10.30649/htlj.v6i2.112>.
- Achmad, Willya, Nunung Nurwae, Muhammad Fedryansyah, R Widya, Seeabudi Sumadinata, Rd Sie, and Sofro Sidiq. "Taking Advantage Of Indonesia's Demographic Bonus In 2024: Challenges And OpportuniAes Memanfaatkan Bonus Demografi Indonesia Di Tahun 2024: Tantangan Dan Peluang." *Management Studies and Entrepreneurship Journal* 5, no. 2 (2024): 4425–34. <http://journal.yrpiiku.com/index.php/msej>.
- Aditya, Rizky Irfano, and Lisa Waddington. "The Legal Protection Against Child Marriage in Indonesia." *Bestuur* 9, no. 2 (2021): 126.
- Apriyanti, Dwi Anggun. "Perlindungan Perempuan Dan Pernikahan Di Bawah Umur." *PAMPAS: Journal of Criminal Law* 2, no. 1 (2021): 115–24.
- Aryani, A, A Puzhanurina, F I Waluyo, and R Bilqisy. "Legal Consequences of Child Marriage Judging from Law No. 35 of 2014 Concerning Child Protection." *Legal Brief* 11, no. 3 (2022): 1886–95. <https://doi.org/10.35335/legal.Legal>.

- Awang, Nurulbahiah. "Islamic Family Law In Malaysia And Reservations Into Article 16 Islamic Family Law In Malaysia And Reservations Into Article 16 Of CEDAW among the Islamic States That Had Entered into Reservations into Some Provisions of the Convention on the Elimination ." *6th Muzakarah Fiqh & International Conference*, no. June (2023).
- Benuf, Kornelius, and Muhamad Azhar. "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer." *Gema Keadilan* 7, no. 1 (April 1, 2020): 20–33. <https://doi.org/10.14710/GK.2020.7504>.
- Budianto, Yoesep. "Tingginya Angka Perkawinan Usia Anak Di Indonesia." *Dalam* [https://Www. Kompas. Id/Baca/Riset/2024/03/08/Tingginya-Angka-Perkawinan-Usia-Anak-Di-Indonesia](https://www.kompas.id/baca/riset/2024/03/08/Tingginya-Angka-Perkawinan-Usia-Anak-Di-Indonesia) 8 (2024).
- Cahyaningrat, Ni Kadek Dinda Pramesti, and Putu Nugrahaeni Widiasavitri. "Pernikahan Dini: Keinginan Atau Paksaan? Sebuah Literature Review." *Jurnal Ilmiah Wahana Pendidikan* 9, no. 21 (2023): 480–88.
- "'Child Marriages' — Coercion or Choice? | The Current." Accessed March 26, 2025. <https://news.ucsb.edu/2019/019341/child-marriages-coercion-or-choice>.
- Djunaedi, Arif Zeinfiki, Kautsar R Salman, and Heri Supriyanto. "Venturing the Golden Indonesia 2045: Are Electricity and Broadband Development for 5 Indonesian Priority Industries Impactful?" *Ventura, Journal of Economics, Business, & Accountancy* 28, no. 2 (2024): 168–81. <https://doi.org/10.14414/jebav.v27i2.4513>.
- Gemilang, Yustina, and Magdalena Pranata Santoso. "Video Psikoedukasi Sebagai Psychological First Aid Dalam Menolong Anak Korban Sexual Abuse." *Aletheia Christian Educators Journal* 2, no. 1 (2021): 105–24. <https://doi.org/10.9744/aletheia.2.1.105-124>.

- I Made Wahyu Chandra Satriana, and Ni Made Liana Dewi. "Law Brakes to Protect Victims of Sexual Violence Against Children and Women in the Private Field." *Journal Equity of Law and Governance* 2, no. 2 (2022): 115–22. <https://doi.org/10.55637/elg.2.2.5828.115-122>.
- ICRW, and UNFPA. "Child Marriage in Southern Asia," 2016, 1–23.
- Irhamni, Milda, and Gumilang Aryo Sahadewo. "Child Marriage in Indonesia: A Literature Review." *Available at SSRN 4520455*, 2023.
- Karim, Adillah Srikandi. "Pemaksaan Perkawinan Dalam Perspektif Tindak Pidana Kekerasan Seksual Menurut Undang-Undang Nomor 12 Tahun 2022." *LEX ADMINISTRATUM* 12, no. 1 (2023).
- Kohno, Ayako, Teeranee Techasrivichien, S Pilar Suguimoto, Maznah Dahlui, Nik Daliana Nik Farid, and Takeo Nakayama. "Investigation of the Key Factors That Influence the Girls to Enter into Child Marriage: A Meta-Synthesis of Qualitative Evidence." *PloS One* 15, no. 7 (2020): e0235959.
- Kurniawan, Itok Dwi. "Study of Forced Marriage as a Form of Sexual Violence." *UNES Law Review* 6, no. 2 (2023): 5131–37.
- Leonardo, Juvani, Fiore Mongkaren, A Latar Belakang, Debby T Antow, Rudolf S Mamengko, Undang-undang Dasar Republik, and Indonesia Tahun. "Tindakan Pidana Pemaksaan Perkawinan." *Lex Crimen* 12, no. 3 (2023): 1–11.
- Madeline Mamesah, Konoras Abdurrahman, and Prayogo Presly. "Sistem Transaksi Elektronik Dalam Perjanjian Jual Beli Melalui Media Online." *Lex Privatum V* 10, no. 1 (2022): 328–41. <https://doi.org/10.2207/jjws.91.328>.
- Mahfud, Mahfud, and Rizanizarli Rizanizarli. "Domestic Violence against Women in Indonesia: The Recent Domestic Violence Elimination Law Analysis." *Fiat Justisia: Jurnal Ilmu Hukum* 15, no. 4 (2021): 385–98.

<https://doi.org/10.25041/fiatjustisia.v15no4.2276>.

- Marlia, Rina. "Penalaran Deduktif, Induktif Dan Bahasa Dalam Penulisan Ilmiah." *Jurnal Review Pendidikan Dan Pengajaran* 7, no. 4 (2024): 16818–24.
- Marzuki, Ismail, and A Malthuf Siroj. "Pemaksaan Perkawinan Dalam Konteks Kajian Hak Asasi Manusia Dan Undang-Undang Tindak Pidana Kekerasan Seksual." *REUSAM: Jurnal Ilmu Hukum* 10, no. 2 (2023): 215–26.
- Maysarah, Andi. "Mekanisme Ganti Kerugian Terhadap Korban Tindak Pidana." *Jurnal Warta* 13, no. 1 (2019): 1–23.
- Mokalliran, Enjelina Venesia, Cornelis Dj. Massie, and Caecilia J.J Waha. "Implementasi Konvensi Internasional Tentang Penghapusan Segala Bentuk Diskriminasi Terhadap Tenaga Kerja Perempuan Di Indonesia." *Lex Administratum* 11, no. 2 (2023): 208–20. <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/47760>.
- Mongkaren, Juvani Leonardo Fiore, Debby Telly Antow, and Rudolf Sam Mamengko. "Tindak Pidana Pemaksaan Perkawinan Menurut Undang-Undang Nomor 12 Tahun 2022." *Lex Crimen* 12, no. 3 (2023).
- Mubayyinah, Fira. "Legal Review Of Indefinite Revocation Of The Political Right To Hold Public Office Against Corruption Convicts." *Prophetic Law Review* 1, no. 1 (2019): 90–107. <https://doi.org/10.20885/plr.vol1.iss1.art6>.
- Muksalmina, Muksalmina, Faisal Faisal, Teuku Yudi Afrizal, and Ramziati Ramziati. "Dynamics Of Marriage Age Limitation In Islamic Law And Positive Law." *Syiah Kuala Law Journal* 6, no. 2 (2022): 200–212. <https://doi.org/10.24815/sklj.v6i2.29120>.
- Murni, Sri. "The Marriage Age Limit According to Indonesian Law No. 16, 2019 as Effort to Child Protection." In *International Conference on Law, Economics and Health (ICLEH 2020)*, 222–30. Atlantis Press, 2020.

- Musthofa, M, and Sarah Qonita Lutfiah. "Early Marriage and Its Influence on Family Harmony in an Islamic Perspective." *Al-Risalah* 15, no. 1 (2024): 197–214. <https://doi.org/10.34005/alrisalah.v15i1.3351>.
- Nisah, Yulia. "Impact Of Forced Marriage On Young Women In Bades Village , Pasirian , Lumajang." *JASNA : Journal for Aswaja Studies* 5, no. 1 (2025): 59–74.
- Prabowo, Wahyu, Indira Swasti Gama Bhakti, Rr. Yunita Puspandari, and Ivana Beatrice. "Implementation of the Age Limitation for Marriage from the Perspective of Indonesian Family and Marriage Law." *Journal of Private and Commercial Law* 7, no. 1 (2023): 69–96. <https://doi.org/10.15294/jpcl.v7i1.43973>.
- Prasetyo, Budi, Edy Sanjaya, and Indira Hastuti. "Marriage Law Perspective Against Underage Marriage." *International Journal of Educational Research & Social Sciences* 3, no. 1 (2022): 518–24. <https://doi.org/10.51601/ijersc.v3i1.304>.
- Rahayu, Diah, Stefanny Ayu Danny, Novi Rizky Ramadhani, and Alda Niarisma. "Social Stigma in Adolescents Who Do Early Marriage at School Age." *International Journal of Social Science and Business* 5, no. 4 (2021): 561. <https://doi.org/10.23887/ijssb.v5i4.40077>.
- Retnowulandari, Wahyuni, Maria Silvya E. Wangga, Maya Indrasti Notoprayitno, and Nadzriah Ahmad. "The Prevalence Of Child Marriage: Comparitive Study Of Indonesia And Other South Asian States." *Jambura Law Review* 6, no. 2 (2024): 339–66. <https://doi.org/10.33756/jlr.v6i2.24257>.
- Rizki1, Darlin, Frina Oktalita, and Ali Sodikin. "Maqasid Sharia Perspective in Changes the Marriage Age Limits for Women According to Law Number 16 of 2019." *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (2022): 487–508.
- Rozak, Fakihi Abdul, and Rizka Isnur Aviana. "The Impact of Child Marriage : Challenges to Achieving Indonesia ‘ s 2045 Goals." *Jurnal Anifa: Studi Gender Dan Anak* 5, no. 2 (2024): 85–101.

<https://doi.org/10.32505/anifa.v5i2.8184>.

Sagala, R Valentina. "Ketika Negara Mengatur Kekerasan Seksual: Analisis Hukum Terhadap Rancangan Undang-Undang Penghapusan Kekerasan Seksual. Guepedia." Guepedia. [https://www. google. co. id/books/edition/Ketika_Negara ...](https://www.google.co.id/books/edition/Ketika_Negara_...), 2020.

Santoso, Topo, and Hariman Satria. "Sexual-Violence Offenses in Indonesia: Analysis of the Criminal Policy in the Law Number 12 of 2022." *Padjadjaran Jurnal Ilmu Hukum* 10, no. 1 (2023): 59–79. <https://doi.org/10.22304/pjih.v10n1.a4>.

Setiawan, Iwan, and Trias Saputra. "Tindakan Hukum Bagi Pelaku Bullying Terhadap Anak Di Bawah Umur." *Journal of Social and Economics Research* 6, no. 1 (2024): 846–62.

Setyawan, Vincentius. "Forced Marriage As One of the Crimes of Sexual Violence." *Iblam Law Review* 3, no. 3 (2023): 83–90. <https://doi.org/10.52249/ilr.v3i3.154>.

Shidarta, Shidarta. "Putusan Pengadilan Sebagai Objek Penulisan Artikel Ilmiah." *Undang: Jurnal Hukum* 5, no. 1 (2022): 105–42. <https://doi.org/10.22437/ujh.5.1.105-142>.

Suhasril, S H. *Perlindungan Hukum Terhadap Anak Dan Perempuan*. PT. RajaGrafindo Persada-Rajawali Pers, 2023.

Surbakti, Aldi Robby, and Maulidya Mora Matondang. "The Effectiveness Of Law No 35 Of 2014 Concerning Child Protection In Protecting Children's Rights In The Educational Environment Using Analysis Of Siyasa Dusturiyah (Case Study Of Karo District)." *Indonesian Interdisciplinary Journal of Sharia Economics (IIJSE)* 6, no. 3 (2023): 1–23.

Wardani, Widyarini Indriasti, and Suroto. "The Implementation of Regulations on Human Rights Violations in Legislation in Indonesia." *Journal of Law and Sustainable Development* 11, no. 12 (2023): 1–23. <https://doi.org/10.55908/sdgs.v11i12.1530>.

Yoshida, Yeni Herliana, Junita Budi Rachman, and Wawan Budi

Darmawan. “Upaya Indonesia Dalam Mengatasi Pernikahan Anak Sebagai Implementasi Sustainable Development Goals (SDGS) Tujuan 5 (5.3).” *Aliansi: Jurnal Politik, Keamanan Dan Hubungan Internasional* 1, no. 3 (2022): 153–66.

Yuliani, Sri, Rahesli Humsona, Rutiana Dwi Wahyunengseh, Tiyas Nur Haryani, and Agusniar Rizka Lutfia. “Analisis Stakeholder Dalam Strategi Pencegahan Perkawinan Anak Di Indonesia.” *Spirit Publik: Jurnal Administrasi Publik* 17, no. 2 (2022): 130–49.

Zulfa, Vania, Uswatun Hasanah, and Fitriana Kusaini. “The Phenomenon of Early Marriage and Its Impact on Family Resilience.” *Journal of Family Sciences* Special Ed, no. Seminar on Family, Child, and Consumer Issue: Building a Quality Family to Create a Golden Indonesia (2024): 48–58. <https://doi.org/10.29244/jfs.vi.49929>.

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Acknowledgment

Acknowledgements are presented to the Research and Community Service Institute of Sriwijaya University as the organizer and funder of the Competitive Excellence Research Grant, the Class IA Religious Court of Palembang City, the Women Crisis Center of Palembang (WCC-Palembang), the Grassroots Women's Community Forum (Forum Komunitas Perempuan Akar Rumpuk-FKPAR), the respondents who were willing to be interviewed and asked for information and data related to this research. Acknowledgements are also conveyed to the leadership of the Faculty of Law, Sriwijaya University and the Head of the Research Unit of the Faculty of Law, Sriwijaya University, in assisting in the administration of the smooth running of this research.

Funding Information

The Research/publication of this article was funded by the DIPA of the Public Service Agency of Sriwijaya University 2024 Number SP DIPA 023.17.2.677515/2024, On November 24th, 2023. In accordance with the Rector's Decree Number 0013/UN9/LP2M.PT/2021, On May 20, 2024. (Penelitian Unggulan Kompetitif Dana DIPA Universitas Sriwijaya Tahun Anggaran 2024).

Conflicting Interest Statement

There is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.