

Child Marriage Law and Women Protection: Human Rights Lessons from India, China, and Indonesia

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Abstract

Despite universal recognition of child marriage as a fundamental violation of human rights, ratified by global instruments like the Convention on the Rights of the Child (CRC) and CEDAW, the practice persist significantly in India, China and Indonesia, challenging the efficacy of existing national legal frameworks. The paper critically analyze and compare the legal frameworks, enforcement mechanisms, and normative challenges surrounding child marriage prevention in India, China, and Indonesia, assessing their compliance with international human rights standards and identifying the effectiveness of legal interventions in mitigating socio-cultural drivers of early marriage. The paper employs a normative juridical approach, and through a comparative analysis of primary legal sources like statutes, constitutions, and secondary sources like court decisions, international conventions, and reports to analyze the differences and similarities in legal protection. It utilize a comparative

analytical method to identify strengths and weaknesses in each country's approach. The consequences resulting from this are: to what extent does legal exemptions, personal laws, and rural customary practices in India, China, and Indonesia create inconsistencies between national legislation and international human rights obligations? What are the primary enforcement gaps and challenges in the implementation of anti-child marriage laws in each jurisdictions, specifically regarding legal age verification and prosecution of offenders? To what extent does the current legal frameworks in all three countries prioritize the best interests of the child over parental consent or religious and cultural norms? How does the different approaches to child marriage criminalization in India, administrative control in China, and modified consent in Indonesia affect the prevalence rates and legal rights of children in rural areas against urban settings? These questions form the basis of this paper. The paper reveals that despite the 2019 reform in Indonesia, significant legal gaps exist, as religious courts often grant exemptions for under-age marriages, particularly due to out-of-wedlock pregnancy. In India, a major issue is the conflict between the secular PCMA and personal laws, while China generally maintain higher minimum age standards than its neighbors, reducing the absolute number of child brides, though it still has significant numbers concentrated in rural, lower-income regions. It concludes that while India, China, and Indonesia have significantly strengthened their national legal frameworks to align with international human rights standards, the effective prevention of child marriage is currently hindered by a widening enforcement - norm gap.

KEYWORDS *Comparative Legal Analysis, Child Marriage Prevention, Human Rights, India, China, Indonesia*

Introduction

Child marriage is a profound violation of human rights that persists globally despite legal prohibitions.¹ This paper conducts a comparative analysis of the child marriage prevention frameworks in India, China, and Indonesia, focusing on their adherence to the convention on the rights of the child (CRC). While all three countries have increased the legal age of marriage, challenges arise from liberal enforcement, customary practices, and administrative gaps.

¹ Hoko Horii, "A Blind Spot in International Human Rights Framework: A Space Between Tradition and Modernity Within the Child Marriage Discourse." *The International Journal of Human Rights* 24, no. 8 (2020): 1057-1079.

Through normative, comparative lens, this paper evaluates how statutory legislations, judicial interpretation, and implementation strategies in these jurisdictions compliment, aiming to identify the most robust approaches to protecting children's rights.

Despite the fact that the concept of girl child marital union is complex and gives rise to harmful practices against the child, it also completely undermines children's human rights by violating their acceptable rights listed in the CRC. While this justification appears plausible, it generates several pertinent questions rather than resolving them. For instance, to what extent does legal exemptions, personal laws and rural customary practices in India, China, and Indonesia create inconsistencies between national legislation and international human rights obligations? What are the primary enforcement gaps and challenges in the enforcement of anti-child marriage laws in each jurisdictions, specifically regarding legal age verification and prosecution of offenders? To what extent does the current legal frameworks in all three countries prioritize the best interest of the child over parental consent or religious or cultural norms? How does the different approaches to child marriage criminalization in India, administrative control in China, and modified consent in Indonesia affect the prevalence rates and legal rights of children in rural areas against urban settings?² This paper aims to address these questions.

Anchored in a rigorous review of literature, this paper synthesizes academic, policy, and case-study evidence to examine human rights frameworks for preventing child marriage. This approach ensures a thorough understanding of the changing policy landscape and the multifaceted strategies used to combat child marriage in India, China, and Indonesia. The analysis is grounded in a normative-comparative approach, reviewing both primary legal authorities and relevant secondary sources to compare legal protections. By doing so, this framework functions as the fundamental pillar for identifying the specific strengths and weaknesses in each nation's approach.

Child Marriage in India as Human Rights Issue

The paper's initial findings indicate that despite regulatory efforts, child marriage remains widespread in India, with one in three child brides globally

² See B. Suresh Lal, "Child Marriage in India: Factors and Problems." *International Journal of Science and Research* 4, no. 4 (2015): 2993-2998; Suiqiong Fan, Yue Qian, and Alissa Koski. "Child Marriage in Mainland China." *Studies in Family Planning* 53, no. 1 (2022): 23-42; Anisa Afianti Nur, et al. "Determinants of Child Marriage in Indonesia: A Systematic Review." *Journal of Community Medicine and Public Health Research* 5, no. 2 (2024): 216-227.

being Indian. The paper revealed that India ranked fifth amongst the eight Countries in South Asian with respect to girl child marital union prevalence with an average of 23 per cent of womenfolk that are first married or in courtship before 18 years of age compared to South Asian average of 28 per cent. India has made remarkable progress towards ending the practice of child marital union, having declined over the past two decades from 49 per cent in 2001 to 23 per cent in 2021³. India's progress has been one of the strongest developments in South Asia. The above achievement is attributed to female education enlightenment, reductions in poverty; promotion of positive gender norms; strengthened capacity of social services; comprehensive judicial, and implimentation standards.

This shows promise as the continuous practice of girl child marital union is at variance with other regions and districts in India. In this regard, at least 40 per cent of young womenfolk are found to be marital union prior to their attainment of the age of 18 in West Bengal, Bihar along with Tripura compares to 1 per cent in Lakshadweep, while over half of the girl child and womenfolk in India who are married at their early childhood are resident in five States as follows: Uttar Pradesh, Bihar, West Bengal; Maharashtra along with Madhya Pradesh⁴. However, as commendable as the achievements are, the still remained inadequate in attainment of the expectations of abolishing the practice by 2030, in line with UNSDG. The approaches being taken include youth development, multidimensional poverty reductions; strengthening of child security systems; education for adolescent girl child along with promotion of social and behavioural changes that are capable of addressing the prevailing gender norms. Further, important agencies at the helm of these efforts include UNICEF India, the MWCD, and similar national or state ministries and parastatals.⁵

These efforts are vital because educational attainment levels emerged as a linchpin in addressing girl child marital union and are strongly correlated with continuous practices of girl child marital union. This is usually associated with the increased likelihood of exercising agency, being aware of the basic rights and protections provided under the law along with possessing skills that will enhanced their sources of livelihood. The Poverty-rural link also contributes strongly to the phenomenon as living in rural areas is also strongly correlated to the prevalence of child marital union. The paper observed that girl child of poor

³ Lal, "Child Marriage in India: Factors and Problems."

⁴ Lal.

⁵ See Raaj Kishore Biswas, Jahidur Rahman Khan, and Enamul Kabir. "Trend of Child Marriage in Bangladesh: A Reflection on Significant Socioeconomic Factors." *Children and Youth Services Review* 104 (2019): 104382

backgrounds are likely vulnerable to early marital union especially at the age of 18 than their counterparts from wealthy backgrounds⁶. Therefore, in searching for solutions, interventions should spotlight the most discriminated children, families along with communities when addressing issues of poverty or social security schemes as a measure of attending to their basic needs. Only through targeted and holistic solutions can the rights of girl child be secured and safeguarded. The paper examined child marital union in India, and advocates for a collective action's in addressing this grievous abused of constitutional rights.⁷

A. Human Rights Context

Human rights as defined by the UN, are rights contained in and intrinsic to all human persons, irrespective of their backgrounds, sex, nationalities; ethnicities, languages, religious beliefs, or any other related status. These encompassed fundamental rights such as the right to human living and liberty, freedom from enslavement and inhumane act, freedom of opinion and expressions; right to work and education, amongst others⁸. The evolution of the concept of HRs is traceable to ancient Greeks and Roman, where it was found to be closely related to the doctrine of the stoicism. For example, the Roman Law encouraged the existence of a natural law and certain global rights that extended beyond the rights of citizenship. It was not after the Middle Ages that natural law became popularized by natural rights⁹.

HR as natural rights became possible by certain societal changes spanning the period of the decline of European feudalism, through the Renaissance and Peace of Westphalia. It should be noted that the crusaders of this movement incorporated the teachings of Aquinas, the MC of 1215, and its related CF of 1217, PR of 1628, and EBR of 1689 in England are all noted as strong

⁶ Pintu Paul, "Effects of education and poverty on the prevalence of girl child marriage in India: A district-level analysis." *Children and Youth Services Review* 100 (2019): 16-21.

⁷ See Mohammed Shariful Islam, "An Assessment of Child Protection in Bangladesh: How Effective Is NGO-Led Child-Friendly Space?" *Evaluation and Program Planning* 72 (2019): 8-15; S. M. Mostafa Kamal, Che Hashim Hassan, Gazi Mahabubul Alam, and Yang Ying. "Child Marriage in Bangladesh: Trends and Determinants." *Journal of Biosocial Science* 47, no. 1 (2015): 120-139

⁸ Jinal Parekh and Antara Datta, "India, the United Nations Human Rights Commission, and the 1979 Virginty Testing Scandal," *Journal of Global History* 19, no. 1 (2024): 175-194.

⁹ Burns H. Weston, "Human Rights - Natural Law, Transformation, Rights," Britannica, March 6, 2026, <https://www.britannica.com/topic/human-rights/Natural-law-transformed-into-natural-rights>.

indicators of this change. These contributed to the perceptions of human persons as persons divinely endowed with certain natural and inalienable rights that cannot be challenged when human persons entered the social order or were never denied of the claim of the divine right of the supreme leaders¹⁰. The contemporary understanding of divine law, primarily of the 17th and 18th centuries, was propagated by great men such as John Locke, who argued that certain rights principally amongst them being the rights to human living, freedom; and properties are self-evident for every human being. However, these ideas of natural rights were not without their detractors; great men such as David Hume and Jeremy Bentham condemned the ideas of natural rights as “nonsense upon stilts.” While English jurist John Austin, following Hobbes, argued that the only law is “the command of the sovereign.”¹¹ Regardless, the idea of natural rights endured and reforms progressed to the abolition of slavery, factory legislations, and universal suffrage. Today, a vast majority of scholars agreed that all human persons have at least certain basic rights and these ideas have found force of law. However, general recognitions of the guidelines of HR has not led to general agreement on the nature, definition, or scope of HR, and this poses problems at the global stage in the implementation along with the protections of HRs.

B. International Framework on Human Rights

The cornerstone of HRs protections is the UDHR, adopted in 1948, and proclaimed by the UNGA in Paris by GA Res. 217A (III). The UDHR, together with the ICCPR and its two Optional Protocols, the ICESCR, collectively forms the IBHR. Subsequent instruments and treaties such as the CPPCG, 1948, ICERD, 1965; CEDAW, 1979; CRC, 1989; and the CRPD, 2006 amongst others, have expanded the bodies of IHRL. The global guidelines on the security of HR is extensive, with several treaties, bodies, NGOs, and CSOs actively advocating and raising awareness about human rights infractions and enforcement.

The HRC on 15 March 2006 through the GA created and changed the UNCHR as the UN body responsible for HR. Comprising 47 State representatives, the Council addresses issues of HR abused, giving suggestions and being proactive on HR emergency situations. The Council also supervises the Universal Periodic Review, which is a review of all the HR records of all 193 UN member States for a period of four years. That said, it should be noted that

¹⁰ Weston.

¹¹ Weston.

the OHCHR serves as the Secretariat of the Human HRC, the Treaty bodies, and other UNHR agencies, while undertaking HR field assignments.

C. Regional Framework on Human Rights in Asia

Asian governments do not have a uniform guidelines on human rights. However, the Asian States' Bangkok Declaration on Human Rights (ASBDHR) in 1993 clarifies several principles. These include reaffirming regards to National Sovereignty, Territorial Integrity; along with Non-interference in internal issues as the case may be. It asserts States' rights in determining its governmental structures, exercise and utilization of their resources! economic autonomy; social, as well as cultural growth and development. While acknowledging the universalities of HR, the Declaration emphasized on considering them in a dynamic or emerging global norm-setting standards. It recognizes the relevance of National and Regional peculiarities, historical, cultural, along with religious backgrounds. The Declaration underscores that States bear the major tasks in the promotion and protection of HR, with remedies sought through State infrastructure procedures. Specific focuses include eradicating discrimination and gender-based violence against women and affirming the rights of children to special protection and opportunities for holistic development. The Asian approach to human rights differs notably from Western and African approaches. Many Asian States prefer pursuing human rights goals domestically, considering their historical circumstances, and resisting the idea of supranational bodies monitoring their compliance and enforcement. It should be noted that ASEAN, comprising of Brunei, Cambodia; Indonesia; Laos; Malaysia and Burma/Myanmar, established the ASEAN Inter-governmental Commission on Human Rights along with the the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) in 2009. However, their effectiveness has been hampered by political and institutional faults.¹²

¹² Anthony J. Langlois, "The ASEAN Intergovernmental Commission on Human Rights: Institutionalising Human Rights in Southeast Asia," *Australian Journal of International Affairs* 67, no. 1 (2013): 123-124; John D. Ciorciari, "Institutionalizing Human Rights in Southeast Asia," *Human Rights Quarterly* 34, no. 3 (2012): 695-725. See also Maya Lestari, and Nur Erika Putri. "Women in Indonesian Political Movements: The Role of Gendered Communication in Shaping Political Change." *Indonesian Discourse on Communication, Democracy, and Political Movements* 2, no. 1 (2025); Cahya Wulandari, and Winarsih Winarsih. "Women's Rights in Indonesia: Gender-Based Violence and the Challenge of Legal Protection." *Contemporary Issues on Indonesian Human Rights Law and Policy* 1, no. 4 (2024).

D. Legal Framework Combating Child Marriage in India

India is a contracting party to several global agreements and guidelines that guarantee the rights of the child and discourage girl child marriage. India has ratified a number of human rights instruments, including ICCPR, ICESCR, CERD, CEDAW, CRC and its two Optional Protocols, as well as CRPD.¹³

According to UDHR (1948), “marital union should only be contracted with the free and full consent of the intending spouses.” Furthermore, Article 16 of CEDAW, ratified by India in 1993, provides that:

The betrothal and the marital union of girl child should be of no consequences along with all relevant actions comprising regulations aimed at specifying the acceptable marital age as well as ensuring that marital union are compulsorily registered at the marriage registry.

In a similar vein, the CRC defined a child as an individual below the age of 18 years as well as identifying the rights of a child as a basic one. Article 12 of the CRC stipulates that children are empowered with the right of free expressions or opinions on all matters bordering on their welfares and prohibits all kinds of brutalities, sexual abused or exploitations of girl child. It is useful to note that \right of womenfolk extends to free and informed choices in matters of marital relationships understood as FHR which is guaranteed by the provisions of several IHR instruments, such as, Article 23 of ICCPR, Article 10 of ICESCR) and Article 5 of CERD. These global agreements and guidelines enumerated several HR standards for the safeguard of girl child, choice of marital suitors; marital age, and laws on girl child marital union in India.¹⁴ On the domestic front, the Indian government has shown interest in combatting the grave issues of girl child marital union. The NPP, 2000 promoted delaying girl child marriage as did the the NPEW, 2001 recognized the need for men and women to critically examined issues of girl child marriage. In the same vein, the NYP, 2003 called for a mass awareness of young adolescents on the statutory age of marriage. In 2000, the LC reviewed the rape provisions along with the PCM Act 2006 as well as such other relevant regulations in 2008,

¹³ Geir Ulfstein, “Individual Complaints,” in *UN Human Rights Treaty Bodies Law and Legitimacy* (2012), <https://doi.org/10.1017/CBO9781139047593.004>; T. Indumathi, “Current Status of Inclusive Education in India,” *Shanlax International Journal of Arts, Science and Humanities* 11, no. 1 (2023): 47-52.

¹⁴ Pallavi Gupta, “Child Marriages and the Law: Contemporary Concerns,” *Economic and Political Weekly* 47, no. 43 (2012): 49-55.

recommending that the concept sexual harassment be used instead of rape or that girl child marriage below 18 should be prohibited. Efforts have also been made to improve dissemination and implementation of existing laws.¹⁵

The development of regulations monitoring girl child marital union extends long before independence, with the enactments of the CMR Act in 1929 to restrain solemnization of marital union and increased the acceptable age of marital union of girl child to 14 years while that of boys to 18 years. It was amended in 1949 and in 1978 to raise the minimum acceptable age of marital union of girl child between the age of 14 to 15 and then 18, while the statutory marital age for boys is between the age of 18 to 21. This was repealed by the CM Act, 2006. Section 3 of the CMA Act 2006 provides that girl child marital union are voidable at the discretion of the party who was a child but only at any time before the child completes two years of majority, and if the complainant is a minor, the complaint should be filed via his or her guardian or next of kin along with the CMPO. However, this Section has been criticized because of two major reasons, a child who is in child marital union cannot sue, therefore, they would most likely have to sue through their family, which is most probably the party responsible for the child marital union initially, as well as the time limitations clause of two years after majority regarded as being restrictive. In view of the importance of the subject, Section 12 of the Act provides that marital union of girl child who are minors are void only in three circumstances as follows:

- a. When such a child is taken or enticed out of the keeping of the lawful guardian; or
- b. When such a child is under compulsion or by such a deceitful strategies lured to go out of his or her place; and
- c. When he or she is sold for purposes of marriage; or made to go through a sort of marriage or where such a minor is married after which the minor is sold or trafficked or used for an immoral purposes, such marital union is declared null and void. This provisions is also heavily criticized, as all girl child marital union, in all circumstances, should be void, and possibly criminalized in line with global guidelines.¹⁶

India's multi-religious and multi-cultural heritages remained a clogged in the declaration along with implementation of legislations on girl child marital union. According to Hindu Marriage Act ,1995 "the age of marital union of girl child is 18 and males is 21 with prison sentences or fine. This suggests that

¹⁵ Gupta.

¹⁶ Gupta.

any marital union in contravention of these sections is not void. Similarly, the Muslim Laws on marital union also provided the age of puberty as a statutory age of marriage, with regards to the DMM Act, a muslim woman is allowed to dissolved her marital union if it was celebrated prior to the age of 15 if she has not attained 18 at the time of repudiating the marriage. In another instance, the CM Act construed a minor as someone who has not attained the acceptable age of 21 years, and only prohibits marital union of minors without the consent of their guardians. It is further reiterated that both the Muslim and Christian laws allowed the marriage of persons under the statutory age, however only with parental consent. Only the SMA, 1954 holds all child marital union as void.¹⁷

E. Indian Penal Code

It must be stated that S.375 criminalizes issues of sexual assault committed against a woman whether with or without her consent when such a woman is under sixteen years of age. However, the same Section goes on to say that sexual exploitations by a man with his own wife, his wife not being under fifteen years of age does not amounts to rape. Additionally, S.376(1) prescribes the punishment for rape to be life imprisonment or ten years imprisonment unless such a woman raped is his wife and not below the age of twelve years of age. in this case, he may be imprisoned for two years or a fine or both. The penal code laws implicitly provides approval to child marital union and contemplated it.

F. Challenges and Barriers in Combating Girl Child Marriage in India

Girl child marital union is often a precursor to a myriad of challenges. It must be stated that education becomes a casualty as young brides find themselves excluded from schools, limiting their growth and perpetuating economic dependency. Health risks soar, exposing them to maternal mortality, HIV/AIDS, and domestic violence. Economic independence remains elusive, with enduring consequences on stable employment. Social isolation curtails personal freedoms, hindering community engagement, while the vulnerability to violence persists. Addressing child marital union mandates a comprehensive strategy, encompassing education, awareness, and robust policy interventions.

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¹⁷ Gupta.

¹⁸ Suiqiong Fan and Alissa Koski, "The Health Consequences of Child Marriage: A Systematic Review of the Evidence," *BMC Public Health* 22, no. 1 (2022): 309.

Child marital union persists as a formidable challenge in India, constituting a significant 23.3% of marriages. Tackling this issue demands a nuanced approach considering deeply entrenched societal norms and economic factors. One of the major obstacles is the enduring gender inequalities and economic insecurities that fuel the continuation of this practice across diverse communities. Despite these challenges, commendable initiatives have emerged to curb child marital union in India. UNICEF India, through its 'scale-up strategy,' has been instrumental in preventing child marriages and empowering adolescents. This strategy involves collaboration with governmental bodies, partners, and stakeholders, creating a comprehensive approach to combatting underage unions at both the national and district levels.¹⁹ The Rural Electrification Corporation (REC) Foundation, in collaboration with UNFPA and the non-governmental organization Jeevan Ashram Sansthan (JAS), actively combats child marital union, particularly in Rajasthan. By pooling resources and expertise, these organizations make strides in raising awareness and providing support to vulnerable communities, contributing to the reduction of child marriages.²⁰ It is also important to recognize that Civil society organizations, such as Jeevan Ashram Sansthan (JAS), played a pivotal role in battling the deeply ingrained practices of girl child marriage. This is achieved through the engagement of communities and creation of awareness about the adverse consequences of girl child marriage, these organizations contributed to change the societal norms and attitudes. The 'Child Marital Union Free India' campaign, led by women leaders in collaborations with CSO entities, has emerged as a significant force in the fight against girl child marital union. This campaign not only supports thousands of womenfolk and girl child but also actively challenges the root causes, fostering an environment where the practice becomes socially unacceptable.²¹

In essence, the success of these initiatives underscores the importance of collaborative efforts involving government agencies, NGOs, and CSOs. By

¹⁹ UNICEF India, "Ending Child Marriage and Adolescent Empowerment," UNICEF India, accessed March 14, 2026, <https://www.unicef.org/india/what-we-do/end-child-marriage>.

²⁰ The Naubat Baja project, "Fighting Child Marriage in India, Thanks to School and a Mobile Phone," UN News, 2022, <https://news.un.org/en/story/2022/03/1114752>.

²¹ Nidhi Annapoorani K, "Restriction of Child Marriage in India: Fact and Fiction," *The Journal of Unique Laws and Students* 1, no. 1 (2021): 122-134; Priya Sepaha, "Live-in Relationship in India: Laws and Challenges," *Law Colloquy Journal of Legal Studies* 1, no. 2 (2021): 1-12; Sonali Bhattacharya and Aradhana Gandhi, "Does India Want to Invest in Its Daughters: A Critical Analysis of Sukanya Samridhi Yojana," *Business Perspectives and Research* 9, no. 3 (2021): 399-414.

addressing the core issues of gender inequality, economic insecurity, and outdated societal norms, these initiatives pave the way for a future where every child in India can grow free from the shackles of early and forced marital union.

Girl Child Marriage in China

The second major finding presented in this paper indicates that child marriage within specific regions of China remains a significant, yet unresolved, human rights concern. The data indicates that notwithstanding current intervention efforts, this practice persists, driving a cycle of economic disadvantage, gender inequality, and violations of juvenile rights. The paper examined the root causes of girl child marital union in China, the consequences faced by those affected, and potential strategies for interventions and prevention. By shedding light on this issue, it is hoped that steps can be taken to safeguard the rights and well-being of girl child in China, and ultimately eliminates the practices of girl child marital union as human rights abused.

Girl child marital union remained a pressing HR issues in China that has continued to persist despite efforts to abolished it. It remained a practice that abused fundamental rights and freedoms of girl child, particularly girls, and perpetuates a cycle of poverty along with gender imbalance. Girl child marital union is considered as a marital union which any of the partners or both involved in the marital union are persons under the acceptable age of 18. This type of marital union has been seen to be in violations of the UDHR, which provides as follows: “Issues of marital union should be celebrated only with an unrestricted freedom of choice and complete approval of the prospective spouses.”²² In furtherance of the above proposition, the CEDAW in a bid to promote its core objective asserts that womenfolk by law should possessed equal rights as possessed by their menfolk when it comes to “free choice of a spouse and to engaged in marital union only with their free and complete knowledge and approval”, and that the “betrothal and marital union of girl child should have no legal consequences.”²³ Also, OCHR classified girl child marital union

²² Mashood A. Baderin, “Islamic Law and the Implementation of International Human Rights Law: A Case Study of the International Covenant on Civil and Political Rights,” in *International Human Rights Law: Six Decades after the UDHR and Beyond* (2016), <https://doi.org/10.4324/9781315589404-27>; Rebecca Adami, *Women and the Universal Declaration of Human Rights*, in *Women and the Universal Declaration of Human Rights* (2018), <https://doi.org/10.4324/9780429437939>.

²³ Fahad Al Aghbari et al., “Rights of Women in the Establishment and Dissolution of Marriage in Oman: Between CEDAW and Sharia Perspective,” *Legality: Jurnal Ilmiah Hukum* 32, no. 1 (2024): 33-50; Zeyad Jaffal, Faisal Shawabkeh, and Ali Hadi Al Obeidi,

in 2017 as a form of legal marriage or informal partnership prior to the attainment of statutory age of 18, which is an abused of HR that is predominantly found in several parts of the globe.²⁴ UNICEF and UNFPA reported in 2019 that, across the globe, an estimated 650 million of womenfolk and girl child got married prior to the age of 18 in 2018; for boys and men, the number is 115 million.²⁵ Given that girls are far more likely than boys to marry while they are young, child marriage is a powerful sign of gender inequality. One statistic used to track progress towards the UNSG no. 5 2018, aimed at promoting gender parity and empowerment of all womenfolk and girl child, with the percentage of womenfolk between the aged of 20 to 24 who were first married or in a union before the age of 18. It is important to study child marriage because it sheds light on the deep-rooted cultural and societal norms that contribute to its persistence. And it is believed that by understanding the underlying factors that drive child marriage in China, policymakers and activists can develop more effective strategies to combat this harmful practice. Through a comprehensive examination of these factors, the paper seeks to provide better comprehension of the harmful effects of girl child marriage in China along with recommendations for policy interventions and community-based initiatives to address this human rights violation.

A. Brief History of Early Child Marriage in China

Early child marital union has a long traditional practice in China. According to Baber, although regulations varied from dynasty to dynasty, historically, the socially acceptable age to enter into marital union was roughly 15 years for womenfolk and 20 years for males.²⁶ For instance, the legally acceptable minimum age for marriage was 16 years for men and 14 years for womenfolk under the Qing dynasty of 1644–1912. Early marriage was promoted during that time in history in order to promote population increase,

“Toward Constructive Harmonisation of Islamic Family Law and CEDAW: A Study on the UAE’s Reservation to CEDAW Article 16 and Equal Rights to Marriage and Family Relations,” *Australian Journal of Human Rights* 28, no. 1 (2022): 139-162.

²⁴ United Nations Human Rights: Office of The High Commissioner, *Child and Forced Marriages Recommendations for Action Against* (OHCHR, n.d.).

²⁵ United Nations Population Fund (UNFPA) and United Nations Children’s Fund (UNICEF), “2018 Annual Report: Turning Commitments into Solid Actions: UNFPA–UNICEF Global Programme to Accelerate Action to End Child Marriage,” UNICEF, August 2019, <https://www.unicef.org/media/60276/file>.

²⁶ Ray Erwin Baber, “Marriage in Ancient China,” *Journal of Educational Sociology* 8, no. 3 (1934): 131-140.

which was seen as a sign of the nation's stability and wealth. Having numerous children, especially male offspring, meant more labour and more financial security for the family in a culture based on an independent agricultural economy.²⁷ The views of Gupta et al. was that this economic system also gave rise to a preferential treatment for males over their females as the case may be, which was bolstered by Confucian patriarchal customs including giving inheritance solely to male children.²⁸

It does appear now that since the PRC enacted their inaugural Marriage Law in 1950, that establishes the acceptable age of 18 years for womenfolk and 20 years for men, girl child marriage remained illegal in the China. The law sought to outlaw the custom of getting married at an early stage. With the catchphrase “Wan, Xi, Shao” meaning later marriage, longer spacing, and fewer children, the nation launched a push to bolster population control measures in the 1970s.²⁹ It was believed at the time that slowing population growth would help the Chinese people's quality of life and promote economic progress.³⁰ Due to unofficial rules, “Wan, Xi, Shao” campaign caused the age of marital union to be increased to a considerable age. Before marital union, couples were mandated by law to acquire permission from local officials, and this approval is

²⁷ V. Bhaskar, “Sex Selection and Gender Balance,” *American Economic Journal: Microeconomics* 3, no. 1 (2011): 214-244; Huiqiong Duan, Weici Yuan, and Thomas Snyder, “Gender Imbalance and Temporary Migration: Evidence from Rural China,” *World Development* 186 (2025): 106832. For further context concerning gender violence, see also Sebastián Alejandro Morales, and Andrés Castillo. “The Case of Gender Violence in Mexico: Does the Judicial System Ensure Substantive Justice for Victims? El Caso de la Violencia de Género en México: ¿Garantiza el Sistema Judicial la Justicia Sustantiva para las Víctimas?,” *Crítica de la Justicia Sustantiva* 1, no. 2 (2025): 205-232; Alma Beatriz Miguel, and Leandro Rafael Quiroga Santos. “Criminalization of Poverty: Police Surveillance in Impoverished Urban Areas: Criminalización de la pobreza: vigilancia policial en zonas urbanas empobrecidas,” *Revista de Justicia Social en la Sociedad Urbana* 1, no. 2 (2025): 143-180; Mason Dupont, et al. “Defying the Norm: Analyzing the Legitimacy of Civil Disobedience in a Globalized World: Desafiando la Normativa: Analizando la Legitimidad de la Desobediencia Civil en un Mundo Globalizado,” *Revista de Desobediencia Comunitaria* 1, no. 1 (2025): 1-54; Verónica Salas Moreno, “The Struggle for Gender Equality in Human Rights: Beyond Legal Recognition: La Larga Lucha por la Igualdad de Género en los Derechos Humanos: Más Allá del Reconocimiento Legal,” *Revista de Derechos Humanos Contemporáneos* 1, no. 2 (2025): 285-322.

²⁸ Monica Das Gupta et al., “Why Is Son Preference so Persistent in East and South Asia? A Cross-Country Study of China, India and the Republic of Korea,” *Journal of Development Studies* 40, no. 2 (2003): 153-187.

²⁹ H. Yuan Tien, *Population Theory in China*. (London: Routledge, 2017).

³⁰ Tien.

dependent on such acceptable age that ranged between developed and developing regions. In rural areas, brides had to be at least 23 years old and grooms had to be at least 25 years old to marry. Brides had to be 25 years old and grooms had to be 27 years old in cities³¹. These operating standard was higher than the statutory standard for marital age, while rural family planning agencies were charged with implementing the rules, and the lateness in marital issues is seen as a barometer in accessing it's efficiencies.³²

Following the establishment of the policy on one-child in 1979, that allowed most spouses to only have just one child, the government later reviewed its legislations on marriage. This approach, according to Huang, specifically have its exceptions for rural dwellers and amongst ethnic minorities.³³ Non-compliance with this policy attracts several penalties, in form of fines to forceful expulsion from government employment. Basically, this new marital regulation's, enacted in 1981, extended the acceptable marital age of womenfolk to 20 years and for men to 22 years, as part of the efforts to strengthened population control thereby discouraging marriage. After the one-child policy becomes operative, the average marital age of womenfolk dropped for a while. This could be as result of the new regulations that reduced the acceptable age of marital union and replaced the Wan, Xi, Shao campaign's indirect control over marital age. Nonetheless, in the 1990s, the average marital age for both menfolk and womenfolk rose astronomically in such a manner that is consistent with the quickening pace of societal change. According to the NBS 2012a, the mean age of marital union for menfolk and womenfolk in 2010 was 23.64 years and 22.76 years, respectively.³⁴

B. Notable Reasons for Girl Child Marital Union in China

The attitude of Chinese people towards marital union are still shaped by patriarchal standards, which are likely to contribute to the continuance of girl child marriage traditions even in the face of notable social along with economic growth and development in recent decades. Only male child are allowed to carry

³¹ Martin King Whyte, Wang Feng, and Yong Cai, "Challenging Myths about China's One-Child Policy," *China Journal* 74 (2015): 144-159.

³² H. Yuan Tien, "Fertility Decline via Marital Postponement in China," *Modern China* 1, no. 4 (1975): 447-462.

³³ Lucy Jen Huang, "Planned Fertility of One-Couple/One-Child Policy in the People's Republic of China," *Journal of Marriage and the Family* 44, no. 3 (1982): 775-784.

³⁴ Suiqiong Fan, Yue Qian, and Alissa Koski, "Child Marriage in Mainland China," *Studies in Family Planning* 53, no. 1 (2022): 23-42.

on the family lineage in Confucian tradition. In addition to one-child policy, patriarchal standards reinforced male wishes for offsprings, which led to a development in the adoption of sex-selective abortions construed as a way of guaranteeing the birth of a male child. Because of this, several men are found in the marital market in China, where the sex ratio at birth is heavily skewed in favour of male child. In China, females have historically been underrated by their parents than males and understood as an integral part of their prospective husband's family. In order to curtailed the involvement of meeting their basic desires, parents are financially motivated in this regard to give out their females off at a tender marital age. Another further reasons for females getting married at a tender age is the common practice of bride price, when the prospective suitor pays the bride price to the intending in-laws in order to get married to their daughter. It must be emphasized that these reasons would have been made worse due to scarcity of marriageable wives arising from the one-child policy statement. This suggests that prospective wives are becoming more valuable due to the gender imbalance in the marriage market, and there are instances that bride prices have gone up several rural areas. One possible consequences of the gender gap is that female children may likely get married at a more tender age.

C. Possible Solution to the Problems of Girl Child Marital Union in China

There is a believed that girl child marital union gives rise to an abused of the rights of individuals. The moral case against this practice is strong, as it deprives girls of tender age their rights to education along with economic opportunities and moreso, exposed them to several risks of sexual exploitations and abused, raises the possibilities of becoming pregnant early, contract STDs, and ends their childhood so soon. Nevertheless, this custom confined girls and their offspring in a cycle of bad health, illiteracy, poverty, and violence that has an impact on development, prosperity, and stability, in addition to the HR concerns of early and forceful marriage. As such, it has become imperative to put an end to this harmful practice and ensure that every girl has the right to choose her own future. Below are possible ways to curbing child marriage in China. Encouraging girls to attend and complete their basic and secondary education could be one of the most effective strategies for promoting later-life consensual marriage. Delaying the onset of sexual activities can also help reduce HIV infection rates, maternal mortalities and morbidities, and promotes better

gender equalities.³⁵ In education, the focus should be on expanding access, improving quality, and strengthening governance while making a strong commitment to gender equality. Girls should feel comfortable, inspired, and able to access schools, and their education should be tailored to meet their needs and goals.

Additionally, in designing curriculum and teaching methods that will address the needs of girls, it should be done in such a manner that it will highlight their abilities, provide for them the tools needed to handle their finances and as seek for good employment, or incorporate sexual and reproductive health rights education amongst others.³⁶ Negative gender stereotypes should be contested and gender equality should be promoted in educational materials, curricula, and teaching techniques. In addition to having the required knowledge and expertise in gender equality, children's rights, and recognising and handling child marriage situations, educators and other staff members in schools should also be trained in these areas. Reducing the financial incentives for child marriage can be achieved in part by raising the economic standing of girls and their families. Interventions could take the form of giving single girls during their teens a means of support, especially after they have completed their schooling, or offering financial incentives to them and their families so they can put off getting married and continue their studies.

In order to increase girls' access to better earning options, age-appropriate income-generating opportunities might be paired with customised vocational and livelihood training, especially in non-traditional sectors. Social security programmes can also aid in lowering the financial incentives connected to marriage. These programmes may be tied to attendance and enrollment in school or to promises not to marry before the age of 18. More so, national legal frameworks and protective systems need to be strengthened. Adopting and upholding national legislation that forbids child marriage provides the essential foundation for effective interventions, even though legal protection by itself will not end the practise. International human rights norms should guide the development, reinforcement, and application of minimum age marriage regulations by national governments. In addition to offering a framework for protection, this gives community activists and policymakers

³⁵ Clara Calvert and Carine Ronsmans, "The Contribution of HIV to Pregnancy-Related Mortality: A Systematic Review and Meta-Analysis," in *AIDS* 27, no. 10 (2013): 1631-1639.

³⁶ Juliette Myers and Rowan Harvey, "Breaking Vows: Early and Forced Marriage and Girls' Education", Save the Children's Resource Centre Plan International, 2011, <https://resourcecentre.savethechildren.net/pdf/5930.pdf>.

direction and credibility as they address the economic, social, and cultural factors that contribute to the practise. Enforcing birth and marriage registration must be given top priorities in order to facilitates successful executions of National regulations that prohibit marriage of minors.

Girl child marital union is a significant human rights issue in China. Despite all efforts made by the government of China in addressing the issue, such as raising the statutory marital age to 18 for both males and females, girl child marriage still subsist in several regions and amongst particular communities. The long-term consequences of girl child marriage, such as limited educational opportunities, increased risk of domestic violence, and adverse health effects, highlights the compelling needs to take proactive measures and intervention in protecting the rights and welfare of the children in China.

Child Marital Union in Indonesia

A. Child Marriage in Indonesia: Between Facts and Protections

The paper's third key finding highlights that the prevalence of child marriage in Indonesia has reached a critical stage, severely undermining the future opportunities and well-being of the nation's girls and women. The analysis indicates that in Indonesia, National Socio-Economic Survey is used to assessed the extent of girl child marital union by calculating the percentage of womenfolk in the 20–24 age groups who gets married before turning 18.³⁷ While the extent of girl child marital union dropped by 3.5 percentage points during the last ten years, this is still relatively slow with 16% of girls in Indonesia getting married before attaining 18 years and 2% married off before their 15th birthday and marital union organized for 5% of boys before their 18th birthday.³⁸ A comprehensive along with concerted efforts are required to accomplished the goal of 8.74 percent in 2024 and 6.94 percent in 2030.³⁹

³⁷ The National Development Planning Agency, “National Strategy on the Prevention of Child Marriage,” Kementerian Perencanaan Pembangunan Nasional/Badan Perencanaan Pembangunan Nasional, 2020, <https://www.unicef.org/indonesia/sites/unicef.org/indonesia/files/2020-06/National-Strategy-on-Child-Marriage-Prevention-2020.pdf>.

³⁸ Girls Not Brides, “Indonesia,” Girls Not Brides, 2024, <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/indonesia/>.

³⁹ Child Marriage Data Portal, “Child Marriage in Indonesia,” Child Marriage Data Portal, 2024, <https://childmarriagedata.org/country-profiles/indonesia/>.

Notwithstanding, the paper underscores the problematic nature of child unions, which frequently engender adverse outcomes for the victims. For instance, marital union deprived such a child of her childhood. Immediately she gets married, the responsibility of carrying out the domestic activities at home falls on her. Psychologically, most young wives are not as mature as their husbands. Most often than not, these marital union typically terminated in divorce, and these girls also have a higher likelihood of becoming widows earlier than usual.⁴⁰ The paper observed that female children who are married are more susceptible to STDs, including HIV and HPV, than single girls. According to a study by MOH Indonesia, about 18.422 individuals were infected with HIV/AIDS.⁴¹ Although, child marital union may not be seen as main causes of STDs in the region of Indonesia, its eradication could contribute to the reduction of the spread of HIV/AIDS epidemics.⁴² In this regard, several contributory factors are responsible for girl child marital union in Indonesia. Amongst these is the widespread gender notion that girl child are only meant for domestic activities at home and therefore does not need full education than their male counterparts. As a result, girls from underprivileged families experience limited access to education, are vulnerable to gender discrimination, and are more likely to be driven into child marriage practices due to economic pressures and social constructions that develop within society.

The victims' economic and socio-cultural standings is viewed as one of the main justifications for underage marital union. In Indonesia, girl child marital union contributed to the poverty faced by the girl child in her marital homes exposing them to all manner of hardships over their respective needs, such as access to basic education which they were denied of,⁴³ with the resultant effects on the families contracting marital union for their girl child as a means of lessening their economic burdens.⁴⁴ Religion also contributes significantly to the culture of underage marital union in Indonesia. Girl child marital union typically have been justified by religious beliefs. Marital union is considered as an instrument for preventing sexual promiscuity, which is forbidden by the

⁴⁰ Anastasia J. Gage, "Child Marriage Prevention in Amhara Region, Ethiopia: Association of Communication Exposure and Social Influence with Parents/Guardians' Knowledge and Attitudes," *Social Science and Medicine* 97 (2013): 124-133.

⁴¹ In 2016, the number of individuals treated with antiretroviral therapy (ARV) who were classified as having HIV or AIDS increased exponentially.

⁴² Zahra Mirzaee et al., "Stakeholders' Perspectives on Girls' Early Marriage in Maneh and Samalqan, Iran," *Children and Youth Services Review* 122 (2021): 105900.

⁴³ John Tobin and Judy Cashmore, "Thirty Years of the CRC: Child Protection Progress, Challenges and Opportunities," *Child Abuse and Neglect* 110 (2020): 104436

⁴⁴ Girls Not Brides, "Indonesia."

dominant. A research work conducted by the UNICEF revealed that the Religious Courts are more likely to grant the marital union dispensation to permit girl child marital union than DCs,⁴⁵ making underaged children to become victims of vile social bias, hurried into marital union without their knowledge or approval.⁴⁶

The determination of the minimum age for marriage for both men and women in Indonesia has been equalized at 19 years old as regulated under Article 7 of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 on Marriage. The provision was established as a form of child protection as well as an effort to reduce the practice of child marriage, which still frequently occurs within society. However, in practice, cases of identity falsification through the manipulation of population administration data are still commonly found, particularly through the alteration of the prospective bride's or groom's age in order to fulfill the administrative requirements for marriage. Such circumstances demonstrate that the practice of child marriage is not only related to social issues but is also closely connected to violations of administrative and criminal law.⁴⁷

The act of identity falsification gives rise to legal consequences in the form of criminal liability for both the perpetrators and parties assisting in the data manipulation process. According to R. Soesilo, the elements of document forgery are fulfilled when a document is altered in such a way that its contents or meaning differ from the original and may create a right or serve as legal evidence. Therefore, the alteration of age data in population administration documents may be categorized as the criminal offense of document forgery as regulated under Indonesian Criminal Code, including the provisions contained in Article 391 of the National Criminal Code. In addition to giving rise to criminal responsibility, such data manipulation may also serve as grounds for

⁴⁵ Girls Not Brides, "Indonesia." See also Azky Nur Kumala, Rufaida Annida, and Ahmad Royhan Firdaus. "Global Initiatives for The Prevention of Child Marriage: A Case Study of Girls Not Brides in Indonesia." *IROFONIC Proceedings* 1, no. 1 (2025): 248-257.

⁴⁶ Rizky Irfano Aditya, and Lisa Waddington. "The Legal Protection Against Child Marriage in Indonesia." *Bestuur* 9, no. 2 (2021): 126-134.

⁴⁷ Rahmi Nur Hidayah, Isdiyana Kusuma Ayu, and Pinastika Prajna Paramita, "Pertanggungjawaban Hukum Pihak Yang Melakukan Pemalsuan Identitas dalam Perkawinan," *Dinamika: Jurnal Ilmiah Ilmu Hukum* 31, no. 1 (2025): 11500-11515; Sigar P Berutu et al., "Tinjauan Yuridis Terhadap Pemalsuan Identitas dalam Perkawinan," *UNES Law Review* 6, no. 3 (2024): 8484-8489; Maryana Lestari and Septhian Eka Adiyatma, "Marriage Cancelled, What about the Rights for Children?," *The Indonesian Journal of International Clinical Legal Education* 2, no. 2 (2020): 167-180.

the annulment of marriage if it is proven that there are material defects in the fulfillment of marriage requirements under applicable law.⁴⁸

The majority of Indonesia's patriarchal societal structure presents a negative image of women since it allows them to be classified as too elderly if they are single for a long period of time, although males are not subject to this stigma. This mindset forces Indonesian girls to marry young.⁴⁹ In addition, marital union is sometimes used as a way of preventing or remedying the stigmatization attached to the female sexual experiences outside of her marital union as well as youthful pregnancy, as well as sexual abused.⁵⁰ Child marital union triple in special circumstances like natural disasters and humanitarian crises. Among other things, the reasons include that parents dread an unplanned pregnancy, desire to be freed from the financial burden, and safety concerns. Families frequently experience insecurity as a result of humanitarian crises and natural disasters. In order to safeguard their daughter from such conditions, families frequently marry off their daughter.⁵¹

B. Legal and Institutional Mechanisms for Protecting Child Marital Union in Indonesia

The UDHR is a global instrument's that is the foundation of IHRL.⁵² Many of its provisions have advanced to be incorporated as part of CIL, with binding effects on all member States. As regards prohibiting child marital union, according to Article 16 (1) UDHR, the menfolk along with their womenfolk, only are entitled to marital union, irrespective of their ethnicity, Country of origin or religious inclinations. The concept of consent is central in the second Section of Article 16 UDHR and is related to the idea of protection against child marriage. In accordance with Article 16(2) of the same document, a marital union can only be entered into with the willing partner's free along with an informed consent. However, the three requirements for consenting to a marriage must be met: the parties must be willing, competent, and informed.

⁴⁸ Renata Christha Auli, "Jerat Hukum Pemalsuan Identitas Menurut KUHP Dan UU PDP," Klinik Hukumonline, August 25, 2025, <https://www.hukumonline.com/klinik/a/jerat-hukum-pemalsuan-identitas-menurut-kuhp-dan-uu-pdp-lt52f514cb0b506/>.

⁴⁹ Ajwang' Warria, "Forced Child Marriages as a Form of Child Trafficking," in *Children and Youth Services Review* 79, no. 1 (2017): 274-279.

⁵⁰ Warria.

⁵¹ The National Development Planning Agency, "National Strategy on The Prevention of Child Marriage."

⁵² Aditya and Waddington, "The Legal Protection Against Child Marriage in Indonesia."

Consequently, minors cannot enter into legally binding agreements if they are unable to comprehend a contract.⁵³

Several UDHR Segments that pertains to economic, and socio-cultural rights becomes legally obligatory for governments who are interested in such ratification through the ICESCR. Thus, this Covenant forms part of the first global agreements that addresses child marital union in a significant way. However, Article 10 of this document acknowledges that marriage is a right that required free knowledge and approval of either of the parties. Furthermore, GC No. 16 CESCER outlines the member States duties in guaranteeing equal rights of men and women in determining when, and whom to settle down with as a wife.⁵⁴ Indonesia is legally obligated to fulfil its commitments under the ICESCR, therefore, implementing those obligations remained a priority issues of concerned.⁵⁵

On the other hand, CEDAW performed an important function in protecting girl child marital union as earlier stated in this paper , as females and womenfolk are vulnerable to child marital union challenges.⁵⁶ Notwithstanding that the Indonesian Constitution guarantees the right to free expression, yet certain traditional societies still believe that a daughter should submit to her parents without challenge.⁵⁷ Article 16 (2) CEDAW corroborated the non-validity of a marital union with underaged persons. Early marriage is expressly prohibited by this provision. The CEDAW also has a body as well as a complaint procedure through its optional protocol. Two reporting channels are offered by this Optional Protocols: such a person's petition procedure along with the investigation procedure. Even though Indonesia is yet to ratify the

⁵³ Yuya Kudo, "Does Criminalizing Discriminatory Cultural Practices Improve Women's Welfare? A Simple Model of Levirate Marriage in Africa," *Economics Letters* 199 (2021): 109728; Nawal M. Nour, "Health Consequences of Child Marriage in Africa." *Emerging Infectious Diseases* 12, no. 11 (2006): 1644-1649.

⁵⁴ In 2005, the Indonesian government officially ratified the International Covenant on Economic, Social, and Cultural Rights (also known as the Indonesian Act about the Ratification of International Covenant No. 11 of 2005).

⁵⁵ Germeen Riad and Carie Forden, "'If We Didn't Talk, We Would Be like Ostriches Burying Our Heads in the Sand': Attitudes toward Sexuality, Gender, and Sex Education among Child Protection Social Workers in Egypt," *Children and Youth Services Review* 129 (October 2021): 106205.

⁵⁶ Yvette Efevbera and Paul Farmer, "'It Is This Which Is Normal' A Qualitative Study on Girl Child Marriage and Health in Conakry, Guinea," *Social Science and Medicine* 273 (2021): 113762.

⁵⁷ Kimberly A. Svevo-Cianci et al., "The New UN CRC General Comment 13: 'The Right of the Child to Freedom from All Forms of Violence' -Changing How the World Conceptualizes Child Protection," *Child Abuse and Neglect* 35, no. 12 (2011): 979-989.

treaty, it is nevertheless subject to its requirements. To that extent, Indonesia's persistent issue with child marriage has drawn the attention of CEDAW. This committee has also demanded the country criminalising forcing a child to marry.⁵⁸ The IMA, 1974 encompassed a provision that specified the prevention of girl child marital union, stipulating an acceptable age⁵⁹ for marital union.⁶⁰ While Article 7 (1) IMA stipulates an acceptable age for marital union as 19 yrs old for a man and 16 yrs old for a woman.⁶¹ Indonesian minors still remained vulnerable to all manner of abused, in spite of several legislations in the Country specifying the statutory age for marital union. The ICA is a relevant document's specifying certain conditions that children are inherently incapacitated in protecting themselves from any abused. That said, Article 58 (1) ICA Act No. 39 1999 stipulates that "all children have the right to legitimate safeguard from all forms of intellectual as well as physical abused, rejections, and sexual molestations. This Act remained one of the most important instruments used to combat the culture of girl child marital union. However, Article 26 (1) of the Act provided that parents have the principal responsibilities of preventing as well as forbidding under-aged marriage. Yet, provisions as this is at variance with Article 7 (2) IMA, 1974, which permit girl child marital union with dispensation from Court.⁶²

The need for a special regime of protection of girl child from early marital union prompted Indonesia to be part of the ASEAN Declarations on the abolition of harmful practices against females and girl child in 2013. In acknowledging the significance of strengthening ASEAN collaborative efforts in protecting children from all manners of abused, particularly early marital

⁵⁸ Yanuar Farida Wismayanti et al., "Child Sexual Abuse in Indonesia: A Systematic Review of Literature, Law and Policy," *Child Abuse and Neglect* 95 (2019): 104034.

⁵⁹ OHCHR, "Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages," OHCHR, 1962, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-consent-marriage-minimum-age-marriage-and>; United Nations Population Fund, "Child Marriage," United Nations Population Fund, accessed March 21, 2026, <https://www.unfpa.org/child-marriage>. See also Syarifah Lisa Andriati, Mutiara Sari, and Windha Wulandari, "Implementasi Perubahan Batas Usia Perkawinan Menurut UU No. 16 Tahun 2019 Tentang Perubahan Atas UU No. 1 Tahun 1974 Tentang Perkawinan," *Binamulia Hukum* 11, no. 1 (2022): 59-68.

⁶⁰ Sandra Dewi Arifiani et al., "Assessing Large-Scale Violence against Children Surveys in Selected Southeast Asian Countries: A Scoping Review," *Child Abuse and Neglect* 93 (2019): 149-161.

⁶¹ Aditya and Waddington, "The Legal Protection Against Child Marriage in Indonesia."

⁶² Suzanne Petroni, Madhumita Das, and Susan M. Sawyer, "Protection versus Rights: Age of Marriage versus Age of Sexual Consent," *The Lancet Child and Adolescent Health* 3, no. 4 (2019): 274-280.

union. In the same vein, it may be argued that since the conclusion of the Nairobi Summit on ICPD25 held in 2019, Indonesia have shown much commitments towards the full execution of strategic policies through campaigns thereby increasing the National as well as Sub-national budgetary subventions capable of addressing several cases of gender-based abused along with dangerous practices, as well as revising the ML, 1974, by raising the marriageable age of first marital union to at least 19 yrs for both girls and boys.⁶³

It is of foremost importance to note that global agreements are not binding in as much as it has not been ratified by an intending State as contained in Article 11 VCLT. Indonesia as a ratifying Country to both the ICESCR and CEDAW, is bound by a several obligations, aimed at protecting children, particularly girl child from the culture of early child marital union, derived from both documents. Nevertheless, based on the above development, Indonesia National legislations continue's to provide several protections against girl child marital union. A similar provisions that ensured the continued protections of girl child from early marital union can be found in the ICA, 2014, Article 27 which instructed parents to put to an end underage marital union of their children.⁶⁴ With the plethora of enactments bordering on the safeguard of Indonesian children, it is the believe of the paper that the rate of girl child marital union in Indonesia should be at its barest minimum. Unfortunately, it is statistically considered the second highest among the ASEAN countries.⁶⁵ In 2017, the NPFPI, noted that the number of underage marital union skyrocketed for persons between ages 15 and 19 with most victims being underage females seen as burdens to their families.⁶⁶

⁶³ Girls Not Brides, "Indonesia."

⁶⁴ Aditya and Waddington, "The Legal Protection Against Child Marriage in Indonesia."

⁶⁵ According to a 2016 study, as many as 22,000 girls in Indonesia, ranging from 10 to 14 years old, were married. *See also* Yu Wen Wu, and Mikaliz Levana. "The Role of Art in Promoting Gender Justice: Feminist Art Movements and Women's Empowerment in Indonesia." *Indonesian Art and Justice Review* 2, no. 2 (2025); Ridwan Arifin, and Varun Chhachhar. "Theological Reflections on Gender Justice: How Indonesian Theology Confronts Gender Inequality and Violence." *Indonesian Theological Justice Review* 2, no. 3 (2025); Dewi Putri Karina, and Bambang Pudiyatmoko. "Indonesian Media and the Representation of Palestinian Women: Gender, Resistance, and International Solidarity." *Palestine Issues on Indonesian Society* 1, no. 1 (2024); Irabiah Irabiah, Jusafri Jusafri, Muh. Risaldy Al Fitra. "Criminological Review of Domestic Violence Crimes in Kolaka Regency". *Sangia Nibandera Law Research* 1, no. 1 (2024): 10-18. <https://doi.org/10.5281/zenodo.19637185>

⁶⁶ Nevena Vuckovic Sahovic and Precious Eriamiatoe, "Effectiveness of the Convention on the Rights of the Child in Realization of the Right to a Remedy for Child Victims of Violence in Africa," *Child Abuse and Neglect* 110 (2020): 104307.

C. Legal Protection Against Child Marital Union in Indonesia

Indonesian Marriage Act specifies an acceptable age of marital union as stated in Article 16 (2) CEDAW. According to Article 7 (1) of IMA, the acceptable age of marital union of womenfolk is 16 yrs and 19 years for menfolk. Additionally, Article 26 (1) of ICA affirms the Obligations for parents to discouraged early marital union of their children. Notwithstanding this provision, the acceptable marriageable age for female gender in Indonesia is not yet as stipulated in the JGR by CEDAW and CRC, which is 18 yrs of age.⁶⁷

According to the Marriage Law, 1974 a man or woman must be 21 years to get married without parental consent. Girls and boys can marry at 19 years with parental permission, according to a September 2019 amendment.⁶⁸ This age restriction complies with the requirement of Article 16(2) CEDAW, which prohibits engagement or marital union of minors.⁶⁹ Furthermore, Article 7 (2) of MA states parents can submit a request for dispensation at the Court if either of the parties to the marriage is under the statutory age and such request can either be granted by the Court or be rejected.⁷⁰ The option for dispensation to allow the marriage of a minor is contrary to CEDAW and the ICESCR. In essence, the prospect of allowing child marriage undermines any potential goodwill pledge by the Indonesian government to outlaw child marital union.⁷¹

In safeguarding the interests of underaged girls, the United Nations Population Fund emerged to promotes policies, programmes along with

⁶⁷ Aditya and Waddington, "The Legal Protection Against Child Marriage in Indonesia."

⁶⁸ Andriati, Sari, and Wulandari, "Implementasi Perubahan Batas Usia Perkawinan Menurut UU No. 16 Tahun 2019 Tentang Perubahan Atas UU No. 1 Tahun 1974 Tentang Perkawinan." In addition, it is also emphasized that before the Marriage Law of 1974, girls may get married at 16 if their parents approved. The Indonesian Constitutional Court however ruled in December 2018 that such regulation was illegal due to gender-based discrimination, following the denial of a petition in 2015. This was because the minimum age for men to marry is 19. *See also* Indah Sri Utari, and Bagus Hendradi Kusuma. "Legal Interventions in Combating Gender-Based Violence: Empowering Communities through Legal Advocacy." *Lentera Masyarakat Hukum* 1, no. 4 (2024); Andry Setiawan, et al. "Gender Based Violence in Higher Education: A Model of Protection and Law Enforcement." *Indonesian Journal of Advocacy and Legal Services* 5, no. 1 (2023): 65-80.

⁶⁹ Andriati, Sari, and Wulandari.

⁷⁰ Andriati, Sari, and Wulandari

⁷¹ Andriati, Sari, and Wulandari.

legislations capable of ending girl child marital union. It supports evidence-based girl-centred projects that empowered females with the information, knowledge; skills and desirable services needed to be healthy, educated and safe. Also, it helps them in making a successful transitioning to adulthood. UNFPA also encouraged supports aimed at addressing the needs of the marital union of the girl child, especially in family planning along with maternal healthcare issues.⁷²

The UNICEF reports that several Countries are not taking proactive measures in ending girl child marital traditions in the coming decades. Amongst the nations cited for this lack of progress is Indonesia, which ranks fourth globally in terms of girl child marriages.⁷³ UNICEF estimates that for every nation in East Asia and the Pacific, including Indonesia, it would take between 60 and 80 years to reduce the prevalence of girl child marital union to less than 1% of the present rate. This is a long way from the USDGs target of abrogating girl child marital union by 2030.⁷⁴ Child marriage violates minors' rights and increases the likelihood of mental illness, starvation, maternal death, and high school dropout rates.⁷⁵ It must be emphasized that government should introduce policies and programmes capable of educating the public, increasing the awareness, inclusive of parents and will involves local and religious leaders, and empowered females through work and education in order to end girl child marital union.⁷⁶ In addition to stepping up preventive measures, the government must also plan initiatives to counteract the harmful impacts of child marriage, which are frequently linked to young marriage. Additionally, it is pertinent to note that the 2020–2024 NSCMP is insufficient in addressing the basic cause of girl child marital union, which includes unwanted pregnancies, economic hardship, and restricted educational opportunities.⁷⁷

⁷² United Nations Population Fund, “Child Marriage.”

⁷³ UNICEF Indonesia, BPS, PUSKAPA UI, Kementerian PPN/ Bappenas, “Child Marriage in Indonesia,” UNICEF Indonesia, February 2020, available online at <https://www.unicef.org/indonesia/reports/child-marriage-in-indonesia>.

⁷⁴ UNICEF Indonesia, BPS, PUSKAPA UI, Kementerian PPN/ Bappenas.

⁷⁵ UNICEF Indonesia, BPS, PUSKAPA UI, Kementerian PPN/ Bappenas.

⁷⁶ Salman Khazaei et al., “A Look at the Phenomenon of Child Marriage in Iran and the World,” *International Journal of Pediatrics* 4, no. 9 (2016): 3499-3501.

⁷⁷ The National Development Planning Agency, “National Strategy on the Prevention of Child Marriage.”

Legal Frameworks on Child Marriage in India, China, and Indonesia: Comparative Challenges and Human Rights

Child marriage constitutes a multidimensional human rights issue closely connected with legal systems, socio-cultural structures, economic inequality, and the implementation of international human rights obligations. The comparative analysis of India, China, and Indonesia demonstrates that all three countries have formally recognized international legal standards by ratifying the United Nations Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). These international instruments establish the obligation of States to protect children from harmful practices, including forced and underage marriage. Domestic implementation of these obligations, however, continues to encounter substantial legal, institutional, and socio-cultural barriers.

India adopts a criminal law-oriented framework through the Prohibition of Child Marriage Act 2006. Yet, the effectiveness of the legislation remains weakened by the coexistence of religious and personal laws permitting underage marriages under certain circumstances. China employs an administrative and state-supervision model emphasizing population control, civil registration, and governmental monitoring. However, patriarchal traditions and economic pressures continue to sustain child marriage practices within rural communities. Indonesia employs a hybrid framework that combines statutory regulation, judicial discretion, and religious influence. The amendment equalizing the marriageable age to 19 reflects legal progress, yet marriage dispensations granted by religious and district courts continue to undermine the effectiveness of child protection measures.

The comparative findings further reveal that legal reform alone remains insufficient to eradicate child marriage practices. Persistent poverty, limited educational access, gender inequality, weak institutional supervision, and strong adherence to cultural traditions continue to create structural conditions supporting child marriage in all three jurisdictions. Rural communities remain particularly vulnerable due to weak administrative systems, low public awareness regarding children's rights, and economic insecurity. These conditions demonstrate that the effectiveness of anti-child marriage laws depends not only upon statutory provisions but also upon institutional capacity, judicial consistency, and broader societal transformation.

International human rights law also faces practical limitations in addressing child marriage. The CRC and CEDAW establish universal standards concerning child protection and gender equality, yet their implementation depends largely upon domestic political commitment and enforcement mechanisms.⁷⁸ Legal pluralism in India, administrative limitations in China, and judicial dispensations in Indonesia illustrate the continuing gap between international human rights obligations and domestic legal realities. Cultural relativism, religious autonomy, and social resistance frequently hinder the effective application of international legal standards at the national level.

Efforts to eliminate child marriage, therefore, require integrated legal and policy reforms. Harmonization between domestic legislation and international human rights standards must become a primary priority. India should ensure that all forms of underage marriage are legally void without exception. China should strengthen local monitoring systems and improve enforcement mechanisms within vulnerable rural regions. Indonesia should impose stricter judicial limitations concerning marriage dispensations and ensure that judicial decisions consistently prioritize the best interests of the child. Institutional strengthening must also include modernizing birth and marriage registration systems, implementing stricter verification procedures, and improving coordination among courts, child protection agencies, educational institutions, and law enforcement authorities.

Educational access and economic empowerment remain equally important in addressing the structural causes of child marriage. Governments should expand access to primary and secondary education for girls, strengthen gender equality education, raise reproductive health awareness, and develop vocational training programs for vulnerable communities. Poverty reduction programs, conditional cash transfers, and social protection initiatives should also be implemented to reduce economic incentives encouraging underage marriage.

⁷⁸ For further discussion on the failure of political institutions and policies to protect minority groups, including gender violence, *please see* Lachlan Barrett, Jirawat Nopchai, and Adira Kartika. “Justice for All? An Empirical Study on Discrimination in Criminal Court Rulings.” *Indonesian Court and Justice Review* 1, no. 1 (2024); Nusantara Putra Wibisono, et al. “Pregnancy and the Right to Education: Legal and Social Dimensions of Expelling Adolescent Girls in Indonesia.” *Indonesian Education Policy and Justice Review* 2, no. 4 (2025); Farhan Abdurrahman, Siti Haryanti Putri, and Galih Widodo Nugraha. “Minority Women in Indonesia: Intersectionality, Gender Justice, and Legal Discrimination Against Ethnic and Religious Minorities.” *Indonesian Minority Justice Review* 2, no. 3 (2025); Rania Al-Sabah, and Achmad Nur Choliq. “Gender-Based Violence and Health Justice: Addressing the Impact of Violence on Women’s Health in Indonesia.” *Indonesian Health Justice Review* 2, no. 1 (2025).

Religious leaders, customary authorities, civil society organizations, and local communities must additionally be involved in transforming social attitudes and eliminating cultural justifications for child marriage practices.⁷⁹

The comparative experiences of India, China, and Indonesia ultimately demonstrate that child marriage should not be understood merely as a private family matter or cultural tradition, but rather as a structural human rights violation affecting children's dignity, equality, bodily autonomy, health, education, and future development. Sustainable eradication of child marriage, therefore, requires long-term structural transformation involving legal harmonization, institutional accountability, educational reform, economic empowerment, and social awareness. Effective implementation of international human rights law depends on the willingness and capacity of national governments to prioritize child-centered legal protections that safeguard the rights and welfare of every child.

Conclusion

Based on the discussion presented above, it can be concluded that child marriage constitutes a serious violation of human rights and is inconsistent with the principles contained in the United Nations Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and various other international human rights instruments. The practice deprives children of their rights to education, health, protection, and personal development. Child marriage also perpetuates cycles of poverty, gender inequality, and social vulnerability across different jurisdictions.

The findings demonstrate that India, China, and Indonesia have established national legal frameworks aimed at preventing child marriage through the determination of minimum marriageable ages. Enforcement of these regulations, however, remains ineffective due to the continued influence of cultural values, religious beliefs, customary practices, poverty, and weak administrative supervision. India adopts a criminalization approach toward child marriage, yet conflicts persist between national legislation, personal laws, and religious practices. China emphasizes administrative control and social regulation, although child marriage continues to occur within certain communities as a consequence of patriarchal traditions and gender imbalance.

⁷⁹ See also Budi Santoso, Zainab Abdullah, and Nguyen Thi Lan. "Gender Equality in Education: Challenges and Opportunities in Indonesian Schools." *Indonesian Education Policy and Justice Review* 1, no. 1 (2024).

Indonesia has reformed its legal framework by equalizing the minimum marriageable age for both males and females at nineteen years old, but the existence of marriage dispensations and weak civil registration systems continue to facilitate the persistence of child marriage practices.

The study further reveals inconsistencies between international human rights obligations and domestic legal practices within the three countries. Legal exemptions, court dispensations, parental consent, and the influence of religious or cultural norms frequently place the interests of families and communities above the best interests of the child. Such conditions indicate that child protection mechanisms have not been fully aligned with the principle of the best interest of the child as guaranteed under the CRC.

The effectiveness of law enforcement also remains constrained by several challenges, including falsification of age records, low levels of birth and marriage registration, limited access to education, and weak coordination among governmental institutions. These factors contribute to the higher prevalence of child marriage in rural areas compared to urban regions, particularly among economically disadvantaged and low-educated communities.

The eradication of child marriage cannot rely solely on the existence of legal regulations. Strengthening legal implementation, improving educational access, empowering family economies, eliminating gender discrimination, and increasing public awareness regarding children's rights are essential measures that must be continuously developed. Collaboration between governments, international organizations, civil society organizations, religious leaders, and local communities remains crucial in ensuring effective child protection and achieving Sustainable Development Goals (SDGs) Target 5.3 concerning the elimination of child marriage by 2030.

References

- Abdurrahman, Farhan, Siti Haryanti Putri, and Galih Widodo Nugraha. "Minority Women in Indonesia: Intersectionality, Gender Justice, and Legal Discrimination Against Ethnic and Religious Minorities." *Indonesian Minority Justice Review* 2, no. 3 (2025).
- Adami, Rebecca. *Women and the Universal Declaration of Human Rights*. In *Women and the Universal Declaration of Human Rights*. 2018. <https://doi.org/10.4324/9780429437939>.

- Aditya, Rizky Irfano, and Lisa Waddington. "The Legal Protection Against Child Marriage in Indonesia." *Bestuur* 9, no. 2 (2021): 126-134. <https://doi.org/10.20961/bestuur.v9i2.55144>.
- Aghbari, Fahad Al, Muhamad Sayuti Hassan, Saleh Al Mamari, and Nurhafilah Musa. "Rights of Women in the Establishment and Dissolution of Marriage in Oman: Between CEDAW and Sharia Perspective." *Legality: Jurnal Ilmiah Hukum* 32, no. 1 (2024): 33-50. <https://doi.org/10.22219/ljih.v32i1.31493>.
- Al-Sabah, Rania, and Achmad Nur Choliq. "Gender-Based Violence and Health Justice: Addressing the Impact of Violence on Women's Health in Indonesia." *Indonesian Health Justice Review* 2, no. 1 (2025).
- Andriati, Syarifah Lisa, Mutiara Sari, and Windha Wulandari. "Implementasi Perubahan Batas Usia Perkawinan Menurut UU No. 16 Tahun 2019 Tentang Perubahan Atas UU No. 1 Tahun 1974 Tentang Perkawinan." *Binamulia Hukum* 11, no. 1 (2022): 59-60. <https://doi.org/10.37893/jbh.v11i1.673>.
- Annapoorani K, Nidhi. "Restriction of Child Marriage in India: Fact and Fiction." *The Journal of Unique Laws and Students* 1, no. 1 (2021): 122-134. <https://doi.org/10.59126/v1i1a10>.
- Arifiani, Sandra Dewi, Sri Andini Handayani, Monique Baumont, Cyril Bennouna, and Santi Kusumaningrum. "Assessing Large-Scale Violence against Children Surveys in Selected Southeast Asian Countries: A Scoping Review." *Child Abuse and Neglect* 93 (2019): 149-161. <https://doi.org/10.1016/j.chiabu.2019.05.005>.
- Arifin, Ridwan, and Varun Chhachhar. "Theological Reflections on Gender Justice: How Indonesian Theology Confronts Gender Inequality and Violence." *Indonesian Theological Justice Review* 2, no. 3 (2025).
- Auli, Renata Christha. "Jerat Hukum Pemalsuan Identitas Menurut KUHP Dan UU PDP." Klinik Hukumonline, August 25, 2025. Online at <https://www.hukumonline.com/klinik/a/jerat-hukum-pemalsuan-identitas-menurut-kuhp-dan-uu-pdp-lt52f514cb0b506/>.
- Baber, Ray Erwin. "Marriage in Ancient China." *Journal of Educational Sociology* 8, no. 3 (1934): 131-140. <https://doi.org/10.2307/2961796>.
- Baderin, Mashood A. "Islamic Law and the Implementation of International Human Rights Law: A Case Study of the International Covenant on Civil and Political Rights." In *International Human Rights Law: Six Decades after the UDHR and Beyond*. 2016. <https://doi.org/10.4324/9781315589404-27>.

- Barrett, Lachlan, Jirawat Nopchai, and Adira Kartika. "Justice for All? An Empirical Study on Discrimination in Criminal Court Rulings." *Indonesian Court and Justice Review* 1, no. 1 (2024).
- Berutu, Sigar P, Uli Monica Angelina Nadeak, Clara Erlika Sidebang, Enjelina Tinambunan, and Samuel Dharma Putra Nainggolan. "Tinjauan Yuridis Terhadap Pemalsuan Identitas Dalam Perkawinan." *UNES Law Review* 6, no. 3 (2024): 8484–8489. <https://doi.org/10.31933/unesrev.v6i3.1742>.
- Bhaskar, V. "Sex Selection and Gender Balance." *American Economic Journal: Microeconomics* 3, no. 1 (2011): 214–244. <https://doi.org/10.1257/mic.3.1.214>.
- Bhattacharya, Sonali, and Aradhana Gandhi. "Does India Want to Invest in Its Daughters: A Critical Analysis of Sukanya Samriddhi Yojana." *Business Perspectives and Research* 9, no. 3 (2021): 399–414. <https://doi.org/10.1177/2278533720934086>.
- Biswas, Raaj Kishore, Jahidur Rahman Khan, and Enamul Kabir. "Trend of Child Marriage in Bangladesh: A Reflection on Significant Socioeconomic Factors." *Children and Youth Services Review* 104 (2019): 104382. <https://doi.org/10.1016/j.childyouth.2019.06.017>.
- Calvert, Clara, and Carine Ronsmans. "The Contribution of HIV to Pregnancy-Related Mortality: A Systematic Review and Meta-Analysis." *AIDS* 27, no. 10 (2013): 1631–1639. <https://doi.org/10.1097/QAD.0b013e32835fd940>.
- Child Marriage Data Portal. "Child Marriage in Indonesia." Child Marriage Data Portal, 2024. Online at <https://childmarriedata.org/country-profiles/indonesia/>.
- Ciorciari, John D. "Institutionalizing Human Rights in Southeast Asia." *Human Rights Quarterly* 34, no. 3 (2012): 695–725. <https://doi.org/10.1353/hrq.2012.0055>.
- Duan, Huiqiong, Weici Yuan, and Thomas Snyder. "Gender Imbalance and Temporary Migration: Evidence from Rural China." *World Development* 186 (2025): 106832. <https://doi.org/10.1016/j.worlddev.2024.106832>.
- Dupont, Mason, et al. "Defying the Norm: Analyzing the Legitimacy of Civil Disobedience in a Globalized World: Desafiando la Normativa: Analizando la Legitimidad de la Desobediencia Civil en un Mundo Globalizado." *Revista de Desobediencia Comunitaria* 1, no. 1 (2025): 1–54.
- Efevbera, Yvette, and Paul Farmer. "‘It Is This Which Is Normal’ A Qualitative Study on Girl Child Marriage and Health in Conakry, Guinea." *Social Science and Medicine* 273 (2021): 113762. <https://doi.org/10.1016/j.socscimed.2021.113762>.

- Fan, Suiqiong, and Alissa Koski. "The Health Consequences of Child Marriage: A Systematic Review of the Evidence." *BMC Public Health* 22, no. 1 (2022): 309. <https://doi.org/10.1186/s12889-022-12707-x>.
- Fan, Suiqiong, Yue Qian, and Alissa Koski. "Child Marriage in Mainland China." *Studies in Family Planning* 53, no. 1 (2022): 23-42. <https://doi.org/10.1111/sifp.12185>.
- Gage, Anastasia J. "Child Marriage Prevention in Amhara Region, Ethiopia: Association of Communication Exposure and Social Influence with Parents/Guardians' Knowledge and Attitudes." *Social Science and Medicine* 97 (2013): 124-133. <https://doi.org/10.1016/j.socscimed.2013.08.017>.
- Girls Not Brides. "Indonesia." Girls Not Brides, 2024. Available online at <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/indonesia/>.
- Gupta, Monica Das, Zhenghua Jiang, Bohua Li, Zhenming Xie, Chung Woojin, and Hwa Ok Bae. "Why Is Son Preference so Persistent in East and South Asia? A Cross-Country Study of China, India and the Republic of Korea." *Journal of Development Studies* 40, no. 2 (2003): 153-187. <https://doi.org/10.1080/00220380412331293807>.
- Gupta, Pallavi. "Child Marriages and the Law: Contemporary Concerns." *Economic and Political Weekly* 47, no. 43 (2012): 49-55.
- Hidayah, Rahmi Nur, Isdiyana Kusuma Ayu, and Pinastika Prajna Paramita. "Pertanggungjawaban Hukum Pihak Yang Melakukan Pemalsuan Identitas dalam Perkawinan." *Dinamika: Jurnal Ilmiah Ilmu Hukum* 31, no. 1 (2025): 11500-11515.
- Horii, Hoko. "A Blind Spot in International Human Rights Framework: A Space Between Tradition and Modernity Within the Child Marriage Discourse." *The International Journal of Human Rights* 24, no. 8 (2020): 1057-1079.
- Huang, Lucy Jen. "Planned Fertility of One-Couple/One-Child Policy in the People's Republic of China." *Journal of Marriage and the Family* 44, no. 3 (1982): 775-784. <https://doi.org/10.2307/351599>.
- Indumathi, T. "Current Status of Inclusive Education in India." *Shanlax International Journal of Arts, Science and Humanities* 11, no. 1 (2023): 47-52. <https://doi.org/10.34293/sijash.v11i1s1i2-nov.7315>.
- Irabiah, Irabiah, Jusafri Jusafri, Muh. Risaldy Al Fitra. "Criminological Review of Domestic Violence Crimes in Kolaka Regency". *Sangia Nibandera Law Research* 1, no. 1 (2024): 10-18. <https://doi.org/10.5281/zenodo.19637185>

- Islam, Mohammed Shariful. "An Assessment of Child Protection in Bangladesh: How Effective Is NGO-Led Child-Friendly Space?" *Evaluation and Program Planning* 72 (2019): 8-15. <https://doi.org/10.1016/j.evalprogplan.2018.09.003>.
- Jaffal, Zeyad, Faisal Shawabkeh, and Ali Hadi Al Obeidi. "Toward Constructive Harmonisation of Islamic Family Law and CEDAW: A Study on the UAE's Reservation to CEDAW Article 16 and Equal Rights to Marriage and Family Relations." *Australian Journal of Human Rights* 28, no. 1 (2022): 139-162. <https://doi.org/10.1080/1323238X.2022.2122689>.
- Kamal, S. M. Mostafa, Che Hashim Hassan, Gazi Mahabubul Alam, and Yang Ying. "Child Marriage in Bangladesh: Trends and Determinants." *Journal of Biosocial Science* 47, no. 1 (2015): 120-139. <https://doi.org/10.1017/S0021932013000746>.
- Karina, Dewi Putri, and Bambang Pudiyatmoko. "Indonesian Media and the Representation of Palestinian Women: Gender, Resistance, and International Solidarity." *Palestine Issues on Indonesian Society* 1, no. 1 (2024).
- Khazaei, Salman, Kamyar Mansori, Zaher Khazaei, and Erfan Ayubi. "A Look at the Phenomenon of Child Marriage in Iran and the World." *International Journal of Pediatrics* 4, no. 9 (2016): 3499-3501. <https://doi.org/10.22038/ijp.2016.7201>.
- Kudo, Yuya. "Does Criminalizing Discriminatory Cultural Practices Improve Women's Welfare? A Simple Model of Levirate Marriage in Africa." *Economics Letters* 199 (2021): 109728. <https://doi.org/10.1016/j.econlet.2021.109728>.
- Kumala, Azky Nur, Rufaida Annida, and Ahmad Royhan Firdaus. "Global Initiatives for The Prevention of Child Marriage: A Case Study of Girls Not Brides in Indonesia." *IROFONIC Proceedings* 1, no. 1 (2025): 248-257.
- Lal, B. Suresh. "Child Marriage in India: Factors and Problems." *International Journal of Science and Research* 4, no. 4 (2015): 2993-2998.
- Langlois, Anthony J. "The ASEAN Intergovernmental Commission on Human Rights: Institutionalising Human Rights in Southeast Asia." *Australian Journal of International Affairs* 67, no. 1 (2013): 123-124. <https://doi.org/10.1080/10357718.2013.748283>.
- Lestari, Maryana, and Septhian Eka Adiyatma. "Marriage Cancelled, What about the Rights for Children?" *The Indonesian Journal of International Clinical Legal Education* 2, no. 2 (2020): 167-180. <https://doi.org/10.15294/ijicle.v2i2.38172>.

- Lestari, Maya, and Nur Erika Putri. "Women in Indonesian Political Movements: The Role of Gendered Communication in Shaping Political Change." *Indonesian Discourse on Communication, Democracy, and Political Movements* 2, no. 1 (2025).
- Miguel, Alma Beatriz, and Leandro Rafael Quiroga Santos. "Criminalization of Poverty: Police Surveillance in Impoverished Urban Areas: Criminalización de la pobreza: vigilancia policial en zonas urbanas empobrecidas." *Revista de Justicia Social en la Sociedad Urbana* 1, no. 2 (2025): 143-180.
- Mirzaee, Zahra, Masoomeh Maarefvand, Mir Taher Mousavi, Nilufar Pourzand, Samaneh Hossienzadeh, and Jagdish Khubchandani. "Stakeholders' Perspectives on Girls' Early Marriage in Maneh and Samalqan, Iran." *Children and Youth Services Review* 122 (2021): 105900. <https://doi.org/10.1016/j.childyouth.2020.105900>.
- Morales, Sebastián Alejandro, and Andrés Castillo. "The Case of Gender Violence in Mexico: Does the Judicial System Ensure Substantive Justice for Victims? El Caso de la Violencia de Género en México:¿ Garantiza el Sistema Judicial la Justicia Sustantiva para las Víctimas?." *Crítica de la Justicia Sustantiva* 1, no. 2 (2025): 205-232.
- Moreno, Verónica Salas. "The Struggle for Gender Equality in Human Rights: Beyond Legal Recognition: La Larga Lucha por la Igualdad de Género en los Derechos Humanos: Más Allá del Reconocimiento Legal." *Revista de Derechos Humanos Contemporáneos* 1, no. 2 (2025): 285-322.
- Myers, Juliette, and Rowan Harvey. "Breaking Vows: Early and Forced Marriage and Girls' Education", Save the Children's Resource Centre Plan International, 2011. Available online at <https://resourcecentre.savethechildren.net/pdf/5930.pdf>.
- Nour, Nawal M. "Health Consequences of Child Marriage in Africa." *Emerging Infectious Diseases* 12, no. 11 (2006): 1644-1649. <https://doi.org/10.3201/eid1211.060510>
- Nur, Anisa Afianti, et al. "Determinants of Child Marriage in Indonesia: A Systematic Review." *Journal of Community Medicine and Public Health Research* 5, no. 2 (2024): 216-227. <https://doi.org/10.20473/jcmphr.v5i2.45777>
- OHCHR. "Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages." OHCHR, 1962. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-consent-marriage-minimum-age-marriage-and>.

- Parekh, Jinal, and Antara Datta. "India, the United Nations Human Rights Commission, and the 1979 Virginity Testing Scandal." *Journal of Global History* 19, no. 1 (2024): 175-194. <https://doi.org/10.1017/S1740022823000098>.
- Paul, Pintu. "Effects of education and poverty on the prevalence of girl child marriage in India: A district-level analysis." *Children and Youth Services Review* 100 (2019): 16-21. <https://doi.org/10.1016/j.childyouth.2019.02.033>
- Petroni, Suzanne, Madhumita Das, and Susan M. Sawyer. "Protection versus Rights: Age of Marriage versus Age of Sexual Consent." *The Lancet Child and Adolescent Health* 3, no. 4 (2019): 274-280. [https://doi.org/10.1016/S2352-4642\(18\)30336-5](https://doi.org/10.1016/S2352-4642(18)30336-5).
- Riad, Germeen, and Carie Forden. "'If We Didn't Talk, We Would Be like Ostriches Burying Our Heads in the Sand': Attitudes toward Sexuality, Gender, and Sex Education among Child Protection Social Workers in Egypt." *Children and Youth Services Review* 129 (October 2021): 106205. <https://doi.org/10.1016/j.childyouth.2021.106205>.
- Santoso, Budi, Zainab Abdullah, and Nguyen Thi Lan. "Gender Equality in Education: Challenges and Opportunities in Indonesian Schools." *Indonesian Education Policy and Justice Review* 1, no. 1 (2024).
- Sepaha, Priya. "Live-in Relationship in India: Laws and Challenges." *Law Colloquy Journal of Legal Studies* 1, no. 2 (2021): 1-12.
- Setiawan, Andry, et al. "Gender Based Violence in Higher Education: A Model of Protection and Law Enforcement." *Indonesian Journal of Advocacy and Legal Services* 5, no. 1 (2023): 65-80. <https://doi.org/10.15294/ijals.v5i1.74131>
- Svevo-Cianci, Kimberly A., Maria Herczog, Lothar Krappmann, and Philip Cook. "The New UNCRC General Comment 13: 'The Right of the Child to Freedom from All Forms of Violence' -Changing How the World Conceptualizes Child Protection." *Child Abuse and Neglect* 35, no. 12 (2011): 979-989. <https://doi.org/10.1016/j.chiabu.2011.09.006>.
- The National Development Planning Agency. "National Strategy on The Prevention of Child Marriage." *The National Development Planning Agency Republic of Indonesia*, 2020.
- The National Development Planning Agency. "National Strategy on the Prevention of Child Marriage." Kementerian Perencanaan Pembangunan Nasional/Badan Perencanaan Pembangunan Nasional, 2020. <https://www.unicef.org/indonesia/sites/unicef.org/indonesia/files/2020-06/National-Strategy-on-Child-Marriage-Prevention-2020.pdf>.

- The Naubat Baja project. "Fighting Child Marriage in India, Thanks to School and a Mobile Phone." UN News, 2022. <https://news.un.org/en/story/2022/03/1114752>.
- Tien, H. Yuan. "Fertility Decline via Marital Postponement in China." *Modern China* 1, no. 4 (1975): 447-462. <https://doi.org/10.1177/009770047500100404>.
- Tien, H. Yuan. *Population Theory in China*. (London: Routledge, 2017). <https://doi.org/10.4324/9781315089621>
- Tobin, John, and Judy Cashmore. "Thirty Years of the CRC: Child Protection Progress, Challenges and Opportunities." *Child Abuse and Neglect* 110 (2020): 104436. <https://doi.org/10.1016/j.chiabu.2020.104436>.
- Ulfstein, Geir. "Individual Complaints." In *UN Human Rights Treaty Bodies Law and Legitimacy*. 2012. <https://doi.org/10.1017/CBO9781139047593.004>.
- UNICEF India. "Ending Child Marriage and Adolescent Empowerment." Accessed March 14, 2026. <https://www.unicef.org/india/what-we-do/end-child-marriage>.
- UNICEF Indonesia, Badan Pusat Statistik, Pusat Kajian dan Advokasi Perlindungan dan Kualitas Hidup Anak Universitas Indonesia, and Kementerian Perencanaan Pembangunan Nasional/Badan Perencanaan Pembangunan Nasional. "Child Marriage in Indonesia." UNICEF Indonesia, February 2020. <https://www.unicef.org/indonesia/reports/child-marriage-in-indonesia>.
- UNICEF. "Ending Child Marriage, a Profile of Progress in India, 2023 Updates." *UNICEF, New York*, 2023.
- United Nations Human Rights: Office of The High Commissioner. *Child and Forced Marriages Recommendations for Action Against*. OHCHR, n.d.
- United Nations Population Fund (UNFPA) and United Nations Children's Fund (UNICEF). "2018 Annual Report: Turning Commitments into Solid Actions: UNFPA–UNICEF Global Programme to Accelerate Action to End Child Marriage." UNICEF, August 2019. <https://www.unicef.org/media/60276/file>.
- United Nations Population Fund. "Child Marriage." United Nations Population Fund. Accessed March 21, 2026. <https://www.unfpa.org/child-marriage>.
- Utari, Indah Sri, and Bagus Hendradi Kusuma. "Legal Interventions in Combating Gender-Based Violence: Empowering Communities through Legal Advocacy." *Lentera Masyarakat Hukum* 1, no. 4 (2024).

- Vuckovic Sahovic, Nevena, and Precious Eriamiatoe. "Effectiveness of the Convention on the Rights of the Child in Realization of the Right to a Remedy for Child Victims of Violence in Africa." *Child Abuse and Neglect* 110 (2020): 104307. <https://doi.org/10.1016/j.chiabu.2019.104307>.
- Warria, Ajwang'. "Forced Child Marriages as a Form of Child Trafficking." *Children and Youth Services Review* 79, no. 1 (2017): 274-279. <https://doi.org/10.1016/j.childyouth.2017.06.024>.
- Weston, Burns H. "Human Rights - Natural Law, Transformation, Rights." Britannica, March 6, 2026. <https://www.britannica.com/topic/human-rights/Natural-law-transformed-into-natural-rights>.
- Whyte, Martin King, Wang Feng, and Yong Cai. "Challenging Myths about China's One-Child Policy." *China Journal* 74 (2015): 144-159. <https://doi.org/10.1086/681664>.
- Wibisono, Nusantara Putra, et al. "Pregnancy and the Right to Education: Legal and Social Dimensions of Expelling Adolescent Girls in Indonesia." *Indonesian Education Policy and Justice Review* 2, no. 4 (2025).
- Wismayanti, Yanuar Farida, Patrick O'Leary, Clare Tilbury, and Yenny Tjoe. "Child Sexual Abuse in Indonesia: A Systematic Review of Literature, Law and Policy." *Child Abuse and Neglect* 95 (2019): 104034. <https://doi.org/10.1016/j.chiabu.2019.104034>.
- Wu, Yu Wen, and Mikaliz Levana. "The Role of Art in Promoting Gender Justice: Feminist Art Movements and Women's Empowerment in Indonesia." *Indonesian Art and Justice Review* 2, no. 2 (2025).
- Wulandari, Cahya, and Winarsih Winarsih. "Women's Rights in Indonesia: Gender-Based Violence and the Challenge of Legal Protection." *Contemporary Issues on Indonesian Human Rights Law and Policy* 1, no. 4 (2024).

*“One child, one
teacher, one book,
and one pen can
change the world.”*

Malala Yousafzai — education activist and
the youngest Nobel Peace Prize laureate

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