

The Criminalization of Child Marriage by Parents under Law Number 12 of 2022

Nazwa Bunga Rezki Perdana Lubis^{1*}, Iwan²

¹ Universitas Islam Negeri Sumatera Utara, Indonesia. E-mail: nazwa0205223049@uinsu.ac.id

² Universitas Islam Negeri Sumatera Utara, Indonesia. E-mail: Iwan@uinsu.ac.id

|| Submitted: June 26, 2026 || Accepted: July 06, 2026 || Published: July 14, 2026 ||

Abstract: This study aims to analyze parental criminal liability for child marriage under Article 10 of Law Number 12 of 2022 on the Crime of Sexual Violence and examine its legitimacy from the perspective of *Fiqh Jinayah* (Islamic criminal jurisprudence) in relation to the principle of *geen straf zonder schuld* (no punishment without culpability). The study employs normative legal research using statutory and conceptual approaches, with legal materials analyzed qualitatively through grammatical, systematic, and teleological interpretation. The findings indicate that parental criminal liability should not arise solely because parents facilitate or consent to child marriage but must be supported by proof of coercion, abuse of authority, and criminal culpability. Accordingly, Article 10 should be applied on a case-by-case basis to distinguish coercive conduct from parental involvement influenced by social, economic, cultural, or pregnancy-related circumstances, thereby preventing overcriminalization while ensuring effective child protection. From the perspective of *Fiqh Jinayah*, forced child marriage constitutes *ta'addī* (unlawful transgression) that may justify *ta'zīr* (discretionary criminal sanctions), whereas *wilāyah al-ijbār* (guardianship with compulsory authority) requires contextual interpretation based on *maqāṣid al-sharī'ah* (objectives of Islamic law). The study concludes that criminal sanctions achieve substantive justice only when applied proportionally by considering culpability and the surrounding social context. This study contributes to criminal law and Islamic legal scholarship by proposing an integrated normative framework that reconciles the principle of culpability with *Fiqh Jinayah*, providing doctrinal guidance for interpreting parental criminal liability while contributing to the global discourse on balancing child protection, proportional criminal liability, and legal pluralism.

Keywords: Child Marriage, Criminal Culpability, *Fiqh Jinayah*, Legal Pluralism, Parental Liability

1. Introduction

Child marriage remains a persistent global challenge despite sustained international efforts to eliminate the practice through the Sustainable Development Goals (SDGs),¹ particularly Target 5.3, which calls for the eradication of child,² early, and forced marriage. Millions of children, especially girls, continue to enter marriage before reaching adulthood, exposing them to heightened risks of educational discontinuation, domestic violence, reproductive health complications, economic dependency, and intergenerational poverty. Indonesia continues to face similar challenges, where child marriage is influenced by intertwined economic, cultural, religious, and social factors, including poverty, limited educational opportunities, customary practices, and pregnancy outside marriage. In response to these concerns, the Indonesian government enacted Law Number 12 of 2022 on the Crime of Sexual Violence, introducing Article 10, which classifies child marriage as a form of forced marriage that may attract criminal sanctions. This legislative reform reflects a significant shift from viewing child marriage solely as a family or private matter toward recognizing it as a public concern requiring state intervention to safeguard children's

¹ Felix M Muchomba, "Parents' Assets and Child Marriage: Are Mother's Assets More Protective Than Father's Assets?," *World Development* 138 (2021), <https://doi.org/10.1016/j.worlddev.2020.105226>.

² Songül Duran and Selma Tepehan Eraslan, "Socio-Demographic Correlates of Child Marriages: A Study from Turkey," *Community Mental Health Journal* 55, no. 7 (2019): 1202–9, <https://doi.org/10.1007/s10597-019-00433-5>.

fundamental rights.³ Nevertheless, the criminalization of parents who facilitate or permit child marriage has generated considerable legal debate because parental involvement often arises within broader structural constraints rather than deliberate exploitation.⁴ Consequently, the implementation of Article 10 raises important questions regarding the appropriate limits of criminal liability, proportionality in punishment, and the balance between protecting children and avoiding excessive criminalization of parents whose decisions are influenced by complex socioeconomic realities.

Previous research on child marriage has predominantly examined the issue from the perspectives of human rights, gender equality, child protection, public health, sociology, and Islamic family law. These studies consistently demonstrate that child marriage undermines children's physical, psychological, educational, reproductive, and socioeconomic well-being while reinforcing cycles of poverty and gender inequality.⁵ Consequently, many scholars advocate stronger legal protection, preventive policies, and institutional interventions to eliminate child marriage.⁶ Other studies have evaluated the effectiveness of increasing the minimum legal age for marriage,⁷ judicial discretion in granting marriage dispensations, and the influence of customary, religious,⁸ and community institutions in either perpetuating or preventing child marriage. Although these studies provide valuable insights into the causes and consequences of child marriage, they remain fragmented in explaining the legal boundaries of parental criminal liability when parents facilitate or permit child marriage under complex social circumstances.⁹ Existing scholarship largely emphasizes the protective function of criminal law but pays limited attention to distinguishing coercive conduct from parental involvement arising from poverty, cultural expectations, social pressure,¹⁰ or pregnancy outside marriage.¹¹ Likewise, only a small number of studies assess parental criminal liability through the principle of *geen straf zonder schuld* (no punishment without culpability), despite its fundamental importance in determining criminal responsibility.¹² The contribution of *Fiqh Jinayah* (Islamic criminal jurisprudence) to developing a balanced normative framework that reconciles child protection with proportional criminal liability has also received insufficient scholarly attention.¹³ These shortcomings demonstrate the need for a comprehensive normative analysis integrating criminal law doctrine, the principle of culpability, and Islamic legal theory to clarify the scope and legitimacy of parental criminal liability in child marriage cases.

Research emphasizing child protection commonly supports broader criminalization as an effective deterrent without sufficiently examining whether the imposition of criminal sanctions satisfies the principle of personal culpability.¹⁴ Conversely, studies grounded in Islamic law frequently discuss the legality of child marriage and the doctrine of *wilāyah al-ijbār* within classical jurisprudence but rarely evaluate their relevance in the contemporary criminal justice system. Existing scholarship also tends to

³ Matthew DiGiuseppe and Roos Haer, "The Wedding Bells of War: The Influence of Armed Conflict on Child Marriages in West Africa," *Journal of Peace Research* 60, no. 3 (2023): 474–88, <https://doi.org/10.1177/00223433221080056>.

⁴ Suqiong Fan, 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>.

⁵ Farida Ulvi Naimah et al., "Internalization of Local Traditions in Child Marriage from the Perspective of Maqasid Al-Usrah," *El-Mashlahah* 14, no. 2 (October 14, 2024): 237–58, <https://doi.org/10.23971/el-mashlahah.v14i2.7942>.

⁶ Dian Latifiani, "The Darkest Phase for Family: Child Marriage Prevention and Its Complexity in Indonesia," *Journal of Indonesian Legal Studies* 4, no. 2 (2019): 241–58, <https://doi.org/10.15294/jils.v4i2.34708>.

⁷ Alissa Koski, Shelley Clark, and Arijit Nandi, "Has Child Marriage Declined in Sub-Saharan Africa? An Analysis of Trends in 31 Countries," *Population and Development Review* 43, no. 1 (2017): 7–29, <https://doi.org/10.1111/padr.12035>.

⁸ Alissa Koski and Shelley Clark, "Child Marriage in Canada," *Population and Development Review* 47, no. 1 (2021): 57–78, <https://doi.org/10.1111/padr.12369>.

⁹ Jorge Garcia-Hombrados, "Child Marriage and Infant Mortality: Causal Evidence from Ethiopia," *Journal of Population Economics* 35, no. 3 (2022): 1163–1223, <https://doi.org/10.1007/s00148-021-00873-y>.

¹⁰ Tamara McGavock, "Here Waits the Bride? The Effect of Ethiopia's Child Marriage Law," *Journal of Development Economics* 149 (2021), <https://doi.org/10.1016/j.jdeveco.2020.102580>.

¹¹ Rima Mourtada, Jennifer Schlecht, and Jocelyn Dejong, "A Qualitative Study Exploring Child Marriage Practices Among Syrian Conflict-Affected Populations in Lebanon," *Conflict and Health* 11 (2017), <https://doi.org/10.1186/s13031-017-0131-z>.

¹² Sajeda Amin et al., "Eradicating Child Marriage in the Commonwealth: Is Investment in Girls' Education Sufficient?," *Round Table* 106, no. 2 (2017): 221–23, <https://doi.org/10.1080/00358533.2017.1299461>.

¹³ Ewa Batyra and Luca Maria Pesando, "Trends in Child Marriage and New Evidence on the Selective Impact of Changes in Age-at-Marriage Laws on Early Marriage," *SSM - Population Health* 14 (2021), <https://doi.org/10.1016/j.ssmph.2021.100811>.

¹⁴ Takudzwa S Sayi and Amson Sibanda, "Correlates of Child Marriage in Zimbabwe," *Journal of Family Issues* 39, no. 8 (2018): 2366–88, <https://doi.org/10.1177/0192513X18755198>.

overlook the interaction between statutory criminal law and Islamic criminal jurisprudence in determining the limits of parental responsibility. Consequently, the risk of overcriminalization remains insufficiently addressed,¹⁵ particularly in situations where parents act under structural pressures rather than criminal intent. This limitation demonstrates that previous studies have not adequately explained how Article 10 should distinguish between parents who intentionally exploit children and those whose decisions are shaped by poverty, social exclusion, cultural expectations, or pregnancy outside marriage. To address these shortcomings, this study positions itself at the intersection of criminal law and Islamic legal scholarship by integrating the principle of *geen straf zonder schuld* with *Fiqh Jinayah*. Unlike previous research, the study develops a normative framework that evaluates parental criminal liability through the combined lenses of culpability, proportionality, and *maqāṣid al-sharī'ah*, thereby offering a more coherent interpretation of Article 10 while preserving the fundamental objectives of child protection and substantive justice.

This study addresses two principal research questions. First, how should parental criminal liability for causing, facilitating, or allowing child marriage be interpreted under Article 10 of Law Number 12 of 2022 on the Crime of Sexual Violence? Second, to what extent can such criminal liability be justified from the perspective of *Fiqh Jinayah* while remaining consistent with the principle of *geen straf zonder schuld*? This study argues that parental criminal liability cannot be imposed automatically merely because parents facilitate or consent to child marriage. Instead, criminal responsibility should arise only where coercion, abuse of authority, and culpability are established through careful legal assessment, thereby preventing disproportionate punishment and ensuring compliance with the fundamental principles of criminal justice. Furthermore, the study argues that *Fiqh Jinayah*, interpreted through *maqāṣid al-sharī'ah*, provides a legitimate normative basis for limiting parental authority whenever it transforms into *ta'addī* that threatens the child's dignity, autonomy, and best interests. Accordingly, this study aims to formulate an integrated normative framework that reconciles positive criminal law with Islamic criminal jurisprudence in determining parental criminal liability under Article 10. Beyond the Indonesian context, the proposed framework contributes to the global discourse on child protection, proportional criminal liability, and legal pluralism by offering a doctrinal model for jurisdictions seeking to harmonize state law, religious legal traditions, and international human rights standards in addressing child marriage.

2. Method

This study employed a normative legal research design to examine the legal framework governing parental criminal liability for child marriage under Article 10 of Law Number 12 of 2022 on the Crime of Sexual Violence (*UU TPKS*). Normative legal research was selected because the research problem concerns the interpretation, coherence, and application of legal norms rather than empirical social behavior. The study focused on identifying legal principles governing criminal liability and evaluating their consistency with the principle of *geen straf zonder schuld* (no punishment without culpability) and the doctrines of *Fiqh Jinayah* (Islamic criminal jurisprudence). Data collection was conducted through a comprehensive library research, involving systematic identification, selection, and examination of legal materials. The primary legal materials consisted of Law Number 12 of 2022, the Indonesian Criminal Code (KUHP), and other statutory regulations concerning child protection, marriage, and sexual violence. Secondary legal materials comprised peer-reviewed journal articles, legal textbooks, scholarly commentaries, judicial decisions, and relevant national and international literature on criminal law, child marriage, and Islamic law. Tertiary legal materials included legal dictionaries, encyclopedias, official government publications, and reputable electronic legal databases used to clarify legal terminology and support doctrinal interpretation. Data were collected by the researchers through document analysis using structured documentation sheets that classified legal provisions, legal doctrines, and scholarly

¹⁵ Sudirman et al., "Examining the Complexity of Child Marriage as Sexual Violence in the Digital Era," *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (2023): 310–28, <https://doi.org/10.22219/ljih.v31i2.28881>.

arguments according to the research objectives, thereby ensuring systematic organization, consistency, and traceability throughout the research process.

The collected legal materials were analyzed qualitatively using a normative legal analysis framework combining grammatical, systematic, and teleological interpretation to determine the scope and legal meaning of Article 10 of Law Number 12 of 2022. A conceptual approach was subsequently applied to examine the relationship between positive criminal law and *Fiqh Jinayah*, particularly the concepts of *ta'addī* (unlawful transgression), *ta'zīr* (discretionary punishment), *wilāyah al-ijbār* (guardianship with compulsory authority), and *maqāṣid al-sharī'ah* (objectives of Islamic law). The analytical process employed legal reasoning to assess the proportionality of criminal liability by evaluating the elements of coercion, abuse of authority, culpability, and contextual social circumstances. To enhance methodological rigor, legal arguments were triangulated across statutory provisions, legal doctrines, judicial interpretations, and contemporary academic literature, ensuring consistency and doctrinal validity. The interpretation process emphasized internal legal coherence, comparative doctrinal analysis, and logical consistency rather than statistical measurement or empirical validation. The findings were synthesized deductively to formulate prescriptive legal conclusions and recommendations concerning the proper interpretation of parental criminal liability under Article 10 while preventing overcriminalization and maintaining conformity with the principles of criminal justice, child protection, and Islamic legal values. The methodological design provides sufficient procedural transparency to enable replication in future normative legal studies addressing comparable issues within plural legal systems.

3. Result and Discussion

3.1. Parental Criminal Liability under Article 10 of Law Number 12 of 2022

The criminalization of forced child marriage requires a precise identification of its constituent legal elements in order to distinguish criminal conduct from lawful parental decision-making. From the perspective of criminal law,¹⁶ liability cannot arise solely because a child enters into marriage at an early age; rather, the prosecution must establish the existence of coercive conduct, abuse of authority, and a legally relevant causal connection between the perpetrator's actions and the resulting harm. The element of coercion encompasses not only physical force but also psychological pressure, intimidation, threats, emotional manipulation, economic dependence, or exploitation of the child's vulnerable position. Because children generally possess limited autonomy and unequal bargaining power within family relationships, coercion frequently manifests in subtle forms that nevertheless eliminate genuine consent. Consequently, consent obtained through sustained pressure or fear cannot be regarded as legally valid. Equally important is the abuse of parental authority, whereby parents utilize their legal status as guardians to compel compliance rather than to protect the child's welfare. Such conduct transforms lawful guardianship into an instrument of domination, thereby exceeding the legal boundaries established by both criminal law and child protection principles. The causal relationship between coercive parental conduct and the child's marriage must also be demonstrated, showing that the marriage would not have occurred without the unlawful exercise of authority.¹⁷ Establishing these legal elements ensures that criminal sanctions target deliberate violations of children's rights rather than ordinary parental guidance or culturally accepted family decision-making. This analytical framework promotes legal certainty while preserving the fundamental distinction between legitimate parental responsibility and criminal abuse of power.

The evidentiary assessment of these legal elements should adopt a contextual rather than purely formal approach because coercion within family settings rarely occurs through explicit violence alone. Courts

¹⁶ Shanta Pandey, "Persistent Nature of Child Marriage Among Women Even When It Is Illegal: The Case of Nepal," *Children and Youth Services Review* 73 (2017): 242–47, <https://doi.org/10.1016/j.childyouth.2016.12.021>.

¹⁷ Neetu A John et al., "Do Gender-Based Pathways Influence Mental Health? Examining the Linkages Between Early Child Marriage, Intimate Partner Violence, and Psychological Well-Being among Young Ethiopian Women (18–24 Years Old)," *Youth and Society* 55, no. 6 (2023): 1155–72, <https://doi.org/10.1177/0044118X221079375>.

must therefore evaluate the entire pattern of parental behavior,¹⁸ including repeated emotional pressure, restrictions on education, threats of social exclusion,¹⁹ economic dependency, or manipulation through religious and cultural obligations that effectively deprive children of meaningful choice. Such circumstances demonstrate that coercion may operate cumulatively, producing psychological compulsion equivalent to direct physical force. Likewise, abuse of authority should be interpreted as any exercise of parental power that intentionally disregards the child's best interests in pursuit of family honor, financial gain, debt settlement, or preservation of customary expectations. The causal element is satisfied where these unlawful acts substantially contribute to the occurrence of the marriage and the foreseeable harms arising from it, including educational discontinuation, reproductive health risks, psychological trauma, and increased vulnerability to domestic violence. Importantly, the existence of cultural acceptance or family consensus cannot negate these legal elements because criminal liability depends upon the objective unlawfulness of the conduct rather than its social normalization. By emphasizing coercion, abuse of authority, and causation as cumulative requirements, the criminal law provides a coherent doctrinal basis for distinguishing punishable forced child marriage from lawful parental decision-making. Such an approach strengthens child protection while ensuring that criminal responsibility remains firmly grounded in identifiable legal standards consistent with the principles of legality, fairness, and proportionality.

Parental involvement in forced child marriage encompasses a broad spectrum of conduct that may give rise to criminal liability depending on the degree of participation, intent, and causal contribution to the unlawful act. Criminal responsibility should therefore not be confined solely to parents who directly arrange or solemnize the marriage but should also extend to those whose actions or omissions substantially facilitate the occurrence of coercive child marriage. Active involvement generally includes planning the marriage,²⁰ selecting the prospective spouse without the child's voluntary consent, negotiating marital agreements, compelling the child through threats or intimidation, falsifying age-related documents, or exerting continuous psychological pressure to ensure compliance. These actions demonstrate a deliberate exercise of parental authority for purposes inconsistent with the child's best interests and constitute direct participation in the commission of the offense. Conversely, passive involvement may arise where parents knowingly tolerate or fail to prevent forced child marriage despite possessing the legal authority and practical ability to intervene. Such omissions become legally significant when parents have a specific duty to protect their children but intentionally disregard that obligation. The distinction between active and passive participation is therefore not merely descriptive but serves as an important basis for determining the degree of culpability and the proportionality of criminal sanctions. By recognizing multiple forms of parental participation, criminal law avoids an overly narrow conception of liability and ensures that accountability reflects the actual contribution of each parent to the coercive marriage.

The assessment of parental involvement should adopt a functional approach that evaluates the parent's real influence over the decision-making process rather than relying exclusively on formal legal status. In many cases, coercion results from collective family decisions involving both parents, extended relatives, or community leaders, making it necessary to determine each participant's individual role within the broader chain of events.²¹ A parent who initiates negotiations, authorizes the marriage, finances the ceremony, or repeatedly pressures the child may bear a greater degree of responsibility than one whose involvement is limited or whose opposition is demonstrably ineffective. Similarly, parents who

¹⁸ Esther Miedema, Winny Koster, and Nicky Pouw, "Taking Choice Seriously: Emic Understandings of Decision-Making About Child Marriage," *Progress in Development Studies* 20, no. 4 (2020): 261–69, <https://doi.org/10.1177/1464993420965315>.

¹⁹ Lisa Cameron, Diana Contreras Suarez, and Susan Wieczkiewicz, "Child Marriage: Using the Indonesian Family Life Survey to Examine the Lives of Women and Men Who Married at an Early Age," *Review of Economics of the Household* 21, no. 3 (2023): 725–56, <https://doi.org/10.1007/s11150-022-09616-8>.

²⁰ Lucia Corno and Alessandra Voena, "Child Marriage as Informal Insurance: Empirical Evidence and Policy Simulations," *Journal of Development Economics* 162 (2023), <https://doi.org/10.1016/j.jdeveco.2023.103047>.

²¹ Kazi Nazrul Fattah and Suborna Camellia, "Poverty, Dowry and the 'Good Match': Revisiting Community Perceptions and Practices of Child Marriage in a Rural Setting in Bangladesh," *Journal of Biosocial Science* 54, no. 1 (2022): 39–53, <https://doi.org/10.1017/S0021932020000668>.

intentionally remain passive despite knowing that their child is being coerced may incur liability where their omission substantially contributes to the completion of the marriage. However, criminal responsibility should not be imposed automatically upon every family member associated with the marriage. Courts must distinguish between legally relevant participation and mere familial presence by examining evidence of intent,²² knowledge, authority, and causal contribution. This individualized assessment is consistent with the principles of personal culpability and prevents collective punishment based solely on family relationships. Furthermore, recognizing both active and passive forms of participation strengthens child protection by emphasizing that parental responsibility includes not only refraining from harmful conduct but also taking reasonable steps to prevent foreseeable violations of children's rights. Such an approach promotes a balanced application of criminal law that attributes liability according to actual participation while preserving the principles of fairness, proportionality, and individualized justice.

3.2. *Fiqh Jinayah* Perspective on Parental Criminal Liability

Forced child marriage can be conceptualized within *Fiqh Jinayah* as a form of *ta'addī*, namely an act of transgression that exceeds the legitimate boundaries of authority granted by Islamic law. Although Islamic jurisprudence recognizes parental guardianship (*wilāyah*) in matters of marriage, such authority is fundamentally conditional upon the achievement of welfare (*maṣlaḥah*) and the prevention of harm (*mafsadah*). Parental authority is therefore not an absolute right but a legal trust (*amānah*) that must be exercised responsibly for the protection of the child. When parents compel children to marry through threats, psychological pressure, manipulation, or exploitation of dependency, they transform legitimate guardianship into an instrument of domination. This transformation constitutes *ta'addī* because the exercise of authority no longer serves the objectives of Islamic law but instead produces harm against individuals who require protection. The essence of wrongdoing in forced child marriage lies not merely in the occurrence of an early marriage but in the misuse of parental power that eliminates meaningful consent and disregards the child's physical, psychological, and social readiness. Such conduct contradicts the Islamic legal maxim that harm must be removed (*al-ḍarar yuzāl*) and that every authority must be exercised within the limits of justice. Therefore, forced child marriage should be understood as a prohibited act because it represents an abuse of entrusted power rather than a legitimate exercise of family responsibility. This interpretation provides a strong doctrinal foundation for recognizing coercive marriage practices as legally blameworthy actions within Islamic criminal jurisprudence.

The legitimacy of criminal sanctions against parents who abuse their authority in forced child marriage can be explained through the concept of *ta'zīr* in *Fiqh Jinayah*. Unlike *ḥudūd* and *qisās*, which have fixed sanctions determined by textual sources, *ta'zīr* provides discretionary authority to the state or judge to impose punishment for unlawful acts that cause harm to individuals or society.²³ Forced child marriage falls within this category because the act violates fundamental principles of justice, protection, and human dignity, even though classical Islamic criminal law does not provide a specific fixed punishment for such conduct. The flexibility of *ta'zīr* allows Islamic legal systems to respond to contemporary social problems by considering the nature of the offense, the level of harm, the intention of the perpetrator, and the objectives of punishment. Parents who exploit their guardianship to force children into marriage commit a misuse of authority that undermines the protective function of family law. Therefore, sanctions imposed through *ta'zīr* are not contradictory to Islamic principles but represent an implementation of the Islamic obligation to prevent harm and maintain social order. The application of *ta'zīr* also demonstrates that Islamic criminal jurisprudence possesses adaptive mechanisms capable of addressing evolving forms of injustice. In the context of child protection, criminal sanctions function not only as punitive measures but also as preventive instruments to deter parental abuse and ensure accountability. Consequently,

²² Mariani Amberi, "Efforts to Prevent Child Age Marriage in The Study of Islamic Legal Philosophy and Indonesia Positive Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 31, 2023): 239, <https://doi.org/10.22373/sjhk.v7i1.12404>.

²³ Hoko Horii, "Child Marriage as a 'Solution' to Modern Youth in Bali," *Progress in Development Studies* 20, no. 4 (2020): 282–95, <https://doi.org/10.1177/1464993420977793>.

recognizing forced child marriage as a *ta'zīr* offense strengthens the compatibility between Islamic criminal theory and contemporary child protection policies.

The reinterpretation of *wilāyah al-ijbār* represents an important development in contemporary Islamic family law, particularly in addressing the tension between parental authority and children's rights. Classical jurisprudence recognized the authority of certain guardians, especially fathers, to arrange marriages for minors under specific conditions. However, this concept cannot be understood as granting unrestricted power to impose marriage decisions without considering the child's interests. In contemporary Islamic legal thought, *wilāyah al-ijbār* requires reconstruction from an authority-centered concept into a protection-oriented responsibility. The essence of guardianship is not domination but care, supervision, and ensuring the welfare of those under guardianship. Therefore, when guardians use *ijbār* to compel children into marriages that threaten their dignity, education, health, or psychological development, such actions exceed the legitimate scope of guardianship and constitute an abuse of authority. This reinterpretation is consistent with the objectives of Islamic law (*maqāṣid al-sharī'ah*), which prioritize justice, welfare, and prevention of harm. The child's interests must become the primary criterion in evaluating whether parental decisions are legally and morally justified. Accordingly, parental authority remains recognized within Islamic law, but it operates under ethical and legal limitations. The transformation of *wilāyah al-ijbār* from an absolute right into a protective mandate demonstrates the dynamic nature of Islamic jurisprudence in responding to contemporary realities. Such reconstruction enables Islamic family law to preserve the role of parents while simultaneously preventing the misuse of authority that results in violations of children's fundamental rights.

The protection of children from forced marriage can be analyzed through the framework of *maqāṣid al-sharī'ah*, particularly through the preservation of life (*ḥifẓ al-naḥs*), dignity (*ḥifẓ al-'ird*), and lineage (*ḥifẓ al-nasl*). These objectives provide the philosophical basis for understanding why coercive child marriage constitutes a violation of Islamic legal principles. The principle of *ḥifẓ al-naḥs* requires the protection of children's physical and psychological well-being. Forced marriage at an immature age may expose children to serious risks, including reproductive health problems, domestic violence, emotional trauma, and limitations on personal development. Meanwhile, *ḥifẓ al-'ird* emphasizes the protection of human dignity and personal integrity. The absence of genuine consent and the treatment of children as objects of family interests undermine their dignity as individuals with independent legal value. Furthermore, *ḥifẓ al-nasl* does not merely concern biological continuity but also requires the establishment of healthy and responsible family structures. Marriages involving children who lack emotional, social, and economic readiness may threaten the quality of future generations. Through this perspective, preventing forced child marriage becomes an implementation of Islamic legal objectives rather than a departure from religious principles. The application of *maqāṣid al-sharī'ah* demonstrates that Islamic law contains an internal framework for protecting vulnerable groups and responding to contemporary human rights concerns. Therefore, criminal intervention against coercive marriage practices can be justified as an effort to realize the higher objectives of Islamic law by protecting children's lives, dignity, and future welfare.

The relationship between national criminal law and *Fiqh Jinayah* in addressing forced child marriage demonstrates a significant potential for legal harmonization. Although both systems originate from different normative foundations, they share common objectives in protecting human dignity, preventing harm, and ensuring social justice. Indonesian criminal law emphasizes the protection of children as vulnerable legal subjects by prohibiting acts that exploit, coerce, or endanger their development. Similarly, *Fiqh Jinayah* recognizes that authority must be exercised responsibly and that harmful actions violating individual rights require legal consequences. The principle of *ta'zīr*, the prohibition of harm (*ḍarar*), and the obligation to uphold justice provide Islamic legal justification for state intervention against abusive parental conduct. Therefore, criminal sanctions against forced child marriage should not be perceived as conflicting with Islamic values but rather as an institutional expression of Islamic principles within a modern legal framework. Harmonization between these systems requires an interpretive approach that identifies shared values rather than emphasizing differences in legal terminology. National criminal law provides procedural mechanisms and institutional enforcement, while *Fiqh Jinayah* contributes ethical

and philosophical foundations regarding accountability and justice. This integration creates a plural legal framework capable of addressing contemporary social problems while respecting religious and cultural dimensions. Consequently, the criminalization of forced child marriage represents a convergence between positive law and Islamic legal reasoning, demonstrating that child protection can become a common objective across different legal traditions.

Child marriage as *ta'addī*, a punishable act under the framework of *ta'zīr*, and a violation of the objectives of *maqāṣid al-sharī'ah* generates significant transformative implications for child protection and legal reform. The central implication of this reconstruction is the redefinition of parental authority from an extensive familial power into a legally and ethically limited responsibility oriented toward the protection of children's welfare.²⁴ Parents remain recognized as important actors in family decision-making, yet their authority cannot be exercised in ways that undermine children's dignity,²⁵ autonomy, and fundamental rights.²⁶ This perspective challenges traditional approaches that position marriage decisions exclusively within the private domain of the family and reinforces the understanding that forced child marriage constitutes a matter of public concern requiring legal intervention. Furthermore, the integration between criminal law and *Fiqh Jinayah* demonstrates that child protection can be strengthened through a plural legal framework that combines statutory regulation, Islamic legal principles, and human rights values. Such integration does not eliminate the role of religious or customary norms but reconstructs them according to the higher objectives of justice and welfare. The reformulation of *wilāyah al-ijbār*, the recognition of *ta'zīr* as a basis for punishment, and the application of *maqāṣid al-sharī'ah* collectively provide a conceptual foundation for preventing parental abuse and strengthening accountability mechanisms. Therefore, legal reform should not be limited to criminalization but should also include preventive policies,²⁷ community education, institutional supervision, and the development of child-sensitive legal procedures.²⁸ Through this transformative approach, the legal system can move beyond merely responding to violations and instead establish a comprehensive framework that protects children, respects family values, and ensures that all forms of authority operate within the boundaries of justice and responsibility.

3.3. Reconciling Criminal Justice and *Fiqh Jinayah* in Parental Criminal Liability for Child Marriage

The criminalization of child marriage under Article 10 of Law Number 12 of 2022 represents a significant transformation in Indonesian criminal law by redefining forced child marriage as a public offense subject to criminal sanctions rather than a purely private family matter.²⁹ However, this study confirms that parental criminal liability cannot be imposed automatically solely because parents facilitate or consent to child marriage.³⁰ Instead,³¹ criminal responsibility must be established through proof of coercion, abuse of authority,³² and criminal culpability in accordance with the principle of *geen straf zonder schuld* (no

²⁴ 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), <https://doi.org/10.1016/j.childyouth.2019.06.017>.

²⁵ Megan Arthur et al., "Child Marriage Laws around the World: Minimum Marriage Age, Legal Exceptions, and Gender Disparities," *Journal of Women, Politics and Policy* 39, no. 1 (2018): 51–74, <https://doi.org/10.1080/1554477X.2017.1375786>.

²⁶ Elizabeth Anokyewaa Sarfo, Joana Salifu Yendork, and Anthony Vernon Naidoo, "Understanding Child Marriage in Ghana: The Constructions of Gender and Sexuality and Implications for Married Girls," *Child Care in Practice* 28, no. 2 (2022): 228–41, <https://doi.org/10.1080/13575279.2019.1701411>.

²⁷ Adenike Onagoruwa and Quentin Wodon, "Measuring the Impact of Child Marriage on Total Fertility: A Study for Fifteen Countries," *Journal of Biosocial Science* 50, no. 5 (2018): 626–39, <https://doi.org/10.1017/S0021932017000542>.

²⁸ Anita Raj et al., "Application of Machine Learning to Understand Child Marriage in India," *SSM - Population Health* 12 (December 2020): 100687, <https://doi.org/10.1016/j.ssmph.2020.100687>.

²⁹ Siti Musawwamah et al., "Resistance to Child Marriage Prevention in Indonesia and Malaysia," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 259–80, <https://doi.org/10.15408/ajis.v23i1.32014>.

³⁰ Husain Al-Hakami and Kenneth McLaughlin, "Debatable Marriages: Marriage and Child Marriage in Saudi Arabia," *Marriage and Family Review* 52, no. 7 (2016): 654–64, <https://doi.org/10.1080/01494929.2016.1157119>.

³¹ Shella Oetharry Gunawan and Syamsul Bahri, "Impacts of Early Childhood Marriage in Indonesia Viewed from Child Protection Laws Perspectives," *El-Ussrah* 6, no. 2 (2023): 362–80, <https://doi.org/10.22373/ujhk.v6i2.20262>.

³² S M Mostafa Kamal and Efehan Ulas, "Child Marriage and Its Impact on Fertility and Fertility-Related Outcomes in South Asian Countries," *International Sociology* 36, no. 3 (2021): 362–77, <https://doi.org/10.1177/0268580920961316>.

punishment without culpability).³³ The results further reveal that distinguishing intentional exploitation from parental conduct shaped by socioeconomic and cultural pressures is essential to preventing disproportionate punishment.³⁴ From the perspective of *Fiqh Jinayah* (Islamic criminal jurisprudence), forced child marriage constitutes *ta'addī* (unlawful transgression) that may legitimately be sanctioned through *ta'zīr* (discretionary punishment) when parental authority is exercised in a manner that harms the child's dignity and autonomy.³⁵ At the same time, the classical doctrine of *wilāyah al-ijbār* (guardianship with compulsory authority) cannot be understood as an unrestricted parental privilege but must be interpreted as protection-based authority consistent with the objectives of Islamic law.³⁶ Consequently, both positive criminal law and Islamic legal principles converge in recognizing that criminal sanctions are justified only where parental authority is abused to compel child marriage, thereby reinforcing child protection while preserving proportionality,³⁷ legal certainty, and substantive justice within Indonesia's plural legal system.³⁸

Child marriage cases reflect the interaction between legal,³⁹ socioeconomic,⁴⁰ cultural,⁴¹ and institutional factors rather than a single act of individual wrongdoing.⁴² This study indicates that poverty remains one of the most influential drivers,⁴³ as economically vulnerable families frequently perceive child marriage as a strategy to reduce financial burdens or secure their children's future under conditions of limited educational and employment opportunities. Cultural traditions and community expectations further reinforce this practice by encouraging early marriage to preserve family honor,⁴⁴ maintain customary values, or avoid social stigma associated with premarital relationships. Pregnancy outside marriage also constitutes a significant contributing factor because many parents view marriage as the only socially acceptable solution to restore family reputation despite the adverse consequences for the child. Nevertheless, these structural pressures cannot automatically eliminate criminal responsibility when parents intentionally employ coercion,⁴⁵ intimidation,⁴⁶ or abuse their parental authority to compel a child into marriage. The findings further reveal that inconsistent interpretation of legal provisions and the absence of comprehensive implementation guidelines create uncertainty regarding the threshold

³³ Nicola Jones et al., "Constrained Choices: Exploring the Complexities of Adolescent Girls' Voice and Agency in Child Marriage Decisions in Ethiopia," *Progress in Development Studies* 20, no. 4 (2020): 296–311, <https://doi.org/10.1177/1464993420958215>.

³⁴ Supriyadi Supriyadi and Siti Suriyati, "Judges' Legal Culture in Dealing with High Number of Applications for Child Marriage Dispensation During COVID-19 Pandemic at the Kudus Religious Court," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (June 30, 2022): 273–98, <https://doi.org/10.19105/al-ihkam.v17i1.6060>.

³⁵ Qodariah Barkah et al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 2 (2022): 383–411, <https://doi.org/10.19105/al-ihkam.v17i2.6725>.

³⁶ Mary E. John, *Child Marriage in an International Frame: A Feminist Review from India*, *Child Marriage in an International Frame: A Feminist Review from India* (Taylor and Francis, 2021), <https://doi.org/10.4324/9781003158592>.

³⁷ Katherine A. McClendon et al., "Intersections of Girl Child Marriage and Family Planning Beliefs and Use: Qualitative Findings from Ethiopia and India," *Culture, Health and Sexuality* 20, no. 7 (2018): 799–814, <https://doi.org/10.1080/13691058.2017.1383513>.

³⁸ Muazzam Nasrullah et al., "Child Marriage and Women's Attitude Towards Wife Beating in a Nationally Representative Sample of Currently Married Adolescent and Young Women in Pakistan," *International Health* 9, no. 1 (2017): 20–28, <https://doi.org/10.1093/inthealth/ihw047>.

³⁹ Sastro Mustapa Wantu et al., "Early Child Marriage: Customary Law, Support System, and Unwed Pregnancy in Gorontalo," *Samarah* 5, no. 2 (2021): 780–803, <https://doi.org/10.22373/sjrhk.v5i2.9573>.

⁴⁰ Ishita Pande, *Sex, Law, and the Politics of Age: Child Marriage in India, 1891–1937*, *Sex, Law, and the Politics of Age: Child Marriage in India, 1891–1937* (Cambridge University Press, 2020), <https://doi.org/10.1017/9781108779326>.

⁴¹ Andrea J. Melnikas et al., "Child Marriage Practices Among the Rohingya in Bangladesh," *Conflict and Health* 14, no. 1 (2020), <https://doi.org/10.1186/s13031-020-00274-0>.

⁴² Pintu Paul, "Child Marriage Among Girls in India: Prevalence, Trends and Socio-Economic Correlates," *Indian Journal of Human Development* 14, no. 2 (2020): 304–19, <https://doi.org/10.1177/0973703020950263>.

⁴³ Alissa Koski and Jody Heymann, "Child Marriage in the United States: How Common Is the Practice, And Which Children Are at Greatest Risk?," *Perspectives on Sexual and Reproductive Health* 50, no. 2 (2018): 59–65, <https://doi.org/10.1363/psrh.12055>.

⁴⁴ Susan A. Bartels, Saja Michael, and Annie Bunting, "Child Marriage among Syrian Refugees in Lebanon: At the Gendered Intersection of Poverty, Immigration, and Safety," *Journal of Immigrant and Refugee Studies* 19, no. 4 (2021): 472–87, <https://doi.org/10.1080/15562948.2020.1839619>.

⁴⁵ Anthin Lathifah, Briliyan Ernawati, and Anwar Masduki, "Problems with the Islamic Legal System Regarding Child Marriages in Indonesia during the COVID-19 Pandemic Period," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (December 2, 2022): 155–76, <https://doi.org/10.18326/ijtihad.v22i2.155-176>.

⁴⁶ Kara Hunersen et al., "Child Marriage in Yemen: A Mixed Methods Study in Ongoing Conflict and Displacement," *Journal of Refugee Studies* 34, no. 4 (2021): 4551–71, <https://doi.org/10.1093/jrs/feaa144>.

between legitimate parental guidance and unlawful coercion.⁴⁷ In addition, limited access to social protection programs, counseling services, and reproductive health education often leaves families without viable alternatives to child marriage.⁴⁸ These interconnected conditions explain why the criminalization of parents should not be applied mechanically but instead requires careful assessment of culpability,⁴⁹ the surrounding social context,⁵⁰ and the existence of coercive conduct to ensure that criminal law functions as an instrument of justice rather than merely a punitive response to broader structural problems.⁵¹

The findings have important legal and social implications for strengthening child protection while preserving the fundamental principles of criminal justice.⁵² Interpreting parental criminal liability through the principle of *geen straf zonder schuld* ensures that criminal sanctions are imposed only where coercion, abuse of authority,⁵³ and culpability are proven, thereby enhancing legal certainty and preventing arbitrary punishment.⁵⁴ Such an approach also reinforces proportionality by distinguishing parents who intentionally exploit their children from those whose decisions are influenced by severe socioeconomic pressures, although structural hardship cannot serve as a blanket justification for conduct that violates children's rights.⁵⁵ From a child protection perspective,⁵⁶ this interpretation promotes the recognition of children as autonomous legal subjects whose dignity,⁵⁷ bodily integrity,⁵⁸ and freedom of consent deserve equal protection under both national law and international human rights standards.⁵⁹ The study further demonstrates that the contextual reinterpretation of *wilāyah al-ijbār* transforms the classical concept of guardianship from an authority-centered doctrine into a protection-centered responsibility that prioritizes the child's welfare.⁶⁰ This reinterpretation is consistent with *maqāṣid al-sharī'ah*, particularly the objectives of preserving life (*ḥifẓ al-nafs*),⁶¹ dignity (*ḥifẓ al-'ird*), and lineage (*ḥifẓ al-nasl*), which collectively reject coercive child marriage as a source of harm rather than benefit.⁶² Consequently, integrating criminal law with Islamic criminal jurisprudence not only reduces the risk of overcriminalization but also establishes a more balanced normative framework capable of protecting children, respecting religious values,

⁴⁷ Chata Male and Quentin Wodon, "Girls' Education and Child Marriage in West and Central Africa: Trends, Impacts, Costs, and Solutions*," *Forum for Social Economics* 47, no. 2 (2018): 262–74, <https://doi.org/10.1080/07360932.2018.1451771>.

⁴⁸ Ikhwannuddin Harahap, Erie Hariyanto, and Fatahuddin Aziz Siregar, "Understanding The Rise of Childfree Marriage: Avoiding Toxic Family, Being Happy and Well Without Children Despite Contradiction With Maqashid Al-Sharia," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 302–29, <https://doi.org/10.29240/jhi.v10i1.9984>.

⁴⁹ M Niaz Asadullah, Kazi Md Mukitl Islam, and Zaki Wahhaj, "Child Marriage, Climate Vulnerability and Natural Disasters in Coastal Bangladesh," *Journal of Biosocial Science* 53, no. 6 (2021): 948–67, <https://doi.org/10.1017/S0021932020000644>.

⁵⁰ Mies Grijs and Hoko Horii, "Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns," *Asian Journal of Law and Society* 5, no. 2 (2018): 453–66, <https://doi.org/10.1017/als.2018.9>.

⁵¹ M Anwar Nawawi et al., "Harmonization of Islam and Human Rights: Judges' Legal Arguments in Rejecting Child Marriage Dispensation in Sukadana, Indonesia," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 1 (2022): 117–33, <https://doi.org/10.18326/ijtihad.v22i1.117-133>.

⁵² Magda Tsaneva, "The Effect of Weather Variability on Child Marriage in Bangladesh," *Journal of International Development* 32, no. 8 (2020): 1346–59, <https://doi.org/10.1002/jid.3507>.

⁵³ E Kay M Tisdall and Patricio Cuevas-Parra, "Challenges for Children's Participation: Child Activism for Ending Child Marriage," *Children and Youth Services Review* 108 (2020), <https://doi.org/10.1016/j.childyouth.2019.104568>.

⁵⁴ Hattie Lowe et al., "If She Gets Married When She Is Young, She Will Give Birth to Many Kids': A Qualitative Study of Child Marriage Practices Amongst Nomadic Pastoralist Communities in Kenya," *Culture, Health and Sexuality* 24, no. 7 (2022): 886–901, <https://doi.org/10.1080/13691058.2021.1893821>.

⁵⁵ Yayan Sopyan et al., "Child Exploitation by Parents in Early Marriage: Case Study in Cianjur West Java, Indonesia," *Samarah* 7, no. 3 (2023): 1921–42, <https://doi.org/10.22373/sjhk.v7i3.14804>.

⁵⁶ Omid Dadras, Tanaporn Khampaya, and Takeo Nakayama, "Child Marriage, Reproductive Outcomes, and Service Utilization among Young Afghan Women: Findings from a Nationally Representative Survey in Afghanistan," *Studies in Family Planning* 53, no. 3 (2022): 417–31, <https://doi.org/10.1111/sifp.12207>.

⁵⁷ Yvette Efevbera et al., "Girl Child Marriage as a Risk Factor for Early Childhood Development and Stunting," *Social Science and Medicine* 185 (2017): 91–101, <https://doi.org/10.1016/j.socscimed.2017.05.027>.

⁵⁸ Dadras, Khampaya, and Nakayama, "Child Marriage, Reproductive Outcomes, and Service Utilization among Young Afghan Women: Findings from a Nationally Representative Survey in Afghanistan."

⁵⁹ Lotus McDougal et al., "Mapping the Patchwork: Exploring the Subnational Heterogeneity of Child Marriage in India," *SSM - Population Health* 12 (2020), <https://doi.org/10.1016/j.ssmph.2020.100688>.

⁶⁰ Hoko Horii, "Pluralistic Legal System, Pluralistic Human Rights?: Teenage Pregnancy, Child Marriage and Legal Institutions in Bali," *Journal of Legal Pluralism and Unofficial Law* 51, no. 3 (2019): 292–319, <https://doi.org/10.1080/07329113.2019.1683429>.

⁶¹ Srila Roy, "Enacting/Disrupting the Will to Empower: Feminist Governance of 'Child Marriage' in Eastern India," *Signs* 42, no. 4 (2017): 867–91, <https://doi.org/10.1086/690954>.

⁶² Deepita Chakravarty, "Lack of Economic Opportunities and Persistence of Child Marriage in West Bengal," *Indian Journal of Gender Studies* 25, no. 2 (2018): 180–204, <https://doi.org/10.1177/0971521518761430>.

promoting substantive justice, and enhancing public confidence in the legitimacy of criminal law within a plural legal system.

The findings of this study both support and extend previous scholarship on child marriage by introducing a more integrated framework for assessing parental criminal liability. Earlier studies have predominantly examined child marriage from the perspectives of human rights, gender equality, public health, child protection, and Islamic family law,⁶³ consistently concluding that stronger legal intervention is necessary to eliminate harmful marriage practices.⁶⁴ Other scholars have focused on judicial discretion in marriage dispensation cases,⁶⁵ the effectiveness of raising the minimum marriage age,⁶⁶ and the influence of cultural and religious institutions on the persistence of child marriage. Although these studies successfully demonstrate the adverse consequences of child marriage,⁶⁷ they generally pay limited attention to the doctrinal foundations of parental criminal responsibility within criminal law. Likewise, research grounded in *Fiqh Jinayah* has mainly discussed the legality of guardianship,⁶⁸ consent, and marriage validity without comprehensively examining their relationship with modern criminal liability.⁶⁹ In contrast, this study positions parental criminal liability within an integrated normative framework that combines the principle of *geen straf zonder schuld* (no punishment without culpability) with *Fiqh Jinayah* and *maqāṣid al-sharī'ah*.⁷⁰ This integrated approach enables a clearer distinction between intentional coercion and parental conduct influenced by structural social conditions while maintaining effective child protection.⁷¹ Accordingly, the principal novelty of this study lies in reconciling criminal law doctrine with Islamic criminal jurisprudence to formulate a proportional model of parental criminal liability that simultaneously advances child protection, legal certainty, substantive justice, and legal pluralism within contemporary criminal justice systems.⁷²

Recommendations of this study emphasize the need for conceptual, methodological, practical, and policy reforms to ensure that the criminalization of child marriage is implemented fairly and effectively. Conceptually, parental criminal liability should be reconstructed around the principle of culpability so that criminal sanctions are imposed exclusively where coercion,⁷³ abuse of authority, and intentional wrongdoing are established through rigorous judicial assessment.⁷⁴ Methodologically, future research should employ comparative analyses across jurisdictions with plural legal systems to evaluate how criminal law, religious law, and customary law interact in regulating parental responsibility for child marriage. From a policy perspective, comprehensive implementation guidelines should be developed to clarify the interpretation of coercion, abuse of parental authority, and evidentiary standards, thereby

⁶³ Ahmad Rusyaid Idris, Muhammad Khusaini, and Syaiful Anwar Al-Mansyuri, "Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage," *MILRev : Metro Islamic Law Review* 3, no. 1 (April 4, 2024): 1, <https://doi.org/10.32332/milrev.v3i1.8907>.

⁶⁴ Quentin Wodon, Minh Cong Nguyen, and Clarence Tsimpo, "Child Marriage, Education, and Agency in Uganda," *Feminist Economics* 22, no. 1 (2016): 54–79, <https://doi.org/10.1080/13545701.2015.1102020>.

⁶⁵ Quentin Wodon, "Early Childhood Development in the Context of the Family: The Case of Child Marriage," *Journal of Human Development and Capabilities* 17, no. 4 (2016): 590–98, <https://doi.org/10.1080/19452829.2016.1245277>.

⁶⁶ Muliani Ratnaningsih et al., "Child Marriage Acceptability Index (CMAI) as an Essential Indicator: An Investigation in South and Central Sulawesi, Indonesia," *Global Health Research and Policy* 7, no. 1 (2022), <https://doi.org/10.1186/s41256-022-00252-4>.

⁶⁷ Kathryn M Yount et al., "Child Marriage and Intimate Partner Violence in Rural Bangladesh: A Longitudinal Multilevel Analysis," *Demography* 53, no. 6 (2016): 1821–52, <https://doi.org/10.1007/s13524-016-0520-8>.

⁶⁸ Md. Golam Hossain, Rashidul Alam Mahumud, and Aik Saw, "Prevalence of Child Marriage Among Bangladeshi Women and Trend of Change Over Time," *Journal of Biosocial Science* 48, no. 4 (2016): 530–38, <https://doi.org/10.1017/S0021932015000279>.

⁶⁹ Dwi Aprilianto et al., "The Controversy of Child Marriage Culture in The Perspective of Maqāṣid Al-Usrah: A Case Study of The Authority of Lebe' in Brebes," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (2024): 199–218, <https://doi.org/10.24090/mnh.v18i2.11554>.

⁷⁰ Thais Bessa, "Informed Powerlessness: Child Marriage Interventions and Third World Girlhood Discourses," *Third World Quarterly* 40, no. 11 (2019): 1941–56, <https://doi.org/10.1080/01436597.2019.1626229>.

⁷¹ Neetu A John et al., "Child Marriage and Relationship Quality in Ethiopia," *Culture, Health and Sexuality* 21, no. 8 (2019): 853–66, <https://doi.org/10.1080/13691058.2018.1520919>.

⁷² Jacqueline S DeAnda et al., "After the Marriage Is Over: Mothers' Separation Distress and Children's Postdivorce Adjustment," *Family Relations* 69, no. 5 (2020): 1113–27, <https://doi.org/10.1111/fare.12434>.

⁷³ Hongjian Cao et al., "Chinese Adult Children's Perceived Parents' Satisfaction with Adult Children's Marriage, In-Law Relationship Quality, and Adult Children's Marital Satisfaction," *Journal of Social and Personal Relationships* 36, no. 4 (2019): 1098–1122, <https://doi.org/10.1177/0265407518755319>.

⁷⁴ Aditi Wahi et al., "The Lived Experience of Child Marriage in the United States," *Social Work in Public Health* 34, no. 3 (2019): 201–13, <https://doi.org/10.1080/19371918.2019.1575312>.

promoting consistent law enforcement and minimizing the risk of overcriminalization. Practically, judges, prosecutors, investigators, and child protection officers should receive specialized training on applying the principle of *geen straf zonder schuld* alongside the contextual interpretation of *Fiqh Jinayah* and *maqāṣid al-sharī'ah* in cases involving forced child marriage. At the global level, this study recommends developing a child protection framework that balances children's rights, proportional criminal liability, and legal pluralism while respecting the diversity of religious and cultural traditions. Such an approach would strengthen international efforts to eradicate child marriage by demonstrating that effective child protection can coexist with criminal justice principles, Islamic legal values, and internationally recognized human rights standards within diverse legal systems.

4. Conclusion

This study demonstrates that parental criminal liability for child marriage under Article 10 of Law Number 12 of 2022 on the Crime of Sexual Violence cannot be imposed as a form of strict liability but must be established through proof of coercion, abuse of authority, and criminal culpability in accordance with the principle of *geen straf zonder schuld* (no punishment without culpability). The findings indicate that criminal liability should not automatically arise merely because parents facilitate or consent to a child marriage. Instead, law enforcement authorities must distinguish situations involving deliberate exploitation from those shaped by structural factors, including extreme poverty, cultural pressure, social exclusion, or pregnancy outside marriage. Such differentiation is essential to prevent overcriminalization while preserving the protective purpose of child marriage legislation. From the perspective of *Fiqh Jinayah*, the study confirms that *wilāyah al-ijbār* (guardianship with compulsory authority) cannot be interpreted as an unrestricted parental privilege but should be understood as a protection-based authority guided by *maqāṣid al-sharī'ah* (objectives of Islamic law). Once parental authority transforms into *ta'addī* (unlawful transgression) that violates a child's free consent (*riḍā*) and fundamental rights, the State possesses legitimate authority to impose *ta'zīr* (discretionary punishment) to safeguard life, dignity, and the best interests of the child. Accordingly, proportional criminal enforcement strengthens child protection without disregarding the foundational principles of criminal justice.

Conceptually, this study contributes to the development of criminal law and Islamic legal scholarship by integrating the principle of culpability with *Fiqh Jinayah* into a coherent normative framework for interpreting parental criminal liability in child marriage cases. Unlike conventional analyses that emphasize either statutory interpretation or religious doctrine independently, this study demonstrates that child protection can be strengthened without abandoning the fundamental requirement of personal culpability. Methodologically, the integration of statutory interpretation, doctrinal legal reasoning, and *maqāṣid al-sharī'ah* analysis offers a replicable model for examining legal issues arising within plural legal systems. Theoretically, the findings reaffirm that criminal sanctions should function as proportional instruments of justice rather than automatic mechanisms of punishment, particularly where criminal responsibility intersects with complex social and cultural realities. Beyond the Indonesian context, the proposed framework contributes to the global discourse on child protection, criminal justice, and legal pluralism by illustrating how positive law and religious legal traditions can be reconciled to achieve substantive justice while preventing overcriminalization. This integrated approach provides a reference for legislators, judges, and legal scholars in jurisdictions seeking to balance children's rights, proportional criminal liability, and culturally responsive legal interpretation.

Declarations

Author Contribution Statement

Nazwa Bunga Rezki Perdana Lubis and Iwan contributed equally to the conception, design, writing, and final approval of the manuscript.

Funding Statement

This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

Data Availability Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request. No publicly archived datasets were used or generated during the current research.

Declaration of Interests Statement

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

Additional Information

Correspondence and requests for materials should be addressed to nazwa0205223049@uinsu.ac.id

ORCID

Nazwa Bunga Rezki Perdana Lubis  <https://orcid.org/0009-0002-5079-8551>

Iwan  <https://orcid.org/0000-0002-9542-9453>

References

- Al-Hakami, Husain, and Kenneth McLaughlin. "Debatable Marriages: Marriage and Child Marriage in Saudi Arabia." *Marriage & Family Review* 52, no. 7 (2016): 654–64. <https://doi.org/10.1080/01494929.2016.1157119>.
- Amberi, Mariani. "Efforts to Prevent Child Age Marriage in the Study of Islamic Legal Philosophy and Indonesia Positive Law." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 1 (2023): 239–59. <https://doi.org/10.22373/sjkh.v7i1.12404>.
- Amin, Sajeda, M. Niaz Asadullah, Sara Hossain, and Zaki Wahhaj. "Eradicating Child Marriage in the Commonwealth: Is Investment in Girls' Education Sufficient?" *Round Table* 106, no. 2 (2017): 221–23. <https://doi.org/10.1080/00358533.2017.1299461>.
- Aprilianto, Dwi, Farida Ulvi Na'imah, Ahmad Fauzi, and Lu'Lu' Il Maknuun. "The Controversy of Child Marriage Culture in the Perspective of *Maqāṣid al-Ushrah*: A Case Study of the Authority of Lebe' in Brebes." *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (2024): 199–218. <https://doi.org/10.24090/mnh.v18i2.11554>.
- Arthur, Megan, Alison Earle, Amy Raub, Ilona Vincent, Efe Atabay, Isabel Latz, Gabriella Kranz, Arijit Nandi, and Jody Heymann. "Child Marriage Laws around the World: Minimum Marriage Age, Legal Exceptions, and Gender Disparities." *Journal of Women, Politics & Policy* 39, no. 1 (2018): 51–74. <https://doi.org/10.1080/1554477X.2017.1375786>.
- Asadullah, M. Niaz, Kazi Md. Mukitl Islam, and Zaki Wahhaj. "Child Marriage, Climate Vulnerability and Natural Disasters in Coastal Bangladesh." *Journal of Biosocial Science* 53, no. 6 (2021): 948–67. <https://doi.org/10.1017/S0021932020000644>.
- Barkah, Qodariah, Arne Huzaimah, Siti Rachmiyatun, Andriyani, and Zulmi Ramdani. "Abandonment of Women's Rights in Child Marriage: An Islamic Law Perspective." *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, no. 2 (2022): 383–411. <https://doi.org/10.19105/al-Ihkam.v17i2.6725>.
- Bartels, Susan A., Saja Michael, and Annie Bunting. "Child Marriage among Syrian Refugees in Lebanon: At the Gendered Intersection of Poverty, Immigration, and Safety." *Journal of Immigrant & Refugee Studies* 19, no. 4 (2021): 472–87. <https://doi.org/10.1080/15562948.2020.1839619>.
- Batyra, Ewa, and Luca Maria Pesando. "Trends in Child Marriage and New Evidence on the Selective Impact of Changes in Age-at-Marriage Laws on Early Marriage." *SSM – Population Health* 14 (2021). <https://doi.org/10.1016/j.ssmph.2021.100811>.

- Bessa, Thais. "Informed Powerlessness: Child Marriage Interventions and Third World Girlhood Discourses." *Third World Quarterly* 40, no. 11 (2019): 1941–56. <https://doi.org/10.1080/01436597.2019.1626229>.
- 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). <https://doi.org/10.1016/j.childyouth.2019.06.017>.
- Cameron, Lisa, Diana Contreras Suarez, and Susan Wieczkiewicz. "Child Marriage: Using the Indonesian Family Life Survey to Examine the Lives of Women and Men Who Married at an Early Age." *Review of Economics of the Household* 21, no. 3 (2023): 725–56. <https://doi.org/10.1007/s11150-022-09616-8>.
- Cao, Hongjian, Mark Fine, Xiaoyi Fang, and Nan Zhou. "Chinese Adult Children's Perceived Parents' Satisfaction with Adult Children's Marriage, In-Law Relationship Quality, and Adult Children's Marital Satisfaction." *Journal of Social and Personal Relationships* 36, no. 4 (2019): 1098–1122. <https://doi.org/10.1177/0265407518755319>.
- Chakravarty, Deepita. "Lack of Economic Opportunities and Persistence of Child Marriage in West Bengal." *Indian Journal of Gender Studies* 25, no. 2 (2018): 180–204. <https://doi.org/10.1177/0971521518761430>.
- Corno, Lucia, and Alessandra Voena. "Child Marriage as Informal Insurance: Empirical Evidence and Policy Simulations." *Journal of Development Economics* 162 (2023). <https://doi.org/10.1016/j.jdevec.2023.103047>.
- Dadras, Omid, Tanaporn Khampaya, and Takeo Nakayama. "Child Marriage, Reproductive Outcomes, and Service Utilization among Young Afghan Women: Findings from a Nationally Representative Survey in Afghanistan." *Studies in Family Planning* 53, no. 3 (2022): 417–31. <https://doi.org/10.1111/sifp.12207>.
- DeAnda, Jacqueline S., Michael R. Langlais, Edward R. Anderson, and Shannon M. Greene. "After the Marriage Is Over: Mothers' Separation Distress and Children's Postdivorce Adjustment." *Family Relations* 69, no. 5 (2020): 1113–27. <https://doi.org/10.1111/fare.12434>.
- DiGiuseppe, Matthew, and Roos Haer. "The Wedding Bells of War: The Influence of Armed Conflict on Child Marriages in West Africa." *Journal of Peace Research* 60, no. 3 (2023): 474–88. <https://doi.org/10.1177/00223433221080056>.
- Duran, Songül, and Selma Tepehan Eraslan. "Socio-Demographic Correlates of Child Marriages: A Study from Turkey." *Community Mental Health Journal* 55, no. 7 (2019): 1202–9. <https://doi.org/10.1007/s10597-019-00433-5>.
- Efevbera, Yvette, Jacqueline Bhabha, Paul E. Farmer, and Günther Fink. "Girl Child Marriage as a Risk Factor for Early Childhood Development and Stunting." *Social Science & Medicine* 185 (2017): 91–101. <https://doi.org/10.1016/j.socscimed.2017.05.027>.
- 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>.
- Fattah, Kazi Nazrul, and Suborna Camellia. "Poverty, Dowry and the 'Good Match': Revisiting Community Perceptions and Practices of Child Marriage in a Rural Setting in Bangladesh." *Journal of Biosocial Science* 54, no. 1 (2022): 39–53. <https://doi.org/10.1017/S0021932020000668>.
- Garcia-Hombrados, Jorge. "Child Marriage and Infant Mortality: Causal Evidence from Ethiopia." *Journal of Population Economics* 35, no. 3 (2022): 1163–1223. <https://doi.org/10.1007/s00148-021-00873-y>.
- Grijns, Mies, and Hoko Horii. "Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns." *Asian Journal of Law and Society* 5, no. 2 (2018): 453–66. <https://doi.org/10.1017/als.2018.9>.
- Gunawan, Shella Oetharry, and Syamsul Bahri. "Impacts of Early Childhood Marriage in Indonesia Viewed from Child Protection Laws Perspectives." *El-Usrah* 6, no. 2 (2023): 362–80. <https://doi.org/10.22373/ujhk.v6i2.20262>.

- Harahap, Ikhwanuddin, Erie Hariyanto, and Fatahuddin Aziz Siregar. "Understanding the Rise of Childfree Marriage: Avoiding Toxic Family, Being Happy and Well Without Children Despite Contradiction with *Maqashid al-Sharia*." *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 302–29. <https://doi.org/10.29240/jhi.v10i1.9984>.
- Horii, Hoko. "Child Marriage as a 'Solution' to Modern Youth in Bali." *Progress in Development Studies* 20, no. 4 (2020): 282–95. <https://doi.org/10.1177/1464993420977793>.
- Horii, Hoko. "Pluralistic Legal System, Pluralistic Human Rights?: Teenage Pregnancy, Child Marriage and Legal Institutions in Bali." *Journal of Legal Pluralism and Unofficial Law* 51, no. 3 (2019): 292–319. <https://doi.org/10.1080/07329113.2019.1683429>.
- Hossain, Md. Golam, Rashidul Alam Mahumud, and Aik Saw. "Prevalence of Child Marriage Among Bangladeshi Women and Trend of Change Over Time." *Journal of Biosocial Science* 48, no. 4 (2016): 530–38. <https://doi.org/10.1017/S0021932015000279>.
- Hunersen, Kara, Bothaina Attal, Allison Jeffery, Janna Metzler, Tareq Alkibsi, Shatha Elnakib, and W. Courtland Robinson. "Child Marriage in Yemen: A Mixed Methods Study in Ongoing Conflict and Displacement." *Journal of Refugee Studies* 34, no. 4 (2021): 4551–71. <https://doi.org/10.1093/jrs/feaa144>.
- Idris, Ahmad Rusyaid, Muhammad Khusaini, and Syaiful Anwar Al-Mansyuri. "Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage." *MILRev: Metro Islamic Law Review* 3, no. 1 (2024): 1–20. <https://doi.org/10.32332/milrev.v3i1.8907>.
- John, Mary E. *Child Marriage in an International Frame: A Feminist Review from India*. London: Routledge, 2021. <https://doi.org/10.4324/9781003158592>.
- John, Neetu A., Jeffrey Edmeades, Lydia Murithi, and Iman Barre. "Child Marriage and Relationship Quality in Ethiopia." *Culture, Health & Sexuality* 21, no. 8 (2019): 853–66. <https://doi.org/10.1080/13691058.2018.1520919>.
- John, Neetu A., Chisina Kapungu, Meroji Sebany, and Seifu Tadesse. "Do Gender-Based Pathways Influence Mental Health? Examining the Linkages Between Early Child Marriage, Intimate Partner Violence, and Psychological Well-Being among Young Ethiopian Women (18–24 Years Old)." *Youth & Society* 55, no. 6 (2023): 1155–72. <https://doi.org/10.1177/0044118X221079375>.
- Jones, Nicola, Elizabeth Presler-Marshall, Guday Kassahun, and Meti Kebedi. "Constrained Choices: Exploring the Complexities of Adolescent Girls' Voice and Agency in Child Marriage Decisions in Ethiopia." *Progress in Development Studies* 20, no. 4 (2020): 296–311. <https://doi.org/10.1177/1464993420958215>.
- Kamal, S. M. Mostafa, and Efehan Ulas. "Child Marriage and Its Impact on Fertility and Fertility-Related Outcomes in South Asian Countries." *International Sociology* 36, no. 3 (2021): 362–77. <https://doi.org/10.1177/0268580920961316>.
- Koski, Alissa, and Shelley Clark. "Child Marriage in Canada." *Population and Development Review* 47, no. 1 (2021): 57–78. <https://doi.org/10.1111/padr.12369>.
- Koski, Alissa, Shelley Clark, and Arijit Nandi. "Has Child Marriage Declined in Sub-Saharan Africa? An Analysis of Trends in 31 Countries." *Population and Development Review* 43, no. 1 (2017): 7–29. <https://doi.org/10.1111/padr.12035>.
- Koski, Alissa, and Jody Heymann. "Child Marriage in the United States: How Common Is the Practice, and Which Children Are at Greatest Risk?" *Perspectives on Sexual and Reproductive Health* 50, no. 2 (2018): 59–65. <https://doi.org/10.1363/psrh.12055>.
- Lathifah, Anthin, Briliyan Ernawati, and Anwar Masduki. "Problems with the Islamic Legal System Regarding Child Marriages in Indonesia during the COVID-19 Pandemic Period." *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (2022): 155–76. <https://doi.org/10.18326/ijtihad.v22i2.155-176>.

- Latifiani, Dian. "The Darkest Phase for Family: Child Marriage Prevention and Its Complexity in Indonesia." *Journal of Indonesian Legal Studies* 4, no. 2 (2019): 241–58. <https://doi.org/10.15294/jils.v4i2.34708>.
- Lowe, Hattie, Leah Kenny, Rahma Hassan, Loraine J. Bacchus, Pauline Njoroge, Nana Apenem Dagadu, Mazeda Hossain, and Beniamino Cislighi. "If She Gets Married When She Is Young, She Will Give Birth to Many Kids': A Qualitative Study of Child Marriage Practices Amongst Nomadic Pastoralist Communities in Kenya." *Culture, Health & Sexuality* 24, no. 7 (2022): 886–901. <https://doi.org/10.1080/13691058.2021.1893821>.
- Male, Chata, and Quentin Wodon. "Girls' Education and Child Marriage in West and Central Africa: Trends, Impacts, Costs, and Solutions." *Forum for Social Economics* 47, no. 2 (2018): 262–74. <https://doi.org/10.1080/07360932.2018.1451771>.
- McClendon, Katherine A., Lotus McDougal, Sankari Ayyaluru, Yemeserach Belayneh, Anand Sinha, Jay G. Silverman, and Anita Raj. "Intersections of Girl Child Marriage and Family Planning Beliefs and Use: Qualitative Findings from Ethiopia and India." *Culture, Health & Sexuality* 20, no. 7 (2018): 799–814. <https://doi.org/10.1080/13691058.2017.1383513>.
- McDougal, Lotus, Holly Shakya, Nabamallika Dehingia, Charlotte Lapsansky, David Conrad, Nandita Bhan, Abhishek Singh, Topher L. McDougal, and Anita Raj. "Mapping the Patchwork: Exploring the Subnational Heterogeneity of Child Marriage in India." *SSM – Population Health* 12 (2020). <https://doi.org/10.1016/j.ssmph.2020.100688>.
- McGavock, Tamara. "Here Waits the Bride? The Effect of Ethiopia's Child Marriage Law." *Journal of Development Economics* 149 (2021). <https://doi.org/10.1016/j.jdeveco.2020.102580>.
- Melnikas, Andrea J., Sigma Ainul, Iqbal Ehsan, Eashita Haque, and Sajeda Amin. "Child Marriage Practices Among the Rohingya in Bangladesh." *Conflict and Health* 14, no. 1 (2020). <https://doi.org/10.1186/s13031-020-00274-0>.
- Miedema, Esther, Winny Koster, and Nicky Pouw. "Taking Choice Seriously: Emic Understandings of Decision-Making About Child Marriage." *Progress in Development Studies* 20, no. 4 (2020): 261–69. <https://doi.org/10.1177/1464993420965315>.
- Mourtada, Rima, Jennifer Schlecht, and Jocelyn DeJong. "A Qualitative Study Exploring Child Marriage Practices Among Syrian Conflict-Affected Populations in Lebanon." *Conflict and Health* 11 (2017). <https://doi.org/10.1186/s13031-017-0131-z>.
- Muchomba, Felix M. "Parents' Assets and Child Marriage: Are Mother's Assets More Protective Than Father's Assets?" *World Development* 138 (2021). <https://doi.org/10.1016/j.worlddev.2020.105226>.
- Musawwamah, Siti, Muhammad Taufiq, Erie Haryanto, Umi Supraptiningsih, and Maimun. "Resistance to Child Marriage Prevention in Indonesia and Malaysia." *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 259–80. <https://doi.org/10.15408/ajis.v23i1.32014>.
- Naimah, Farida Ulvi, Mauhibur Rokhman, Ali Usman Hali, Muhammad Anas Maarif, and Akhmad Sirojuddin. "Internalization of Local Traditions in Child Marriage from the Perspective of *Maqasid al-Usrah*." *El-Mashlahah* 14, no. 2 (2024): 237–58. <https://doi.org/10.23971/el-mashlahah.v14i2.7942>.
- Nasrullah, Muazzam, Sana Muazzam, Faisal Khosae, and Muhammad Mobarak Hussain Khana. "Child Marriage and Women's Attitude Towards Wife Beating in a Nationally Representative Sample of Currently Married Adolescent and Young Women in Pakistan." *International Health* 9, no. 1 (2017): 20–28. <https://doi.org/10.1093/inthealth/ihw047>.
- Nawawi, M. Anwar, Sulastri, Relit Nur Edi, and Agus Setiawan. "Harmonization of Islam and Human Rights: Judges' Legal Arguments in Rejecting Child Marriage Dispensation in Sukadana, Indonesia." *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 1 (2022): 117–33. <https://doi.org/10.18326/ijtihad.v22i1.117-133>.
- Onagoruwa, Adenike, and Quentin Wodon. "Measuring the Impact of Child Marriage on Total Fertility: A Study for Fifteen Countries." *Journal of Biosocial Science* 50, no. 5 (2018): 626–39. <https://doi.org/10.1017/S0021932017000542>.

- Pande, Ishita. *Sex, Law, and the Politics of Age: Child Marriage in India, 1891–1937*. Cambridge: Cambridge University Press, 2020. <https://doi.org/10.1017/9781108779326>.
- Pandey, Shanta. "Persistent Nature of Child Marriage Among Women Even When It Is Illegal: The Case of Nepal." *Children and Youth Services Review* 73 (2017): 242–47. <https://doi.org/10.1016/j.childyouth.2016.12.021>.
- Paul, Pintu. "Child Marriage Among Girls in India: Prevalence, Trends and Socio-Economic Correlates." *Indian Journal of Human Development* 14, no. 2 (2020): 304–19. <https://doi.org/10.1177/0973703020950263>.
- Raj, Anita, Nabamallika Dehingia, Abhishek Singh, Lotus McDougal, and Julian McAuley. "Application of Machine Learning to Understand Child Marriage in India." *SSM – Population Health* 12 (2020): 100687. <https://doi.org/10.1016/j.ssmph.2020.100687>.
- Ratnaningsih, Muliani, Heribertus Rinto Wibowo, Nicholas J. Goodwin, Ade Ayu Kartika Sari Rezki, R. Ridwan, Ratnakanya Nitya Hadyani, Emilie Minnick, Derry Fahrizal Ulum, Tanti Kosmiyati Kostaman, and Sitti Nur Faizah. "Child Marriage Acceptability Index (CMAI) as an Essential Indicator: An Investigation in South and Central Sulawesi, Indonesia." *Global Health Research and Policy* 7, no. 1 (2022). <https://doi.org/10.1186/s41256-022-00252-4>.
- Roy, Srila. "Enacting/Disrupting the Will to Empower: Feminist Governance of 'Child Marriage' in Eastern India." *Signs* 42, no. 4 (2017): 867–91. <https://doi.org/10.1086/690954>.
- Sarfo, Elizabeth Anokyewaa, Joana Salifu Yendork, and Anthony Vernon Naidoo. "Understanding Child Marriage in Ghana: The Constructions of Gender and Sexuality and Implications for Married Girls." *Child Care in Practice* 28, no. 2 (2022): 228–41. <https://doi.org/10.1080/13575279.2019.1701411>.
- Sayi, Takudzwa S., and Amson Sibanda. "Correlates of Child Marriage in Zimbabwe." *Journal of Family Issues* 39, no. 8 (2018): 2366–88. <https://doi.org/10.1177/0192513X18755198>.
- Sopyan, Yayan, Zezen Zainal Muttaqin, Cucu Solihat, and Jaenal Aripin. "Child Exploitation by Parents in Early Marriage: Case Study in Cianjur, West Java, Indonesia." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 3 (2023): 1921–42. <https://doi.org/10.22373/sjkh.v7i3.14804>.
- Sudirman, Ramadhita, Syabbul Bachri, and Büşra Nur Duran. "Examining the Complexity of Child Marriage as Sexual Violence in the Digital Era." *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (2023): 310–28. <https://doi.org/10.22219/ljih.v31i2.28881>.
- Supriyadi, and Siti Suriyati. "Judges' Legal Culture in Dealing with High Number of Applications for Child Marriage Dispensation During COVID-19 Pandemic at the Kudus Religious Court." *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, no. 1 (2022): 273–98. <https://doi.org/10.19105/al-ihkam.v17i1.6060>.
- Tisdall, E. Kay M., and Patricio Cuevas-Parra. "Challenges for Children's Participation: Child Activism for Ending Child Marriage." *Children and Youth Services Review* 108 (2020). <https://doi.org/10.1016/j.childyouth.2019.104568>.
- Tsaneva, Magda. "The Effect of Weather Variability on Child Marriage in Bangladesh." *Journal of International Development* 32, no. 8 (2020): 1346–59. <https://doi.org/10.1002/jid.3507>.
- Wahi, Aditi, Kristen L. Zaleski, Jacob Lampe, Patricia Bevan, and Alissa Koski. "The Lived Experience of Child Marriage in the United States." *Social Work in Public Health* 34, no. 3 (2019): 201–13. <https://doi.org/10.1080/19371918.2019.1575312>.
- Wantu, Sastro Mustapa, Irwan Abdullah, Yowan Tamu, and Intan Permata Sari. "Early Child Marriage: Customary Law, Support System, and Unwed Pregnancy in Gorontalo." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, no. 2 (2021): 780–803. <https://doi.org/10.22373/sjkh.v5i2.9573>.
- Wodon, Quentin. "Early Childhood Development in the Context of the Family: The Case of Child Marriage." *Journal of Human Development and Capabilities* 17, no. 4 (2016): 590–98. <https://doi.org/10.1080/19452829.2016.1245277>.
- Wodon, Quentin, Minh Cong Nguyen, and Clarence Tsimpo. "Child Marriage, Education, and Agency in Uganda." *Feminist Economics* 22, no. 1 (2016): 54–79. <https://doi.org/10.1080/13545701.2015.1102020>.

Yount, Kathryn M., Alice Ann Crandall, Yuk Fai Cheong, Theresa L. Osypuk, Lisa M. Bates, Ruchira T. Naved, and Sidney Ruth Schuler. "Child Marriage and Intimate Partner Violence in Rural Bangladesh: A Longitudinal Multilevel Analysis." *Demography* 53, no. 6 (2016): 1821–52. <https://doi.org/10.1007/s13524-016-0520-8>.