

## Child Marriage: A curse for Women in India and Indonesia

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### Abstract

Child Marriage is inhuman and barbaric practice wherein either of the spouse or both the spouses fall under the legally prescribed age for forming the Union of marriage. The article addresses the evils of child marriage that are prevalent and practised in India and Indonesia.

The article shed light on the causes and outcome of Child Marriage on young girls and boys like education dropout, domestic violence, complications due to early pregnancy and like factors. The paper discusses in detail the practice, impact and laws related to Child Marriage in India and Indonesia respectively. The paper also pointedly looks at the surge in number of underage marriages during corona virus pandemic. Child Marriage is violative of human rights and not only compromises the dignity and integrity of young boys and girls but also compromises their physical, psychological, educational, social and sexual growth. Although the government and international community has set several goals and policies to end early-marriages among underage children and acknowledge and ensure their human rights, but still this practise of child marriage exists in corners of every country.

**Key words:** Child Marriage, Human Rights, Laws, India, Indonesia, Covid-19.

**Objective of the Paper:** The paper focuses on the prevalence of child marriage in India and Indonesia by understanding the causes and impacts of child marriage on young girls and boys. The paper brings forth and elaborate upon government and legislative measures to prevent this barbaric ceremony of underage marriage in the respective nations. Furthermore, impact of Covid-19 resulting in increase in child marriage cases has been discussed.

**Research Methodology:** Secondary Data collected from books, articles, newspaper, internet and journals.

### Introduction

Marriage is an important social institution and socially accepted means of constituting family-union because of which societies perpetuates. The custom of marriage is practised, respected and manifested throughout the world in different forms of rituals and symbols. However, this practice has come under staunch criticism when any child falling under legally prescribed age of marriage is coerced to marry thereby taking the form of child marriage.

**Published/ publié in *Res Militaris* (resmilitaris.net), vol.13, n°2, January Issue 2023**

Child Marriage is not only inhuman but barbaric practice wherein either of the spouse or both the spouses fall under the legally prescribed age for forming the Union of marriage. Such marriages are a violation of civil liberties of children. India-Indonesia have a long history which dates back to two millennia of closely shared cultural and commercial relationship. Hinduism, Buddhism and Islam faith travelled Indonesia from the shores of India which traces the strong historical and religious ties between two nations. Also, India is an emerging power in South Asia and so is Indonesia in South-east Asia. However, what stands astonishing here is the fact that there are several commonalities that can be spotted between the two major countries and these commonalities can be traced to social evils like Child Marriage. India and Indonesia have witnessed a surge in number of child marriage cases especially after Covid-19.

Even though the world is committed to end any sort of discrimination against women and for the same the Sustainable Development Goals-5 (Achieve gender equality and empower all women and girls<sup>1</sup>) - Target 5.3 aims to eliminate all the harmful practices, such as child, early and forced marriage and female genital mutilations by 2030<sup>2</sup>.

Even in 2022, the prevalence of underage marriage remains a global issue which calls for global actions. Child marriage as a social evil finds its roots deeply embedded in gender inequality. Even today many families view girl child as a burden and see marriage as the best prospect for their protection and future and therefore marrying girls as early as possible free them from all sorts of responsibility. Poverty is another entangled social evil with child marriage where educating women is low key and marriage is glorified. Even though the girls are more surrounded by the vicious evils of child marriage than boys, it is a violation of fundamental human rights regardless of sexes.

### ***Causes And Impact of Child Marriage***

There are several factors that serve as an interplay placing a child at risk of early marriage such as poverty, gender inequality, customary traditional social norms and belief such as the impression that marriage provides women protection or to secure family honour or concerns about women sexuality that condone the practice, lack of education among girls, inadequate or unenforced legislative and legal framework.

Child marriage is a discriminatory practice which exposes young boys and girls to lifetime suffering. Despite government initiatives to curb it and laws against it, this harmful practice remains widespread and continues to infringe the basic rights and liberties of teenage boys and girls. The sufferers of under-age marriage are more likely to skip school education and are drop-outs and often become victims of domestic violence and early pregnancy among women.

There are several factors contributing towards child marriage globally and can be seen as critical factors having impact in India and Indonesia as well, these are discussed as follow:

#### ***1. Gender Inequality***

Intensely rooted and inbred gender norms and gender specific roles for boys and girls are the most critical factors towards child marriage. From a very early age of a girl's life, she is expected to behave politely, caring, nurturing and are socialised as homemakers and care providers and are trained to manage and carry out household responsibility. The rigidity of

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<sup>1</sup> Available at: <https://sdgs.un.org/goals/goal5>

<sup>2</sup> Available at: <https://indicators.report/targets/5-3/>

gender specific roles for boys and girls where women are expected to fulfil the tradition role of homemaker whereas men are considered as breadwinners and be strong and rational.

Given such stereotyping of gender roles, girls and women are often treated inferior to boys and men. And it becomes worse if coupled with poverty, lack of education and traditional social norms. In such circumstances, many families see early marriage for girls as most suitable prospect. Therefore, gender inequality is a major contributing factor to Child Marriage.

## **2. Poverty**

Every one in five Indian lives under poverty<sup>3</sup>. When a family lives in poverty, the girl children of these families are the most vulnerable as they are denied access to common and basis resources necessary for survival<sup>4</sup>. In poor families, girls are often seen as financial burden and for them marrying off their girl child at an early age appropriate means to scale down family cost and gain security and protection for girls. It is for the same reason, that education of a girl child is an inconsiderate factor. It is coupled with the view that education of boy is of more importance and value than that of a girl and since the family have to spend in marriage and dowry of the girl, they refuse to afford education of their girl child.

## **3. Customary Traditional Social Norms and Belief**

Child marriage as an evil practice is not independent but is stemmed out of several other factors like traditional social norms and belief. The redundant customs and beliefs prevailing in the society subject girls and women to several forms of discrimination like dropping out of school, looking after household chores and marrying at an early age. The socially constructed role and behaviour for girls and boys limit the growth of women as women are seen just as homemakers and child bearers and it for this reason that Women's role and responsibilities are undervalued.

Manusmriti in Chapter IX states that how women aren't capable of being independent. It states that "women is to be protected by her father in childhood, her husband in her youth and her son in her old age; a women is never fit for independence<sup>5</sup>."

There's stigma attached to women's sexuality and women being a weaker gender. Parents link family dignity and honour of women's sexuality<sup>6</sup>. If a girl hold relationship before marriage, then it is feared that she might bring dishonour to the family. In such cases, parents see early marriage as means to secure family honour and thereby avoiding any instance of self-initiated alliance or marriage. According to families, this provides social security to the girl. There's an apprehension in the mindset of society that a married women is safer against the offences than an unmarried girl. To be secure from offences, violation or any kind of aggression against unmarried girls, parents are in a hasty to give away girl in marriage as soon after she attains puberty<sup>7</sup>.

## **4. Inadequate Education**

Girls are denied access to quality education especially in the families who are living under poverty or the families who follow orthodox and customary traditional belief structure. Generally, a pattern of discrimination against girls in matter of education has been noted. Many

<sup>3</sup> Available at: <https://www.worldbank.org/en/news/infographic/2016/05/27/india-s-poverty-profile>

<sup>4</sup> L. Suresh, (2015), "Child Marriage in India: Factors and Problems", International Journal of Science and Research, Vol 4, Issue 4,

<sup>5</sup> Manusmriti: The Law of Manu ( ca.1500BC- or later-) Available at:

<http://eweb.furman.edu/~ateipen/ReligionA45/protected/manusmriti.htm>

<sup>6</sup> Child Marriage in India. Available at: [https://plan-international.org/uploads/2022/01/child\\_marriage\\_in\\_india\\_low\\_res.pdf](https://plan-international.org/uploads/2022/01/child_marriage_in_india_low_res.pdf)

<sup>7</sup> L. Suresh, (2015), "Child Marriage in India: Factors and Problems", International Journal of Science and Research, Vol 4, Issue 4,

families have given importance to education of boys than that of girls because boys are seen as family future assets and economic resource of the family, whereas education of girl child is not prioritised. Since marriage is an expensive affair, many hold the view investment in girl education is not economically viable and are motivate to spend their economic resources in arranging marriage and dowry for girl.

There's a general perception that spending on education would not be useful as girls would be engaged in household responsibilities and therefore training them in domestic chores is preferable. There are also those who believe that an educated girl with a job would give her income to the in-laws and not to her parents.<sup>8</sup>

### **5. *Economic Dependence***

Since there is an enormous aperture between education of girls and boy, many girls tend to lack economic security as they're unable to take jobs and remain dependent upon their husbands. Even if they find jobs despite lack of education, it would mostly be in unorganised sector where they have low salaries, no job security, no social safety nets and no maternity leave. Furthermore, due to early pregnancy among women, the interruptions to employment and time burden to look after family and children affects the types of job women engage into which forces them into unstable work situation. Young brides are often confined to household responsibilities as their access to the public world is limited.

Furthermore, since half of the country population is constituted by females and their inability to sustain their basic livelihood independently because they're financially dependent has an impact on country economic prosperity . A nation bears the loss of about 1.7% of the nation's GDP due to early marriage<sup>9</sup>.

### **6. *Early Pregnancy and Health Complications***

Series of negative consequences can be linked to child marriage as teenage brides often shows symptomatic signs of child sexual abuse and post-traumatic stress<sup>10</sup>. Early marriage causes psychological, physical and health damage as it exposes young boys and girls to severe health risks like early pregnancy and childbirth, HIV/AIDs, high Maternal Mortality Rate and Infant Mortality Rate and serious reproductive health problems among women.

Teenage girls are the risk of severe health issues due to child marriage as young girls may die due to complications that are caused by early pregnancy and during childbirth as compared to the women who are in their 20s and the children of teenage girls are more likely to be stillborn or die in the first month of life<sup>11</sup>. According to UNICEF data, around the world about 21% of the girls were married before their 18<sup>th</sup> birthday<sup>12</sup>. Young girls are physically, emotionally and mentally unfit and immature to bear a child and early pregnancy poses serious danger to their wellbeing and life expectancy resulting in high rate in Maternal Mortality. Complicated difficulties during child-bearing and child-birth is identified as the

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<sup>8</sup> Child Marriage in India. Available at: [https://plan-international.org/uploads/2022/01/child\\_marriage\\_in\\_india\\_low\\_res.pdf](https://plan-international.org/uploads/2022/01/child_marriage_in_india_low_res.pdf)

<sup>9</sup> Child Marriage in Indonesia: Available at: <https://www.girlsnotbrides.org/documents/1080/UNICEF-Indonesia-Child-Marriage-Factsheet-1-1.pdf>

<sup>10</sup> The Study on Child Marriage in India: Situational Analysis in Three States, Available at: <http://feministlawarchives.pldindia.org/wp-content/uploads/A-Study-on-Child-Marriage-in-India-three-states.pdf>

<sup>11</sup> Available at: <https://www.unicef.org/stories/child-marriage-around-world>

<sup>12</sup> Ibid

second leading cause of death in young brides who are in the midst of the age group of 15-19<sup>13</sup>.

Early pregnancy is not only dangerous for young mother but also for the child as mothers tender age and unbalanced diet leads to improper and unfit infant leading to high rate of Infant Mortality Rate. Babies born to mothers under 20 are 1.5 times more likely to die during the first 28 days than babies born to mothers in their 20s or 30s<sup>14</sup>.

Young brides have little or no awareness about decision making in sexual behaviour which increases the threat of reproductive and sexually transmitted diseases. Young girls lack understanding and consciousness about the usefulness of contraceptives which leaves them in jeopardy and exposes them infections like HIV/AIDs or health related diseases.

#### **7. *Victims of conjugal abuse***

Brutality and abuse is physical, verbal, sexual or psychological violence. Young brides marry partners much older to them and as a result more vulnerable to domestic abuse. Since women have been the victims of domestic violence and considering the scenario of Child Marriage where girls are below the age of 18 and have little or no authority in comparison to their spouse or in-laws, these girls are likely to be beaten, threatened to be thrown out of house or sexually abused.

#### **8. *Exposure to early Adulthood***

Since girls are more vulnerable to the evil practice of Child Marriage, it does impact boys as well. Early Marriage wherein both the spouses are under the legally prescribed age of marriage expose them to early adulthood. Among boys, it would force them to take adult responsibilities for which they may not be in a fit state of mind. Early marriage may result in early fatherhood and add to economic pressure among boys; it may also restrict the boys access to education and opportunities for career advancement.

Among girls, early pregnancy exposes them to early motherhood. Young brides are also engaged in household chores and managing household responsibilities from a very early age. Child Marriage forces them to dropout from school, which hinders their educational and economic empowerment.

#### ***Child Marriage in India***

India is home to 223 million child brides and one in four young women in India were married or were in a union before their 18<sup>th</sup> birthday<sup>15</sup>. Social evils like child marriage obstruct the holistic development of country as such practices have not only personal impact but also impacts the economic and social prosperity of the country.

India has witnessed widespread development over the period of time but there are some practices which exist in the country in the form of social malaises and one social evil being addressed in the paper is Child Marriage. Even though the Prohibition of Child Marriage Act, 2006, prohibits the practice of Child Marriage in the country, still there are instances of Child Marriages can be seen.

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<sup>13</sup> Child Marriage in Indonesia: Available at: <https://www.girlsnotbrides.org/documents/1080/UNICEF-Indonesia-Child-Marriage-Factsheet-1-1.pdf>

<sup>14</sup> Ibid

<sup>15</sup> Available at: <https://www.unicef.org/india/reports/ending-child-marriage-profile-progress-india>

The provisions of Prohibition of Child Marriage Act 2006 are as follow<sup>16</sup>:

1. The act defines Child as the one who has not completed twenty-one years of age (for male) and the one who is under the age of eighteen (for female).
2. The act declares marriage to be voidable if the parties of the contract for marriage fall under the category of being a child. The act states “Every child marriage, whether solemnized before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of marriage<sup>17</sup>”.
3. It entails states provisions for residence and maintenance to female bride. The act states “The male contracting party to the child marriage, and in case the male contracting party to such marriage is a minor, his parents or guardian to pay maintenance to the female contracting party to the marriage until her remarriage<sup>18</sup>”
4. Child marriage in India is a punishable offence. According to the Prohibition of Child Marriage Act 2006, a male adult marrying a child shall be rigorously punished with fine of 1 Lakh rupees or imprisonment which can exceed to 2 years or with both. Along with, the act also entails punishment for solemnizing underage marriage. The act states “Whoever performs, conducts or directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees unless he proves that he had reason to believe that the marriage was not a child marriage<sup>19</sup>”.

Indian Government has undertaken several legislative measures to curb the practice in the country and also to strongly commit to Sustainable Development Goals 5- which aims to achieve gender equality and eliminate all harmful practices such as child, early and forced marriage and female genital mutilation<sup>20</sup>. Although, Prohibition of Child Marriage Act, 2006, specifies punishments for those who encourage child marriage and several agencies (like police, judiciary, legislature) work to address this crime. However, it is need of the hour than citizens of the country need to support this societal change and save the lives of the minor girls hailing from disadvantaged background and areas of the country.

Government of India has undertaken several measures and initiatives to prevent Child Marriage which aims at eliminating and ending all kinds of discriminations against girls and women in the country.

### **1. *Prohibition of Child Marriage Act, 2006***

The Act prohibits Child Marriage and solemnization of Child Marriage and for the matters connected therewith or incidental thereto<sup>21</sup>.

### **2. *Beti Bachao Beti Padhao (BBP):***

It's a tri-ministerial effort of Ministry of Women and Child Development, Health & Family Welfare and Human Resource Development. Launched by PM in 2015, the Government of India under the scheme aims to address the issues regarding gender discrimination and empowerment of women in the country. The scheme “Save the girl child, Educate the girl child” aims to educate citizens on the topics like gender bias, ensure gender

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<sup>16</sup> Available at: <https://indiankanoon.org/doc/790355/>

<sup>17</sup> Ibid

<sup>18</sup> Ibid

<sup>19</sup> Ibid

<sup>20</sup> Available at: <https://unric.org/en/sdg-5/>

<sup>21</sup> Available at: <https://indiankanoon.org/doc/790355/>

equality and women empowerment, ensure protection and survival of girl child and encourage participation and education of girl child<sup>22</sup>.

**3. *Ladli Laxmi :***

Madhya Pradesh state government flagship Ladli Laxmi provide financial assistance to encourage girls to pursue education. The scheme was launched in 2007 for the first time. State government of Madhya Pradesh in 2022 launched “Ladli Laxmi 2.0”. The scheme aims to improve sex ration in Madhya Pradesh, create a positive attitude towards the birthing of female child among general public, to upgrade the health conditions of girl child in the society and to encourage family planning, especially after the birth of two girl children to discourage the expectation of child birth<sup>23</sup>.

**4. *Kishori Shakti Yojna (KSY):***

The KSY aims to empower adolescent girls. It is an initiative which aims at the integrated development of adolescent girls. The objective of the scheme is to improve the nutritional, health and developmental conditions among teenage girls between the age group of 11-18 years. It aims to spread knowledge about general well-being and sanitation, nutritional food, household wellbeing and family welfare and to take encourage them to marry only after attaining the age of 18 and if possible, even later. Linking them to opportunities for learning life skills, going back to school and help them gain better perspective and understanding of the social environment<sup>24</sup>.

**5. *Government Proposal to increase the Legal Marriage Age for Women:***

The Ministry of Women and Child Development proposed to increase the minimum age for girls to marry from 18 to 21. The bill has been passed by the cabinet and the legal marriage age for women would be raised to 21 once it becomes a law. This would not only ensure gender equality between men and women (as legal age for marriage for men is 21) but would also improve the relationship between marriage age and motherhood and would reduce maternal death and improve nutrition level among women<sup>25</sup>.

Child Marriage is violative of basic human rights and despite of several initiatives by national and international bodies, this practice continues to exist in several corners of the world. The practice affects both boys and girls but its impacts are disproportionality felt more on girls than boys. Investment in female education and their future is least of family consideration, making marriage as the only suitable and viable option for girl’s future.

Under-age marriage in India has been practised since ancient times wherein children married at an early age, much before attaining physical and mental maturity. The issue of child marriage remains deep-seated in the multifarious matrix of tradition, religion, cultural and societal believes, practice and prejudices. As a result of which the physical health and psychological well-being of young girls and boys suffer.

The attempt to increase the official marriage age for girls from 18 to 21 is a milestone achievement to achieve women empowerment. There are several benefits of this initiative as discussed below:

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<sup>22</sup> Available at: <https://www.myscheme.gov.in/schemes/bbbp>

<sup>23</sup> Available at: <https://ladlilaxmi.mp.gov.in/llyhome.aspx>

<sup>24</sup> Available at: <https://wcd.nic.in/kishori-shakti-yojana>

<sup>25</sup> Available at: <https://www.writinglaw.com/increasing-legal-age-of-marriage-for-women-in-india/>

1. This effort will bring gender equality by making legal marriage age for women and men as 21.
2. It will enhance the educational capacity of women as thereby also raising the possibility of economic empowerment.
3. It will reduce the risk of maternal mortality and infant mortality.
4. It will ensure holistic development of women, physical and mental well-being, reduce the cases of child marriage and domestic violence.

Even though India has a legal ban on the practice of Child marriage, it persists across India. It is imperative that along with government measures, NGO's should work alongside in the country to eliminate such evils from society. Early marriage among girls and boys can devastate their future and possibilities of growth by pushing them to early family responsibilities, motherhood/fatherhood, early pregnancy and physical and mental trauma. By restricting the educational and economic opportunity for one generation, a vicious cycle is created for next generation.

### ***Child Marriage in Indonesia***

UNICEF and Statistics Indonesia (BPS) estimate that one in nine girls in Indonesia, that is 11% marry before they have reached the age of 18 placing Indonesia in the top 10 countries in the world for numbers of child brides<sup>26</sup>. Child Marriage violate the basic and fundamental human rights of Children, which not only limit life options and opportunities for them but also limit and restrict their adolescent period of physical, psychological, social and personal development prior to entering adulthood.

Sustainable Development Goal (SDGs) 5- Target 5.3- aims to eliminate all harmful practices, including Child Marriage by 2030<sup>27</sup>. The prevalence and practice of Child Marriage in Indonesia is high, the government is committed to end child marriage in order to achieve the target of SDGs by 2030. Every child is entitled to survival, growth and development as well as to protection from violence and discrimination as mandated in 1945 Constitution of the Republic of Indonesia<sup>28</sup>.

UNICEF data on Child Marriage in Indonesia (Socio-Economic Survey (SUSENAS), 2016)<sup>29</sup> identify the three major risk factors of Child Marriage in the country:

1. Household with Lower Expenditure: The data reveals that girls from households with the lowest expenditure are five times more at the risk to be married before the age of 18 than girls from the households with high level of expenditure<sup>30</sup>.
2. Rural Areas: The girls residing in rural areas are three times more likely to marry before attaining the age of 18 as compared to the girls in urban areas<sup>31</sup>.
3. Low Household Education: Girls in the households where head of the household has completed university education are three times less likely to marry before the age of 18<sup>32</sup>.

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<sup>26</sup> Ending Child Marriage in Indonesia: The role of Courts, Available at: <https://law.unimelb.edu.au/centres/cilis/research/publications/cilis-policy-papers/ending-child-marriage-in-indonesia-the-role-of-courts>

<sup>27</sup> Child Marriage in Indonesia, Available at: [https://www.unicef.org/indonesia/media/1446/file/Child\\_Marriage\\_Factsheet.pdf](https://www.unicef.org/indonesia/media/1446/file/Child_Marriage_Factsheet.pdf)

<sup>28</sup> Ending Child Marriage in Indonesia: The role of Courts, Available at: <https://law.unimelb.edu.au/centres/cilis/research/publications/cilis-policy-papers/ending-child-marriage-in-indonesia-the-role-of-courts>

<sup>29</sup> Child Marriage in Indonesia, Available at: [https://www.unicef.org/indonesia/media/1446/file/Child\\_Marriage\\_Factsheet.pdf](https://www.unicef.org/indonesia/media/1446/file/Child_Marriage_Factsheet.pdf)

<sup>30</sup> Ibid

<sup>31</sup> Ibid

<sup>32</sup> Ibid



Marriage Act No.1 of 1974 The Marriage Act set the marriage age at 16 for women and 19 for men<sup>33</sup>. However, in September 2019, Indonesia's parliament voted unanimously to revise the country's marriage law and lift the minimum legal age of marriage for women from 16 to 19, in line with the legal age of marriage for men<sup>34</sup>. In landmark move, the Indonesian legislature agreed to revise the 1974 Marriage Law to raise the age at which parents can give consent for their daughters to marry from 19 to 19, bringing the same age for boys and girls. This legislative amendment implements the decision of the Constitutional Court of Indonesia in December 2018<sup>35</sup>.

Act No. 16 of 2019 Amendment to Marriage Law No.1 of 1974 concerning marriage has been amended and so it reads "Marriage is only permitted if men and women have reached the age of 19. Thus, the provisions regarding the minimum age of marriage no longer discriminate between men and women which are both 19 years old<sup>36</sup>".

Nevertheless, the changes made in the already existing Marriage Law which has been in place from the last 45 years does not mould the fact that there is still no minimum age of marriage set by Indonesian legislation. An exception in the law where parents/ guardian could request religious courts, provincial officials or Indonesian courts to provide consent for marriages of their daughters under the age of 19. This disharmony in the legal system points out that there is no minimum age requirement for girls' marriage.

Indonesia's National Mid-term Development Plan (2020-2024) aims to work for the reduction of Child Marriage cases and national strategy for the Prevention of Child Marriage has been developed to support the defined goals. Though, such alterations and progress in laws fill the legal vacuum and give a bright ray of hope for future of young children, but the law is yet to be implemented across nation.

The Government of Indonesia is also earnestly committed to national and international conventions aiming to end Child Marriage, having ratified the Conventions on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1984, the Convention on the Rights of the Child (CRC) in 1990<sup>37</sup>. Government partner institutions have advanced several intercession programs such as the national campaign for stopping child marriage, Child Friendly City, community-based child protection mechanism (CBCPM) and reproductive and sexual health education<sup>38</sup>.

No.16 of 2019 amendment to Marriage Law, is not only a legislative measure but will have widespread and long-standing impact of the growth and empowerment of girls and women in Indonesia.

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<sup>33</sup> M.Sri, (2020), "The Marriage Age Limit According to Indonesian Law No. 16, 2019 as Effort to Child Protection", Available at: [https://www.researchgate.net/publication/341516246\\_The\\_Marriage\\_Age\\_Limit\\_According\\_to\\_Indonesian\\_Law\\_No\\_16\\_2019\\_as\\_Effort\\_to\\_Child\\_Protection](https://www.researchgate.net/publication/341516246_The_Marriage_Age_Limit_According_to_Indonesian_Law_No_16_2019_as_Effort_to_Child_Protection)

<sup>34</sup> C.Lisa, S. Diana, W.Susan, "Consequences of Child Marriage in Indonesia". Available at: [https://melbourneinstitute.unimelb.edu.au/\\_data/assets/pdf\\_file/0004/3491923/MAMPU-Child-Marriage-in-Indonesia.pdf](https://melbourneinstitute.unimelb.edu.au/_data/assets/pdf_file/0004/3491923/MAMPU-Child-Marriage-in-Indonesia.pdf)

<sup>35</sup> Ending Child Marriage in Indonesia: The role of Courts, Available at: <https://law.unimelb.edu.au/centres/cilis/research/publications/cilis-policy-papers/ending-child-marriage-in-indonesia-the-role-of-courts>

<sup>36</sup> M.Sri, (2020), "The Marriage Age Limit According to Indonesian Law No. 16, 2019 as Effort to Child Protection", Available at: [https://www.researchgate.net/publication/341516246\\_The\\_Marriage\\_Age\\_Limit\\_According\\_to\\_Indonesian\\_Law\\_No\\_16\\_2019\\_as\\_Effort\\_to\\_Child\\_Protection](https://www.researchgate.net/publication/341516246_The_Marriage_Age_Limit_According_to_Indonesian_Law_No_16_2019_as_Effort_to_Child_Protection)

<sup>37</sup> G.Mies, H.Hoko, (2018), "Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligation and Religious Concerns", Asian Journal of Law and Society, 5(2).

<sup>38</sup> "Prevention of Child Marriage: Acceleration that Cannot Wait". Available at: <https://www.unicef.org/indonesia/sites/unicef.org/indonesia/files/2020-06/Prevention-of-Child-Marriage-Report-2020.pdf>

1. This initiative will reduce the number of divorce cases;
2. Will ensure marriage between two adults of the same age or at least 19 years of age, women at the age of 19 will have a mature body than a 16-year-old and will be more mentally and physically prepared to carry out marriage related responsibilities and also bear child which will reduce the risk of maternal and child mortality;
3. Girls will be able to access education which will empower them educationally and economically. Education will also add to their awareness about future prospects;
4. Will reduce the domestic violence cases as women would be aware and enlightened about their rights.

Indonesia previously allowed girl marriage at the age of 16 or younger, if requested by parents. Child marriage in Indonesia has been blamed for causing serious impacts on the growth of young girls who were married at an early age. Impacts like High Maternal Mortality, complicated pregnancy, high school drop-out rates, child labour, High Infant Mortality. Nevertheless, Indonesian government did recognise the artificial difference of marriage age between boys and girls and the landmark initiative to raise the marriage age may encourage girls to stay in school and change the mindset of the citizens of the country. This parliamentary decision is a major victory for feminist movements and a shimmering future for all the females of the nation.

### ***COVID-19 and Surge in Child Marriage***

Covid-19 has not only plunged the world into pandemic due to serious health concerns but also adversely affected the programmes aimed to end child marriage. Covid-19 came as a wakeup alarm for health-related issues and made all the countries around the world appraised of the need to strengthen their basic health infrastructure. But pandemic was not only a health emergency but it was multifaceted. Its affects were seen in social, political, economic and psychological aspects as well. Entailing from such impacts, a surge in number of child marriages during pandemic were seen in parts of India and Indonesia.

COVID-19 flat-out affected the lives of girls and women since pandemic related restrictions involved restriction on travel and as economies shut down-worldwide work from home was encouraged for all the working people. This altogether increased household burden on homemakers and working women at one end and also opened prospects of Marriage for many. This is because COVID-19 related restrictions also involved restrictions on gatherings of people and since marriage is an expensive affair, many people arranged marriages in small family gathering.

This not being the only reason, pandemic related restrictions made it strenuous for girls to avail medical assistance, education, support service and community support that provide help and protection to women in many ways like child marriage, unwanted pregnancy and gender-based violence. Moreover, as schools and colleges were closed, many girls dropped out from education, in addition to that, due to loss of jobs and economic insecurity in the families many parents saw early marriage for their daughters as a best way to ease their financial burden.

It is important to be noted that impact of COVID-19 was multi-dimensional. It did not impact all in the same manner. Its worst impact was seen on low socio-economic communities, who are neglected and vulnerable to disadvantages caused by any change. Young girls and boys from the disadvantage groups are prone to infections and dangerous of child labour, child marriage, sexual exploitation, child trafficking, health hazards, street violence and deaths.

Coerced marriage mugs a girl of her childhood and education, school aged girl's learns adult responsibilities and is forced into early pregnancy even before her body, mind and soul is ready. This is not only violative of the human rights but also life threatening for the girls, for the lives of children and the future of her community.

Pandemic widened the risk of domestic abuse and crimes against women. United Nations Population Fund estimated a 20% spike in domestic and sexual abuse in the world during pandemic<sup>39</sup>. The Covid-19 pandemic has reversed the decades of progress on child marriage. According to UNICEF 10 million additional child marriages may occur before the end of the decade, thereby threatening the progress in reducing the practice<sup>40</sup>.

Save the Children (a global movement advocating the rights of children) state some tragic contemporary statistics of Child Marriage<sup>41</sup>:

1. 40 million girls aged 15-19 are currently married or in a union worldwide- with or without help- and an estimated 150 million girls will marry in the next decade<sup>42</sup>.
2. Another 12 million girls will be marred before the age of 18 and another 4 million will be under the age of 15<sup>43</sup>.
3. Save the Children's Global Girlhood Report found that an additional 2.5 million girls around the world will be married between 2020 and 2025 as a result of a reported increase in gender-based violence of all kinds due to the Covid-19 Pandemic<sup>44</sup>.
4. Save the Children estimates that up to 15 million girls and boys will never be able to return to school as a result of pandemic lockdowns and school closures. Children who do not return are at the greater risk of early marriage and child labor<sup>45</sup>.
5. By 2030, an estimated 150 million girls will lose their childhood due to child marriage<sup>46</sup>.

## Conclusion

Child marriage is a global problem which cuts across national boundaries, cultures, religion and ethnicity. Young bride can be found in several regions of the world. Even though the cases of Child Marriage have reduced but the practise has not come to an absolute end. There are major factors that risk girls to the evils of child marriage as discussed in the paper. These factors if compounded by poverty and underdeveloped areas make situations worse for young girls and boys.

Accelerated efforts are required to reverse the evil of child marriage. Identifying the harmful social norms and ensuring gender equality for both the genders is the society will help restrict the practise of child marriage. It is imperative that women are given good infrastructure to access education and higher studies and to engage in employment. There's

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<sup>39</sup> United Nations Population Fund; Avenir Health, 2020

<sup>40</sup> "10 Million additional girls at the risk of Child Marriage due to COVID-19". Available at: <https://www.unicef.org/press-releases/10-million-additional-girls-risk-child-marriage-due-covid-19#:~:text=COVID%2D19%3A%20A%20threat%20to,increased%20risk%20of%20child%20marriage.>

<sup>41</sup> "Child Marriage: The Devastating End of Childhood", Save The Children. Available at: <https://www.savethechildren.org/us/charity-stories/child-marriage-a-violation-of-child-rights>

<sup>42</sup> Ibid

<sup>43</sup> Ibid

<sup>44</sup> Ibid

<sup>45</sup> Ibid

<sup>46</sup> Ibid

need to encourage healthy lifestyle and nutritious diet for young girls in order for healthy motherhood.

Child marriage has always been a common phenomenon. However, since the outbreak of the pandemic, the risk of child marriage has increased for millions of girls around the world, threatening their childhood and future. The meaning of social protection is that vulnerable groups of girls and young women are exposed to a social scourge called “child marriage”.

Under-age marriage remains a critical problem in India and Indonesia even in 21<sup>st</sup> Century. Girls are forced to marry at a tender age and it is imperative that the citizens of the country need to change their attitudes towards the practice of Child Marriage. Since Indonesia made an attempt by making change in its current law and have increased the legal marriageable age for women from 16 to 18 and in India bill to increase the minimum marriage age for girls from 18 to 21 is yet to become a law. Such efforts in respective countries are a breakthrough for ensuring the overall wellbeing of girls and women. Such legislative measures provide girls and women a sense of protection against all kinds of violence and discrimination.

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***Links:***

- <https://sdgs.un.org/goals/goal5>
- <https://www.worldbank.org/>
- <https://www.unicef.org/>
- <https://www.savethechildren.org/>