

More Than a Harmful Practice: The Complexity of Gender Issues Within Child Marriage

Lebih dari Sekadar Praktik yang Merugikan: Kompleksitas Isu Gender dalam Perkawinan Anak

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Abstrak: Perkawinan anak masih terus terjadi di Indonesia, yang berakar pada norma gender dan ketidaksetaraan struktural. Meskipun reformasi hukum telah dilakukan, implementasinya masih lambat karena adanya kesenjangan produksi dan penyebarluasan pengetahuan antara aktor di level nasional dan lokal. Studi ini mengkaji kompleksitas perkawinan anak dengan menggunakan perspektif gender dan interseksionalitas, serta berfokus pada faktor-faktor sosial-budaya, ekonomi, dan hukum yang berkontribusi terhadap keberlangsungan praktik tersebut di Daerah Istimewa Yogyakarta setelah amandemen UU Perkawinan 1974. Dengan pendekatan fenomenologi, data dikumpulkan melalui tinjauan literatur, observasi, dan wawancara mendalam dengan 40 partisipan, termasuk kaum muda, orang tua, tokoh masyarakat, kader, dan pemangku kebijakan di Daerah Istimewa Yogyakarta. Temuan ini menunjukkan bahwa interseksi antara norma gender tradisional, pengetahuan kesehatan reproduksi yang terbatas, tekanan ekonomi, dan lemahnya penegakan kebijakan secara kolektif memperkuat praktik perkawinan anak. Studi ini merekomendasikan perlunya pendidikan seksualitas yang komprehensif, implementasi yang integratif antara UU TPKS dan UU Perkawinan, serta mekanisme penegakan hukum yang lebih kuat untuk memerangi pernikahan anak dan mendorong kesetaraan gender. Artikel ini diharapkan dapat memberikan masukan kepada para pembuat kebijakan dan le-



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gislator terutama Komisi VIII dan X dalam pembentukan dan pelaksanaan regulasi, program, dan kegiatan yang mendorong keadilan gender dan perlindungan anak.

Kata kunci: gender; hukum perkawinan; interseksionalitas; perkawinan anak; UU TPKS

Abstract: Child marriage remains persistent in Indonesia, rooted in entrenched gender norms and structural inequality. Although legal reforms have been introduced, their implementation remains limited due to gaps in knowledge production and dissemination between national and local actors. This study examines the complexity of child marriage using gender and intersectionality perspectives, focusing on socio-cultural, economic, and legal factors that contribute to its persistence in the Special Region of Yogyakarta following amendments to the 1974 Marriage Law. Using a phenomenological approach, data were collected through literature reviews, observations, and in-depth interviews with 40 participants, including youth, parents, community leaders, cadres, and policymakers in the Special Region of Yogyakarta. Findings reveal that traditional gender norms, limited reproductive health knowledge, economic pressures, and weak policy enforcement collectively reinforce child marriage practices. The study concludes by emphasizing the need for comprehensive sexuality education, integrated implementation of the Violence Law and Marriage Law, and stronger enforcement mechanisms to combat child marriage and promote gender equity. This article aims to provide policymakers and legislators, particularly Commissions VIII and X, with insight into the design and implementation of regulations, programs, and activities that promote gender justice and child protection.

Keywords: child marriage; gender; intersectionality; marriage law; sexual violence law

Introduction

Child marriage is a global issue affecting approximately 12 million girls annually, particularly in South Asia, sub-Saharan Africa, parts of Latin America, and the Middle East (UNICEF, 2018). Indonesia ranks among the top ten countries with the highest absolute number of child brides. According to UNICEF Indonesia (2020), one in nine women aged 20–24 was married before turning 18. Although the 2019 amendment to Indonesia's Marriage Law raised the minimum age of marriage age for girls from 16 to 19 years, implementation challenges persist. Numerous studies have linked restrictive gender norms and the regulation of female sexuality to the perpetuation of child marriage (Granata, 2015; Naved et al., 2022; Pacheco-Montoya et al., 2022; Susanto et al., 2023). In many cases, child marriage serves as a mechanism to "erase" the social stigma surrounding unintended pregnancy, reinforcing the perception of female bodies as moral vessels (Asriani, 2020). Nevertheless, recent studies suggest that gender identity alone does not wholly account for the persistence of child marriage. The international framework defines child marriage as any involving individuals under the age of 18 (UNICEF South Asia & UNFPA, 2019). The universality of this definition remains contested, particularly across diverse cultural contexts where norms regarding marriage age vary significantly (Irhamni & Sahadewo, 2023; Rodliyah et al., 2018; Susilo et al., 2021).

Following amendments of Law Number 1 of 1974 on Marriage (1974 Marriage Law), research has increasingly focused on mapping the challenges and strategies required to dismantle patriarchal cultural norms and identifying structural aspects that sustain

child marriage (Abidin et al., 2022; Rahiem, 2021; Rodliyah et al., 2018; Supraptiningsih, 2021). Factors contributing to child marriage extend beyond unintended pregnancy and include economic hardship, school dropouts, religious interpretations, and peer influence (Hilyasani et al., 2022). Additionally, girls married young often face cycles of poverty (Girls Not Brides, 2022; Latifiani, 2019), domestic violence, and reproductive health risk (Bennett, 2013). Furthermore, the state continues to navigate tensions between conservative religious demands and international human rights obligations (Grijns & Horii, 2018). In some communities, distinctions between child and adult marriage remain ambiguous.

Existing literature on child marriage underscores the critical need to further investigate the implementation of comprehensive sexuality education (Hodgkinson et al., 2016). Debates persist around abstinence-based approaches and cultural taboos, which may hinder rather than help young people's understanding of sexual health (Benedicta, 2010). Notably, empirical evidence suggests that cultural taboos do not significantly deter romantic relationships or sexual behaviors among youth, including kissing, physical intimacy, and, in some cases, harassment (Pakasi, 2013).

This study aims to contribute to the growing body of research on child marriage by examining how gender intersects with socio-cultural, economic, and political factors to exacerbate young women's vulnerability (Girls Not Brides, 2022; Versluys, 2019). However, this study places particular emphasis on the post-amendment context of the 1974 Marriage Law, which holds potential for cultural transformation. This study addresses two primary research questions, concern: the extent to which gender, socio-economic, cultural, and political factors intersect to increase girls' vulnerability to child marriage; and the dominant issues that require further attention to effectively address child marriage, particularly in the post-amendment era of the 1974 Marriage Law.

This research makes a significant contribution to the discourse on child marriage by offering a nuanced understanding of how intersecting gender, socio-economic, and legal dynamics sustain the practice in Indonesia. While many studies have examined child marriage through legal or health perspectives, few have adopted an intersectional approach that centres the lived experiences of young women within specific socio-cultural contexts, particularly in the post-amendment period of the 1974 Marriage Law. The findings offer valuable insights for policymakers, educators, and civil society organizations seeking to develop gender-responsive and context-sensitive interventions. The study is particularly relevant for legislative bodies such as Commission VIII and Commission X of the Indonesian Parliament, as they work to strengthen the design, implementation, and oversight of child protection and gender equality measures at both national and local levels.

This study employs qualitative methods, specifically a phenomenological approach, which emphasizes the exploration of the meanings embedded in individual narratives and lived experiences (Cresswell & Cresswell, 2018; Moustakas, 1994). Data was gathered in the Special Region of Yogyakarta from September to December 2023 through a combination of literature reviews, observations, and in-depth interviews. Forty participants were involved: 20 youth (10 female and 10 male youth, aged 18–21 years) from five districts, one municipality, and 20 adults, including workers, housewives, PKK cadres, stakeholders, and community leaders, contributed to the study. Informants were recruited using snowball sampling techniques, wherein initial participants referred subsequent informants (Neuman, 2014). Youth participants were selected based on age, marital status, and residence, while adults were chosen for their

influence in family or community decision-making related to marriage and sexuality. Ethical procedures were strictly followed, with informed consent and confidentiality ensured. Data were transcribed and coded using thematic frameworks informed by gender and intersectionality. Analysis focused on patterns, contradictions, and power dynamics shaping youth vulnerability to child marriage within social, cultural, economic, and legal contexts.

Theoretical Perspective

Gender, as a social construct, refers to the roles, behaviors, expectations, and identities attributed to individuals based on their perceived sex within specific cultural, religious, and economic contexts (Council of Europe, 2016). These roles are reinforced through societal institutions, norms, and practices. Femininity is often equated with reproductive capacity, domestic responsibilities, and the preservation of family honor (Delgado-Herrera et al., 2024; Greene & Stiefvater, 2019), situating child marriage within a patriarchal system that perpetuates gender inequality. Child marriage is fundamentally a gendered phenomenon (Versluys, 2019). However, gender alone does not fully account for the risks and consequences associated with its persistence. The Global Partnership to End Child Marriage has developed a conceptual model illustrating how various identity markers intersect with structural and global factors to heighten vulnerability (Girls Not Brides, 2022). These factors include climate change, legal limitations, socio-economic conditions, geographical isolation, ethnic marginalization, and disability.

In this study, a gender and intersectionality approach facilitates a more comprehensive understanding of child marriage by elucidating how the overlapping factors intensify vulnerability and perpetuate systemic inequalities. For example, in the theme of gender norms, intersectionality reveals how cultural expectations of femininity intersect with age and class to regulate young women's sexuality and justify early marriage. In the education theme, it exposes how structural inequality restricts access to sexual and reproductive health information among girls in rural or economically disadvantaged settings. The economic factor's theme demonstrates how poverty interacts with patriarchal family structures to frame marriage as an economic strategy, deepening the marginalization of young women. Lastly, in the theme of law enforcement, intersectionality highlights how legal protections are applied unevenly, depending on local customs and power dynamics within communities.

Furthermore, an intersectional perspective reveals the diverse experiences of women, shaped by the unique confluence of their identities, resulting in varying levels of discrimination and privilege (Girls Not Brides, 2022). By applying this analytical lens, it is possible for the study to examine how the interplay of these factors can either exacerbate or mitigate the vulnerabilities and discriminatory practices, such as child marriage, faced by women.

The Intersection of Gender and Social, Cultural, Economic, and Legal Aspects that Increase Young Women's Vulnerability to Child Marriage

The section presents the main findings of the study, organized into four inter-related themes. Each theme illustrates how gender intersects with social, cultural, economic, and legal dimensions to shape young women's vulnerability to child marriage.

Limited Knowledge of Reproductive Health and Rights

According to the experiences shared by informants, child marriage remains a common occurrence within their communities. Informants generally reported that such marriages are often coerced due to unintended pregnancies, predominantly affecting young women. These marriages are often arranged hastily, involving girls who are still in school and entering matrimony at a prematurely young age.

When asked whether community members offered alternative solutions to marriage, informants indicated that such interventions were rare. While spontaneous reactions, such as disbelief, surprise, or regret, may arise, explicit opposition to the decision to marry was almost non-existent. This reflects a strong cultural norm that positions marriage as the default, and often unquestioned, response to adolescent pregnancy, shaped by limited awareness of reproductive health and a lack of viable alternatives within the community, as illustrated below:

“It’s natural to get married in the case of an unintended pregnancy, but at that time, the residents were shocked, and it caused an uproar throughout the village. Many people knew the victim and their family, and the victim was friends with everyone in the village.” (IY, 19 yo, the representative of young people).

Informants recounted that unintended pregnancies often result from young women’s limited understanding of the risks associated with intimate relationships. Many shared that they had boyfriends or were interested in romantic relationships and acknowledged that physical intimacy or sexual activity within these dating contexts is common among their peers, reflecting the normalization of such practice within their social environment, where boundaries between emotional and physical intimacy are often blurred.

Although some youth consciously avoid physical intimacy due to fears of unintended pregnancy, many still struggle to articulate the sexual behaviors that contribute to such outcomes or to explain how they acquire accurate information about sexuality, including the connection between physical intimacy and unprotected sex. This indicates substantial gaps in comprehensive sexual education and awareness of reproductive risk. The following testimonial illustrates how dating practices and private interactions are normalized within the community:

“In my area, it’s normal for people to date when they’re older. Sometimes, the women visited the men’s houses and hung out together in their rooms.” (IY, 19 yo, the representative of young people).

Informants also emphasized that families rarely engage in comprehensive and explicit communication about sexuality between parents and children. Within families, the absence of open dialogue and ambiguous parental guidance often results in ineffective knowledge and obstructs accurate information on sexual health, behavior, and reproductive risk within the household. This communication gap often results in tension within family dynamics, particularly in strained parent-child relationships where misunderstandings and silence perpetuate emotional distance.

When parent informants were asked about this issue, many acknowledged their awareness of the importance of discussing sexuality with their children. However, they also admitted that their intentions were often misaligned with their capacity to communicate such topics effectively, both within the family unit and in broader community settings. This disconnect underscores a broader challenge in fostering open, informed discussions about sexuality across family and community spheres. The following informant’s testimony exemplifies this dynamic:

"I think it's more about a lack of communication between family members. Sometimes, because children were given too much freedom, parents don't set limits or supervise them properly." (NN, 37 yo, the representative of the parent)

Similar sentiments were expressed by the parent group, including community cadres. The prevalence of cases they encountered heightened their concern regarding youth reproductive health. These cadres recognized that child or unintended marriage often results from risky dating behaviors rather than solely a direct cause in itself. However, deeply ingrained cultural taboos surrounding discussions of sexuality continue to pose significant challenges at both the family and community levels. This cultural reticence inhibits parents and caregivers from providing young people with comprehensive and accurate information about sexual health, thereby perpetuating cycles of misinformation and risk.

"Personally, as a cadre, I wanted to talk to the parents, but it might be seen as slander. The intention was to inform and educate, but we're unsure how to approach it." (BI, 33 yo, the representative of the cadre).

The findings from the parent informant group indicate a perceived shift in youth sexual behavior, attributed primarily to increased social interactions and pervasive media exposure. Parents reported heightened awareness of phenomena such as unintended teenage pregnancies, observed both within their immediate communities and through media coverage. These observations suggest that issues surrounding youth sexuality are becoming increasingly complex and dynamic, shaped by the interplay of local experiences and global media influences.

In contrast to parental and community hesitations, youth informants described a different landscape of information access and social norms. The internet emerges as a primary source of information on sexuality, offering ease of access at any time and from any location. While educational institutions and familial structures also serve as channels for sexual education, young people expressed that the information provided through these avenues is often insufficient and lacks clarity.

Specifically, within the familial context, parental guidance tends to manifest as prescriptive rules or prohibitions, such as avoiding late returns or engaging in self-protective behaviors without accompanying explanations. This communication gap may contribute to youths' reliance on alternative information sources, as illustrated by the following statement from a teenage informant:

"My father often advised us not to feel awkward about dating. It's okay to hold hands, but always stay in crowds and avoid quiet places." (SS, 19 yo, the representative of young people)

At the community level, implicit social norms discourage interactions between unmarried males and females in public spaces during late hours. Community members actively monitor such interactions, offering warnings and advice to youth couples observed spending time together late at night. Furthermore, these community members may escalate the matter by reporting the behavior to the youths' parents as a form of social regulation and reinforcement of communal values.

"When it comes to sex, in my opinion, it's not a taboo topic or something to be embarrassed about. But we must instill this understanding in children and teenagers as early as possible." (BI, 33 yo, the representative of cadre)

When discussing the management of youth sexuality, informants demonstrated considerable experience in implementing preventive measures, particularly against risks such as unintended pregnancies. Youth informants described employing self-

regulation strategies, such as avoiding physical contact in romantic relationships, sharing information within peer groups, and relying on online resources to access relevant information.

Previous studies have often linked sexual education to abstinence-focused approaches that overlook the acknowledgement of youths as sexual beings (Pakassi, 2013; Parker, 2008). In contrast, the findings of this study suggest a more nuanced awareness among youth and parents regarding the realities of youth sexual development and the risks that accompany it. However, a noticeable gap persists between awareness of sexual risks and the ability to translate this knowledge into safe practices in daily social interactions. This gap is evident across youths, parents, and the broader community.

The narratives from the parent informant group predominantly reflected prohibitive and cautionary guidance, emphasizing restrictions on the duration of interactions with the opposite sex, prescribing socially acceptable forms of interaction, and enforcing curfews. However, rising education levels and shifting employment conditions have gradually reshaped community approaches to youth sexuality, challenging traditional patterns of parental control. From an intersectionality perspective (Crenshaw, 2018), the interplay between age, gender, and socio-economic background shapes the varying degrees of parental control, information access, and vulnerability experienced by young people. This suggests that sexuality education cannot be effectively addressed without acknowledging the unequal power relations and layered identities within families and communities, highlighting the need for culturally sensitive and intersectional approaches (Goldfarb & Lieberman, 2021).

Consistent with previous research, parental awareness of these issues has grown. However, many parents continue to face challenges in establishing effective intergenerational communication about sexuality, highlighting the enduring tension between cultural norms, parental authority, and youth autonomy (Salim & Tambunan, 2022).

Normalization of violence against women

According to the informants, some marriages occurred as a consequence of unintended pregnancies involving young people under the age of 18. In these cases, traditional celebrations were still carried out despite the circumstances. These marriages, often prompted by unintended pregnancies, are typically formalized through customary or religious practices. Despite the circumstances, the family nevertheless carried out the full set of accompanying rituals and ceremonies, reinforcing the social legitimacy of such marriages.

“Because she was already pregnant and had to get married, some residents (parents) here were also organizing a wedding party.” (TT, 33 yo, the representative of the stakeholder).

Marriage, as a response to unintended pregnancies, appears to be widely accepted and normalized within the community. Informants from both youth and parent groups consistently indicated that marriage is perceived as necessary, or even obligatory, largely due to prevailing social expectations regarding parental presence, particularly that of the father, during childbirth.

The father’s presence is considered a prerequisite for legitimizing the birth, both legally and socially. The mother’s status alone is perceived as inadequate to fulfill these societal expectations. Informants noted that if a birth certificate lists only the mother’s name, the family may face significant social stigma. This is illustrated in the following testimonial:

"Most families were like that. For example, a child's birth certificate listing only the mother's name was still not widely accepted." (TT, 33 yo, the representative of the stakeholder).

These local practices resonate with broader findings in global research. The UNICEF report (2021) highlights how traditional practices confine girls to reproductive roles, positioning marriage as an expected outcome. In marginalized communities, child marriage is often seen as securing a girl's future and mitigating social embarrassment linked to premarital sexual relations and pregnancy (Greene & Stiefvater, 2019). Additionally, certain religious interpretations are employed to justify child marriage, even when legal frameworks prohibit it (Asriani & Muhamomah, 2024; Nour, 2009).

Victim-blaming culture perpetuates gender-based violence, often culminating in coerced marriages between victims and their perpetrators. The societal pressure to marry victims of sexual violence, even when they are minors, underscores the pervasive belief that preserving family honor through marriage is preferable to addressing the root causes of sexual violence and its perpetrators (Greene & Stiefvater, 2019). Research in Australia identifies four primary factors sustaining patriarchal cultural structures, power imbalances, victim-blaming tendencies, and societal normalization of violence (Ayoub, 2024).

In the Indonesian sociocultural context, norms construct idealized gender identities, portraying women as mature, married, and pregnant within socially sanctioned relationships. Conversely, girls who become pregnant due to premarital sexual relations or sexual violence face stigma and pressure for failing to align with these gender ideals (Muhamomah, 2021). This stigma often limits the perceived solutions, either marrying or facing social ostracization. Young women are thus caught between reinforcing traditional maternal virtues (reclaiming maternal virtue) and asserting reproductive autonomy (Muhamomah, 2021). Taken together, this study's findings reveal how cultural norms, religious interpretations, and patriarchal structures converge to normalize violence against women through child marriage, leaving young women trapped in cycles of stigma, coercion, and layered marginalization. These findings align with previous research, which indicates that societal responses frequently normalize child marriage and overlook the heightened vulnerabilities of girls to sexual violence and exploitation (Greene & Stiefvater, 2019). Crenshaw (2018) emphasizes that child marriage subjects girls to layered marginalization, perpetuating cycles of insecurity, reinforcing gender hierarchies, and exposing them to violence throughout their lives.

Marginalization of Young Women

Child marriage is often driven by structural limitations that disproportionately affect girls from vulnerable economic backgrounds. Financial hardship prevents daughters due to financial constraints that prevent them from continuing their education or securing employment, leading parents to marry them off to encourage financially stable men, often significantly older.

In addition to economic pressures, cultural narratives also sustain child marriage. Informants noted that some families support child marriage as a lifestyle choice aligned with the desires of their children. These marriages are often planned and formalized, even though customary and religious frameworks typically require urgent reasons, such as unintended pregnancies that usually lead to marriage dispensations. Motivations are frequently linked to the family's interpretation of moral obligations, particularly efforts to prevent perceived immoral behavior, such as premarital sex or adultery, as illustrated below:

“That’s not a case of getting pregnant out of wedlock, but of marrying young. The point was, you’re just eager to get married.” (YS, 25 yo, the representative of the cadre).

Beyond these dynamics, informants generally expressed concerns regarding child marriage, except for those holding more conservative views. Several informants highlighted that many child marriages ultimately result in divorce, suggesting that child marriage is often a consequence of external pressures rather than an autonomous choice. Drawing from these experiences, informants conveyed the hope that youth, especially women, should be granted the opportunity to pursue education and employment before considering marriage, as illustrated below:

“In my village, there were also those who had graduated, but they were still very young. He was married, but every day he still liked to hang out with his friends until the evening.” (BG, 20 yo, the representative of young people)

The findings of this study indicate that poverty plays a significant role in normalizing child marriage. Families experiencing economic hardship often view marriage as a strategy to alleviate financial burdens, such as securing dowries or reducing household expenses (Kamal & Hassan, 2015; Parsons et al., 2015). For instance, in rural areas of Bangladesh and India, daughters are frequently perceived as economic liabilities. Similarly, in Nepal and Afghanistan, parents are incentivized to marry off their daughters at an early age to obtain higher dowries (International Center for Research on Women [ICRW], 2013). This practice perpetuates cycles of poverty and intergenerational inequality. Girls who marry young are less likely to complete their education, limiting their access to decent employment and their ability to contribute to the socio-economic advancement of their families. This poverty-driven cycle reinforces the perception that marriage is the only viable solution for their daughters.

In this context, Crenshaw (2018) emphasizes that girls who experience unintended pregnancies face compounded marginalization. They are marginalized as young women within patriarchal societies and further stigmatized as individuals who violate social norms surrounding purity and sexuality. This dual marginalization severely limits their choices, often leaving them with no alternative but child marriage. In many contexts, girls from impoverished families face a heightened risk of child marriage, as these families often perceive daughters as economic burdens (ICRW, 2013). Child marriage is frequently employed as a survival strategy to reduce financial strain or shift responsibility to the husband’s family (Oosterhoff, 2018; UNICEF, 2021). In other cases, girls from low-income families are at increased risk of sexual exploitation, prompting parents to see marriage as a means of safeguarding their daughters’ chastity. However, these choices rarely constitute fair or equitable solutions concerning women’s rights. Women subjected to child marriage continue to face lifelong marginalization, including exclusion from educational opportunities and persistent stigmatization that undermines their ability to pursue further education (UNICEF, 2021).

Stakeholder Views Regarding Marriage Dispensation Policies

Law enforcement authorities play a critical role in shaping the prevalence of child marriage through the regulation of marriage dispensation requests. The level of commitment demonstrated by law enforcement in curbing child marriage significantly influences the ease with which such dispensations are granted. Weak enforcement or a passive stance often results in frequent approvals of marriage dispensation requests, increasing the vulnerability of young women.

Informant narratives reveal that marriage dispensation requests are usually submitted by the parents of girls facing unintended pregnancies or other adverse circumstances. This suggests that family pressures, combined with the leniency of legal systems, contribute to the perpetuation of child marriage practices, as illustrated below:

“The process of applying for a marriage dispensation usually begins with the parents reporting to the local leaders. Then it proceeded to the sub-district. If the sub-district found that the child to be married was still underage, the case would be forwarded to the prosecutor’s office for trial.” (YY, 38 yo, the representative of the parent)

Youth narratives corroborated the significant role of parents in the marriage dispensation process. While the concept of marriage dispensation is familiar, interview data reveal that teenagers, particularly young women, often lack detailed knowledge of its procedures. Informants confirmed that marriages prompted by unintended pregnancies are common in their communities and educational environments. However, their understanding of the legal framework is limited to the awareness that marriages involving individuals under the age of 19 require parental consent. This underscores the dominant influence of parents, leaving youths with minimal agency in decisions that shape their futures, as illustrated below:

“I didn’t know about the process of applying for a marriage dispensation. I only knew that marriages under 19 years old must have parental consent.” (SS, 19 yo, the representative of young people)

The normalization of marriage dispensation applications is shaped by limited awareness among stakeholders, particularly law enforcement, religious authorities, and educational institutions, regarding the risks associated with marriage for underage individuals, causing the process to be treated as routine and unproblematic.

Although the marriage dispensation process is regulated by the Office of Religious Affairs (KUA) and is legally permissible, this study highlights that high school students often face challenges. For instance, those nearing graduation may encounter unforeseen circumstances, prompting parents to submit marriage dispensation requests to schools, religious courts, and other authorities.

This study also uncovered narratives of resistance to the normalization of marriage dispensation applications. Some local officials actively oppose child marriage by consistently rejecting such requests. Informants reported that certain sub-district officials and even village heads demonstrate a firm commitment to refusing to sign any document related to marriage dispensation, reflecting a strong stance against legitimizing underage marriages:

“Maybe since the 2000s. If I was not mistaken, since 2013, the village head had refused to sign any letters related to marriage dispensation as an effort to prevent child marriages.” (SI, 40 yo, the representative of cadre).

Within the parent informant group, several parents did not initially apply for marriage dispensations willingly but were coerced by external pressures. In some communities, parents opposed marrying off their children, even in cases of unintended pregnancy, yet persistent persuasion from extended family members eventually led them to submit marriage dispensation applications to the Religious Court. This highlights how familial expectations and community pressures can override personal convictions, perpetuating child marriage despite initial parental resistance, as illustrated below:

“There were parents who didn’t allow their child to get married, but they were continually persuaded by their relatives. The girl’s mother kept being pressured by her siblings to accept the consequences of marriage due to the unintended pregnancy. Without parental consent, obtaining a marriage dispensation is also difficult, even though the Religious Courts tended to grant it.” (SI, 40 yo, the representative of the cadre).

The findings of this study demonstrate that child marriage is not solely a cultural or traditional issue but also a consequence of inconsistent policy implementation. Girls’ vulnerability is exacerbated by gaps in legal enforcement and weak civil society engagement. Evidence from South Asia illustrates that, despite laws setting the minimum legal marriage age at 18, social and familial pressures often override these legal restrictions (Plan International, 2018). In Bangladesh and India, girls are frequently married soon after puberty, while boys marry once considered economically capable (ICRW, 2013). Limited knowledge and social support lead young people to defer to parental, familial, or community authority, a dynamic compounded by weak legislation and insufficient civil society oversight, creating significant gaps in effectively addressing child marriage (Asriani & Muhamad, 2024).

Legislative Implications for Child Marriage Prevention

The gender and intersectionality framework used in this study illustrates that cultural factors remain a significant challenge in addressing the issue of child marriage. In Indonesia, enforcing laws to protect women is often undermined by local customs and sexist interpretations of customary law (Asriani & Muhamad, 2024). The Law No. 12 of 2022 concerning Sexual Violence (Sexual Violence Law) holds potential to strengthen child marriage prevention, but its implementation is hindered by conflicts with norms and practices. Additionally, the marriage dispensation system undermines the legal age minimum by allowing families and local actors to bypass restrictions. These gaps reflect deeper gendered power relations, where legal authority is often mediated by male-dominated institutions and cultural norms that place moral responsibility primarily on girls. As a result, the law’s protective intent is frequently diluted by local discretion and social expectations.

However, this study also identifies that, at a structural level, Indonesia already possesses several legal instruments that can serve as strategic modalities for advancing breakthroughs in child-marriage prevention. First, the revision of the Marriage Law constitutes a fundamental basis that reflects the state’s commitment to breaking the cycle of child marriage, a practice that disproportionately endangers girls. This revision aligns with the Child Protection Law, which affirms that any practice leading to the marriage of children under the age of 18 constitutes a high-risk action that may be considered a criminal act. In this context, the Child Protection Law provides the normative framework for defining children’s rights. This means that child marriage is not merely a cultural issue, but a multidimensional violation of children’s rights. Likewise, the mechanism of marriage dispensation can be interpreted as a practice that weakens the protective mandate of the Law.

Second, the Sexual Violence Law (UU TPKS) functions as an additional legal foundation to protect vulnerable groups, particularly girls, from coercion and sexual violence, which are often used as justification for child marriage, including cases involving unintended pregnancy. The key challenge, therefore, lies in the harmonization of these laws and in establishing consistent implementation standards that reflect the commitment of policymakers across national and local levels. Without strong

awareness, vigilant oversight, and the enforcement of clear implementing regulations, legal loopholes such as marriage dispensation will continue to be exploited, thereby weakening the overall effectiveness of the existing legal framework. Thus, the role of policymakers is crucial in determining the efficacy of law enforcement in communities. Effective law enforcement, therefore, requires not only robust legal structures but also a commitment to addressing the sociocultural factors that perpetuate child marriage.

Conclusions and Recommendations

This study highlights the persistence of child marriage, despite amendments to the Marriage Law, showing how traditional gender norms intersect with socio-economic, educational, and policy-related dimensions to disproportionately affect girls. Such vulnerability is not only rooted in cultural practices that position women as objects but is also reinforced by broader structural factors.

Specifically, the study identifies that the normalization of child marriage is perpetuated through the interaction of cultural, social, economic, and political forces, which collectively sustain the practice across generations. Key contributing factors include the marginalization of women, limited access to reproductive health education, the normalization of violence against women, and policymakers' lenient attitudes toward marriage dispensation processes.

These elements institutionalize child marriage as a socially accepted practice. To address these deeply ingrained issues, this study proposes three strategic approaches for operational consideration, particularly by Commissions VIII and X. First, a critical intervention involves implementing sexuality education that is both comprehensive and innovative, designed to bridge the intergenerational knowledge gap surrounding youth sexuality. Rather than separating parents and youths, joint programs are recommended to foster collaborative learning and experiential reflection on sexuality related risks and issues, facilitating a deeper understanding that extends beyond traditional textbook instruction. A best practice example comes from Bangladesh, the Adolescent Development Programme (ADP), which has established thousands of community-based clubs providing life skills, reproductive health information, and vocational training. Evaluations indicate that participants demonstrate stronger resistance to child marriage and greater enhanced leadership confidence and agency.

Second, programs should be integrated between Peningkatan Usia Perkawinan (PUP) policies with the Sexual Violence Law. Socializing PUP should be framed within the broader commitment to ending violence against women, while the implementation of the Sexual Violence Law should raise awareness among policymakers and the public about the risks of child marriage. Integrating these two policy areas will foster a more comprehensive approach to tackling the root causes of child marriage.

Third, it is essential to establish clear and measurable mechanisms to evaluate policymakers' implementation of the PUP strategy and their broader commitment to eliminating gender based violence and discrimination. This can be achieved through annual performance indicators for local government leaders and judges, including the number of child marriage dispensation applications reviewed, approved, or rejected, alongside public reporting systems. Mandatory training should also be provided for community-level policymakers, including village heads, religious leaders, and judges, to strengthen their understanding of the legal, health, and social risks of child marriage. Policymakers who are well-informed and sensitized are more likely to deny marriage dispensation requests and promote preventative measures. Their active

involvement is critical in transforming community norms, advancing child protection, and reinforcing gender equitable values. Institutionalizing these mechanisms would ensure that PUP are translated into sustained action at the community level.

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