



Disregarding the Reproductive Rights of Women in Child Marriage in Indonesia

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Abstract: The phenomenon of child marriage frequently disregards children's reproductive rights. This study aims to explain the negligence of reproductive rights in child marriages by examining practices, factors, and the impacts of such neglect on girls' human rights. This paper employs a qualitative descriptive approach, and the data was gathered through the use of keywords to search the term "neglect of women's reproductive rights in child marriage". The data was analyzed by reducing, describing, and interpreting the data in depth in order to reach a conclusion. This paper demonstrates that the practice of child marriage not only places females in a disadvantageous position, but also has an impact on reproductive rights, which has negative repercussions for survival, such as miscarriage, baby blues syndrome, and death. It is also anticipated that this paper can serve as a resource for conducting research on child marriage and the neglect of girls' reproductive rights from a broader and more multidisciplinary perspective, so that it can be used as a basis for formulating firm policies on reproductive rights

Keywords: Girls' rights, reproductive rights, and child marriage

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Abstrak: *Fenomena perkawinan usia anak seringkali mengabaikan hak anak atas reproduksi. Studi ini ditujukan sebagai jalan untuk menjelaskan pengabaian terhadap hak reproduksi pada perkawinan usia anak dengan menganalisis praktik, faktor, dan dampak pengabaian hak reproduksi pada anak perempuan terkait hak mereka sebagai manusia. Tulisan ini menggunakan pendekatan kualitatif deskriptif, pengumpulan data terfokus pada pencarian kata kunci “pengabaian hak reproduksi perempuan dalam perkawinan usia anak”. Analisis dalam tulisan ini dilakukan dengan mereduksi dan mendeskripsikan serta menginterpretasi data secara rinci untuk mendapatkan sebuah kesimpulan. Tulisan ini selain memperlihatkan bahwa praktik perkawinan usia anak tidak hanya menempatkan anak perempuan pada posisi yang dirugikan, hal ini juga berdampak pada hak reproduksi yang berimplikasi pada keberlangsungan hidup kearah negatif seperti keguguran, baby blues syndrome bahkan kematian. Tulisan ini juga diharapkan dapat menjadi jalan untuk melakukan penelitian terkait perkawinan usia anak dan pengabaian hak reproduksi anak perempuan dengan sudut pandangan yang lebih komprehensif dan multidisiplin sehingga dapat dijadikan acuan untuk membuat kebijakan tegas terhadap hak reproduksi.*

Kata Kunci: *Hak anak perempuan, hak reproduksi, perkawinan usia anak*

Introduction

Marriage is seen as a significant part of religious teachings, since it elevates women to a sacred status and provides a legal channel for sexuality in a healthy manner. This is distinct from the practice of child marriage, in which girls' reproductive rights are frequently disregarded. In 2018, the Ministry of Women's Empowerment and Child Protection reported at least 1,220,900 child marriages, placing Indonesia among the top 10 countries with child marriages worldwide.¹ According to UNICEF, there are approximately 1,2 million juvenile marriages worldwide each year.² In 2019, there were approximately 765,000,000 cases of child marriage on a global scale, and 1 in 5 of these children were married before the age of 18.³ Thus, child marriage is not only a

¹ Badan Pusat Statistik, “Pencegahan Perkawinan Anak Percepatan Yang Tidak Bisa Ditunda,” *Badan Pusat Statistik*, 2020, 6–10.

² “Child Marriage - UNICEF DATA,” accessed February 24, 2023, <https://data.unicef.org/topic/child-protection/child-marriage/>.

³ Doren Lestari Sagala, Mpeaty Nyorong, and Endang Marianti, “Analisis Faktor Yang Berpengaruh Terhadap Pernikahan Dini Desa Balimbing Kecamatan Tanah Jawa Kabupaten Simalungun,” *MIRACLE Journal* 2, no. 1 (2022): 101–15, <https://doi.org/10.51771/mj.v2i1.243>; Deutsche Welle and “UNICEF: 115 Juta Anak Laki-laki di Dunia Menikah di Bawah Umur” selengkapnya . Baca artikel detiknews, “115 Juta Anak

discriminatory and dangerous human rights issue, it also has a negative impact on the reproductive rights of females.

The practice of child marriage forces unprepared children to assume adult responsibilities. This also relates to the reproductive rights of females who are forced to give birth and become mothers at a young age, and it has obvious psychological and emotional consequences.⁴ In fact, it is not uncommon for violations of reproductive rights to result in maternal mortality.⁵ . Approximately half of the world's children are embroiled in child marriage. Hoko Horii stated that juvenile marriage has occasionally occurred.⁶ Even this practice, as demonstrated by Elisa Scolaro et al. (2015), is widespread in religion, custom, and institutionalized contexts, and is maintained by all in order to obtain social, economic, political, societal, and religious resources. Therefore, child marriage is frequently the result of several factors, including economic factors, deeply rooted traditions, and a patriarchal society.⁷

The current literature on the neglect of reproductive rights focuses on three aspects. First, the disregard for women's rights in intimate relationships is rooted in intimate financial violence and family financial resources.⁸ Second,

Laki-Laki Di Dunia Menikah Di Bawah Umur,” Detik, 2019, <https://news.detik.com/dw/d-4578842/unicef-115-juta-anak-laki-laki-di-dunia-menikah-di-bawah-umur>.

⁴ David Gurnham and José Miola, “Reproduction, Rights, and the Welfare Interests of Children: The Times They Aren’t A-Changin’,” *King’s Law Journal* 23, no. 1 (February 1, 2012): 29–50, <https://doi.org/10.5235/096157612800081196>.

⁵ 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,” <https://doi.org/10.1080/13691058.2021.1893821> 24, no. 7 (2021): 886–901, <https://doi.org/10.1080/13691058.2021.1893821>.

⁶ Hoko Horii, “A Blind Spot in International Human Rights Framework: A Space between Tradition and Modernity within the Child Marriage Discourse,” *The International Journal of Human Rights* 24, no. 8 (September 13, 2020): 1057–79, <https://doi.org/10.1080/13642987.2019.1690468>.

⁷ Elisa Scolaro et al., “Child Marriage Legislation in the Asia-Pacific Region,” <https://doi.org/10.1080/15570274.2015.1075759> 13, no. 3 (July 3, 2015): 23–31, <https://doi.org/10.1080/15570274.2015.1075759>; Hanibal Mehari et al., “Determinants of Child Marriage and Its Related Adverse Health Outcomes Among Married Women in Sub-Region of Serejeka, Central Region in Eritrea: A Cross-Sectional Study,” *International Journal of Women’s Health* 15 (2023): 215–24, <https://doi.org/10.2147/IJWH.S389939>.

⁸ Christina Vogels and Ayesha Scott, “Becoming Unstuck: The Emotional Challenges of Researching Women’s Experiences of Intimate Financial Violence,” *Women’s Studies*, 2020, <https://doi.org/10.1080/00497878.2020.1861454>; S. Ashraf, M. Abrar-ul-Haq, and S. Ashraf, “Domestic Violence against Women: Empirical Evidence from Pakistan,” *Pertanika Journal of Social Sciences and Humanities*, 2017; Beth Goldblatt, “Social and Economic Rights to Challenge Violence against Women – Examining and Extending Strategies,” *South African Journal on Human Rights*, 2019, <https://doi.org/10.1080/02587203.2019.1615351>.

analyzing the experiences of domestic workers who are subjected to workplace violence, discrimination, and violation of their rights by their employers.⁹ In addition to discussing the law regarding domestic worker protection as a legal umbrella.¹⁰ Thirdly, women's voice are marginalized when it comes to the violation of children's reproductive rights, which impacts their lives negatively.¹¹ Out of these three important issues, relatively little has been written regarding the issues of early marriage and the negligence of reproductive rights of women.

So far, studies on the practice of child marriage have been viewed as the origin of gender-based violence and have had a negative impact on females, particularly in terms of reproductive rights.¹² Due to a lack of knowledge about reproductive health, people are frequently unaware of their sexual and reproductive rights, despite the fact that this practice is frequently viewed as part

⁹ Lucy C Wilson et al., "Seeking Synergies: Understanding the Evidence That Links Menstrual Health and Sexual and Reproductive Health and Rights," *Sexual and Reproductive Health Matters* 29, no. 1 (January 1, 2021): 44–56, <https://doi.org/10.1080/26410397.2021.1882791>; Aube Tollu, "Who's Afraid of the Vulnerable Terrorist? Framing Violent Jihadists' Life and Intimate Relationships," *Critical Studies on Terrorism* 16, no. 2 (April 3, 2023): 328–50, <https://doi.org/10.1080/17539153.2023.2188680>; Rose Grace Grose et al., "Sexual and Reproductive Health Outcomes of Violence Against Women and Girls in Lower-Income Countries: A Review of Reviews," *The Journal of Sex Research* 58, no. 1 (January 2, 2021): 1–20, <https://doi.org/10.1080/00224499.2019.1707466>.

¹⁰ Anita Dhewy, "Diskriminasi, Kekerasan Dan Pengabaian Hak: Status PRT Di Tengah Ketiadaan Payung Hukum Perlindungan PRT," *Jurnal Perempuan: Untuk Pencerahan Dan Kesetaraan*, 2017; Antony Jesu Rajan FSA, R. Vettriselvan, and R. Divyaranjani, "Human Rights Violations against Rural Women Workers," *International Journal of Management Research and Social Science*, 2019, <https://doi.org/10.30726/ijmrss/v6.i1.2019.61001>; Idha Rahayuningsih, "Analysis on Psychological Impacts Due to Violation of the Rights of Women Workers," *International Journal of Psychological Studies*, 2016, <https://doi.org/10.5539/ijps.v8n2p65>.

¹¹ Rosemary Nagy, "What Happened to the Women? Gender and Reparations for Human Rights Violations," *Peace & Change*, 2010, <https://doi.org/10.1111/j.1468-0130.2010.00660.x>; Subrata Banarjee, "Identifying Factors of Sexual Violence against Women and Protection of Their Rights in Bangladesh," *Aggression and Violent Behavior*, 2020, <https://doi.org/10.1016/j.avb.2020.101384>; Reginaldo Antônio de Oliveira Freitas-Júnior, "Avoidable Maternal Mortality as Social Injustice," *Revista Brasileira de Saude Materno Infantil*, 2020, <https://doi.org/10.1590/1806-93042020000200016>.

¹² R El Arab and M Sagbakken, "Child Marriage of Female Syrian Refugees in Jordan and Lebanon: A Literature Review," *Global Health Action* 12, no. 1 (January 1, 2019): 1585709, <https://doi.org/10.1080/16549716.2019.1585709>; Sayema Akter et al., "Harmful Practices Prevail despite Legal Knowledge: A Mixed-Method Study on the Paradox of Child Marriage in Bangladesh," *Sexual and Reproductive Health Matters* 29, no. 2 (January 1, 2022): 1885790, <https://doi.org/10.1080/26410397.2021.1885790>.

of tradition by traditionalists.¹³ According to Megan Athur et al. (2018), the global practice of child marriage constitutes discrimination against females.¹⁴ This paper examines the other side of the practice of child marriage, which frequently disregards the reproductive rights of girls, regardless of whether it occurs in the name of custom or as a legal exemption, so that girls can later choose to continue or postpone the practice of child marriage in order to be granted reproductive rights.

This paper seeks to investigate the disregard for the reproductive rights of women in child marriages. Providing a detailed analysis of the primary issues pertaining to the forms of ignoring the rights of young brides,¹⁵ children's rights that must be granted that are unrelated to reproduction, such as the right to legal and religious protection, so that the neglect of reproductive rights against children in child marriages does not continue.¹⁶ In addition, the disregard for reproductive rights is accompanied by various forms of domestic violence in the practice of child marriage, and the disregard for health and life begins with the disregard for reproductive rights.¹⁷ It also describes the effects and repercussions of ignoring the reproductive rights of minor brides.

This paper argues that juvenile marriage has created a significant burden for women. Moreover, children's distress is not limited to the loss of opportunities to experience life at their age. In addition to altering children's psychological behavior, the practice of child marriage has a significant impact on the denial of their rights. Neglecting what is their right increases the

¹³ Oluwatosin Adebimpe Makinde and Ayodeji Matthew Adebayo, "Knowledge and Perception of Sexual and Reproductive Rights among Married Women in Nigeria," *Sexual and Reproductive Health Matters* 28, no. 1 (January 1, 2020): 1731297, <https://doi.org/10.1080/26410397.2020.1731297>; Horii, "A Blind Spot in International Human Rights Framework: A Space between Tradition and Modernity within the Child Marriage Discourse."

¹⁴ 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 (January 2, 2018): 51–74, <https://doi.org/10.1080/1554477X.2017.1375786>.

¹⁵ Awatiful Azza, Achir Yani S Hamid, and Yati Afiyanti, "Pengalaman Perempuan Dalam Memperoleh Hak Reproduksi Pada Masa Kehamilan Dan Nifas," *Jurnal Keperawatan Indonesia*, 2011, <https://doi.org/10.7454/jki.v14i1.51>.

¹⁶ Nurfadhilah, "STUDI KASUS PEMENUHAN HAK REPRODUKSI PEREMPUAN MUSLIM MENIKAH TAHUN 2010," *Saintika Medika*, 2012, <https://doi.org/10.22219/sm.v7i1.1082>.

¹⁷ Muhammad Khatibul Umam and Nano Romadlon Auliya Akbar, "Childfree Pasca Pernikahan: Keadilan Hak-Hak Reproduksi Perempuan Perspektif Masdar Farid Mas'udi Dan Al-Ghazali," *Al-Manhaj: Journal of Indonesian Islamic Family Law*, 2021, <https://doi.org/10.19105/al-manhaj.v3i2.5325>; M Mulia, "Perkawinan Anak Dalam Perspektif Islam Dan Hak Kesehatan Reproduksi," *Makalah, Disampaikan Pada Seminar Dan ...*, 2018.

difficulty of adapting to the situation, to the point where there is a lack of knowledge and ignorance on the part of parents toward their children regarding the neglect of reproductive rights resulting from child marriage.

Rights to Reproduction in Child Marriage

Women's health and reproductive rights include individual and partner rights, as well as those pertaining to body, sexual, and reproduction decisions, freedom, non-discrimination, and physical or psychological violence.¹⁸ As part of Human liberties, these liberties are frequently disregarded. In Indonesia, the neglect of women's health and reproductive rights is a result of the patriarchal system that positions women and children as objects of weakness.¹⁹ Women's and children's rights are frequently disregarded, particularly when it comes to reproduction and minor marriages.²⁰ Child marriages continue to occur for a variety of reasons, as is the case in rural areas, where girls are frequently viewed as a burden to their parents; consequently, the sooner girls are married, the lighter the burden on the family. The practice of child marriage is also frequently legitimized for the sake of traditions. Child marriage is also the beginning of the neglect of children's rights, such as the right to growth and development, the right to education and information, and the right to binding reproductive rights in child marriage with unwritten rules that the wife is only to give birth, raise children, and do household chores, etc.²¹ This is definitely not a simple task for girls who marry at a young age.

The lack of respect for the reproductive rights of women in Indonesia, particularly the practice of child marriage, cannot be divorced from the

¹⁸ Kuswardani Kuswardani, Handrawan Handrawan, and Widhia Kusuma Wardhani, "Hak Reproduksi Perempuan Dan Hukum Pidana," *Halu Oleo Law Review*, 2019, <https://doi.org/10.33561/holrev.v3i2.8744>.

¹⁹ Bahrudin Hasan, "GENDER DAN KETIDAK ADILAN," *Jurnal Signal*, 2019, <https://doi.org/10.33603/signal.v7i1.1910>; Utari Dewi Fatimah, "PERLINDUNGAN HUKUM HAK KESEHATAN REPRODUKSI PEREMPUAN," *Jurnal Hukum Sasana*, 2020, <https://doi.org/10.31599/sasana.v5i2.101>.

²⁰ Eddy Fadlyana and Shinta Larasaty, "Pernikahan Usia Dini Dan Permasalahannya," *Sari Pediatri*, 2016, <https://doi.org/10.14238/sp11.2.2009.136-41>; Nurfadhilah, "STUDI KASUS PEMENUHAN HAK REPRODUKSI PEREMPUAN MUSLIM MENIKAH TAHUN 2010."

²¹ Lu Pan, "From Left-behind Children to Young Migrants: The Intergenerational Social Reproduction of Rural Migrant Labor in China," *Eurasian Geography and Economics* 59, no. 2 (March 4, 2018): 184–203, <https://doi.org/10.1080/15387216.2018.1484298>; Joseph G Schenker, "Human Reproduction: Jewish Perspectives," *Gynecological Endocrinology* 29, no. 11 (November 1, 2013): 945–48, <https://doi.org/10.3109/09513590.2013.825715>.

traditions and dogmas of the society.²² The practice of marriage frequently implies that the child's age does not pose a problem for carrying out the *ijab* and *qobul*.²³ Thus, there is widespread age falsification in order to petition for a waiver to marry at a young age. This is sometimes done not only by the prospective bride and groom, parents, and family, but also by several community members who participate in child marriage.²⁴ In child marriages, the reproductive rights of minors are rarely considered.²⁵ Consequently, this practice persists in a stimulating manner from generation to generation, placing child marriage as an integral part of sociocultural, economic, and educational factors, as shown in the table below:

Table.1
The number of child marriage in Indonesia

Regional	Number	Ages	Sources
Sumatra	190.000 cases	Under 18	https://databoks.katadata.co.id/data-published/2020/09/11/jutaan-anak-perempuan-indonesia-lakukan-pernikahan-dini
Java	668.900 cases	Under 18	
Kalimantan	104.600 cases	Under 18	
Sulawesi	123.400 cases	Under 18	

²² Bryan S Turner, "Citizenship, Reproduction and the State: International Marriage and Human Rights," *Citizenship Studies* 12, no. 1 (February 1, 2008): 45–54, <https://doi.org/10.1080/13621020701794166>.

²³ Fransiska Novita Eleanor and Andang Sari, "Pernikahan Anak Usia Dini Ditinjau Dari Perspektif Perlindungan Anak," *PROGRESIF: Jurnal Hukum*, 2020, <https://doi.org/10.33019/progresif.v14i1.1485>; Kayus Kayowuan Lewoleba et al., "PENCEGAHAN DAN PENANGGULANGAN PERKAWINAN ANAK BAGI REMAJA DAN KARANG TARUNA KELURAHAN LIMO KOTA DEPOK," *Prosiding SENAPENMAS*, 2021, <https://doi.org/10.24912/psenapenmas.v0i0.14981>.

²⁴ Angly Branco Ontolay, "HAK DAN KEWAJIBAN ORANG TUA DAN ANAK DITINJAU DARI PASAL 45 Juncto 46 UNDANG-UNDANG NOMOR 1 TAHUN 1974," *Lex Privatum*, 2019; Siti Qomariatul Waqiah, "Diskursus Perlindungan Anak Perempuan Di Bawah Umur Pasca Perubahan Undang-Undang Perkawinan," *An-Nawazil*, 2019.

²⁵ Andi Marlah Susyanti and Halim Halim, "STRATEGI PENCEGAHAN PERNIKAHAN USIA DINI MELALUI PENERAPAN PUSAT INFORMASI DAN KONSELING REMAJA (PIK-R) DI SMK NEGERI 1 BULUKUMBA," *Jurnal Administrasi Negara*, 2020, <https://doi.org/10.33509/jan.v26i2.1249>.

Bali and Nusa Tenggara	64.600 cases	Under 18
Maluku and Papua	31.900 cases	Under 18

The data in Table 1 indicate that marriages between children under the age of 18 have reached a level of concern. According to the data presented above, the island of Java has the highest number of minor marriages by region, with as many as 668,900 instances. In addition, there were 190,700 instances of juvenile marriage on the island of Sumatra, followed by 123,400 instances on the island of Sulawesi and 104,600 instances on the island of Kalimantan. There are 96,500 cases on the islands of Bali, Nusa Tenggara, Maluku, and Papua. Several factors, including rape, forced marriage, arranged marriages, etc., continue to contribute to the occurrence of child marriages.

Child marriage has negative effects on reproductive health, both during pregnancy and labor, and can contribute to infant mortality due to immature reproductive organs. stated that the minimum age for women to marry was 16, despite the fact that Law No. 16 of 2019 article 7 raised the minimum age to 19 for both men and women.²⁶ The Convention on the Rights of the Child (KHA) was ratified through Law Number 23 of 2002, which includes the rights to life, development, protection, and participation.²⁷ These four elements must adhere to the principles of nondiscrimination, life assurance, the child's best interests, and their participation. It is the responsibility of the state, parents, and society to grant these privileges to children. The 1994 International Conference on Population and Development (ICPD) in Cairo also discussed reproductive health rights and sexual life in 12 main points. In addition to these rights, reproductive rights for adolescents included the right to be themselves, the right to obtain information, the right to be protected and self-protected, the right to receive health care, and the right to participate.²⁸

²⁶ Anggelia Anggelia and Ani Purwanti, "Kebijakan Perlindungan Anak Terhadap Eksploitasi Seksual Melalui Nikah Siri Dalam Perspektif Hukum Nasional Di Indonesia," *Jurnal Jurisprudence*, 2020, <https://doi.org/10.23917/jurisprudence.v10i1.10974>; Ahmad Arif Masdar Hilmy UIN Sunan Ampel Surabaya and Jawa Timur, "DISPARITAS USIA MINIMAL PERKAWINAN DALAM KOMPILASI HUKUM ISLAM PERSPEKTIF TEORI BATAS MASLAHAH SA'ID RAMADAN AL-BU'ATI," *Jurnalnu.Com* 03, no. 01 (2019): 123–57, <http://jurnalnu.com/index.php/as/article/view/123>.

²⁷ Hasan Basori, "Hukum Islam Nusantara," *Tashwirul Afkar* 39, no. 2 (December 30, 2020), <https://doi.org/10.51716/TA.V38I02.23>; Siskawati Thaib, "Perkawinan Dibawah Umur (Ditinjau Dari Hukum Islam Dan Undang-Undang Nomor 1 Tahun 1974)," *Lex Privatum*, 2017.

²⁸ K. G. Santhya and Shireen J. Jejeebhoy, "Sexual and Reproductive Health and Rights of Adolescent Girls: Evidence from Low- and Middle-Income Countries," *Global Public Health*

The practice of child marriage has violated the rights of children as free human beings, in addition to ignoring their reproductive health rights. In fact, children have the right to growth and development, the right to education, the right to a source of life, socio-political rights, and the right to be protected from all forms of violence. In Brunei, Chile, Ethiopia, Saudi Arabia, India, Jordan, and Indonesia, research indicates that 85 percent of child marriages result in the termination of children's right to education. According to cultural prejudices, women's education is less valuable. At least 50,000 of the 16 million infants who gave birth perished, according to Paul Van Trigt.²⁹ Indonesia has the greatest maternal and infant mortality rates in Southeast Asia. High rates of child marriage have an effect on fertility, as well as complications during pregnancy, childbirth, and postpartum. Additionally, infants born to mothers under the age of 18 are at risk of premature birth and mortality.

Between Child Marriage Rights and Abandonment

The 1994 Convention on the Rights of the Child (CRC) was convened by 192 countries, including Indonesia. Not only did Indonesia ratify the law, but the government is also responsible for establishing a system to ensure the fulfilment of children's rights. The convention on the rights of the child states that girls may marry at the age of 18, but other rules allow the practice of child marriage to continue due to cultural values and religion. The Indonesian government has yet to have the resolve to determine the age limit for marriage, despite the fact that the convention allows girls to marry at the age of 18. This demonstrates that the Indonesian government has not provided the rights of women and children in accordance with international agreements, particularly in relation to the negative effects of child marriage. Thus, the state has disregarded the rights of women and children, particularly females, who are always considered to be victims of a lack of legal protection. Marriage of children under the age of 18 has become a violation of children's human rights that is not only neglected by parents and the society, but also by the government; there are several causes of child marriage, as shown in the table below:

Table 2
Factors to child marriage in Indonesia

Age	Factors	Causes	Source
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10, no. 2 (February 7, 2015): 189–221, <https://doi.org/10.1080/17441692.2014.986169>; Fatimah, “PERLINDUNGAN HUKUM HAK KESEHATAN REPRODUKSI PEREMPUAN.”

²⁹ Paul van Trigt, “Equal Reproduction Rights? The Right to Found a Family in United Nations’ Disability Policy since the 1970s,” *The History of the Family* 25, no. 2 (April 2, 2020): 202–13, <https://doi.org/10.1080/1081602X.2019.1645719>.

18 Years Old	Rape	R (18 years) was raped by three individuals and compelled to marry one of the offenders with the initials S (19 years).	https://www.detik.com/jatim/hukum-dan-kriminal/d-6190634/menyayathati-ortu-dipaksa-nikahkan-anaknya-dengan-pelakupemeriksaan/2
13 Years Old	Force Marriage	AR (35) was compelled to marry a 13-year-old girl as his fifth wife by her father.	https://aceh.tribunnews.com/2022/03/08/bocah-13-tahun-dipaksa-nikah-dengan-pria-48-tahun-suami-banggapunya-istri-sebayadengan-anaknya
14 and 19 Years Old	Sect	A (14) years old were forced to marry her cousin, a (19) Years Old boy	https://wolipop.detik.com/wedding-news/d-6135709/hidup-di-sekte-sesat-wanita-ini-dipaksa-nikah-dengan-sepupu-di-usia-14
13 Years old	Arranged Marriage	R (13) was arranged and wed by his parents to assist the family's finances.	https://www.republika.co.id/berita/qf65m396/dipaksa-nikah-usia-13-tahun-rasminah-lawan-perkawinan-anak
14 Years Old	Personal choices	NA (14) years old and UL (14) years old chose to get married on their own decision	https://www.detik.com/sulsel/berita/d-6096612/penyebab-pernikahan-anak-dimamaju-bocah-perempuan-betah-di

			rumah-pacar
14 Years Old	Tradition	D (32) was wed at the age of 14, which has become commonplace among the residents of Pangkajene Regency, Kulambing Island, and Bangkoang Island in South Sulawesi	https://www.bbc.com/indonesia/indonesia-49081206

As shown in Table.2, child marriages are motivated by a variety of factors, including the influence of religious norms and doctrines and cultural traditions; however, a significant number of children marry as a result of rape, and parental coercion due to arranged marriages, as well as children's propensity to marry at a young age.³⁰ In addition to a lack of understanding of the reproductive risks of child marriage and community cultural practices that have been practiced for generations, it is not uncommon for these children to be exploited by their parents in order to profit from the marriage procession itself.³¹

The Child Protection Law specifies the maximum age at which children can obtain health rights; consequently, the government and guardians are responsible for children up to the age of 18. According to Kuhar, Europe and the United States also experience a decline in sexual and reproductive rights as a result of controversies surrounding the regulation of sexuality, gender, and physical autonomy.³² Young, unplanned, and high-risk pregnancies in the absence of antenatal care should be our main concern. Horii identifies child marriage as a deviant behavior resulting from cultural and religious practices regarding the optimal age of marriage.³³ The controversy has given

³⁰Erna Rustiana, Yusup Hermawan, and Yudi Triana, "Pencegahan Pernikahan Dini," *Jurnal Pengabdian Kepada Masyarakat*, 2020.

³¹Eleanora and Sari, "Pernikahan Anak Usia Dini Ditinjau Dari Perspektif Perlindungan Anak"; Rustiana, Hermawan, and Triana, "Pencegahan Pernikahan Dini."

³²Metka Kuhar and Gaja Zager Kocjan, "Associations of Adverse and Positive Childhood Experiences with Adult Physical and Mental Health and Risk Behaviours in Slovenia," *European Journal of Psychotraumatology* 12, no. 1 (January 1, 2021): 1924953, <https://doi.org/10.1080/20008198.2021.1924953>; Eszter Varsa and Dorottya Szikra, "'New Eugenics,' Gender and Sexuality: A Global Perspective on Reproductive Politics and Sex Education in Cold War Europe," *The History of the Family* 25, no. 4 (October 1, 2020): 527–49, <https://doi.org/10.1080/1081602X.2020.1807385>.

³³ Horii, "A Blind Spot in International Human Rights Framework: A Space between Tradition and Modernity within the Child Marriage Discourse."

interventionists the justification to prohibit juvenile marriage. According to the United Nations, this is deemed a forced marriage because it violates the universal declaration of children's rights. Child marriage places an early emphasis on the child's responsibility. According to UNICEF, the transition from childhood to maturity is accompanied by extraordinary consequences. The international pros and cons of child marriage deny tradition discursively but disregard the rights of children as human beings.

Reproductive rights and responsibilities in child marriage necessitate the conceptualization of the preservation of children's reproductive rights in the form of an irrefutable construction. Occasionally, it becomes a dilemma in the actual world. This omission in human rights has the potential to jeopardize the protection of children's rights. This must begin by creating a forum for multidisciplinary dialogue in order to eliminate blind spots in the issue of reproductive rights in adolescent marriages.³⁴ One of these is by reforming the health system and focusing on the preservation of children's rights in child marriages. At least three reproductive health issues, namely health during pregnancy, health during delivery, and health after birth, require reconstruction.³⁵ Due to child marriage, children will experience hemodelution during pregnancy, which can be fatal. During childbirth, particularly for primigravidas, a process of 10 to 15 hours will be necessary.³⁶ The third problem after birth causes bleeding, infection, and even mortality, resulting in a transformation on all levels, including individuals, families, communities, and state institutions, to advocate for the reproductive rights of child brides.

Implications of Women's Reproductive Rights on Child Marriage

Child marriage is a worldwide issue that has spawned harsh criticism of claims to human rights (HAM) from both a democratic and secular perspective. At least, as Rosalia stated, there are currently legal abortion services available in

³⁴Kuswardani, Handrawn, and Wardhani, "Hak Reproduksi Perempuan Dan Hukum Pidana."

³⁵ Eldawaty, Agnes Widanti, and Yanti Fristikawati, "PERLINDUNGAN HAK REPRODUKSI PEREMPUAN UNTUK BERKEDIHUBUNGAN DENGAN PROGRAM JAMINAN PERSALINAN (PERMENKES NO.2562/MENKES/PER/XII/2011)," *SOEPRA*, 2018, <https://doi.org/10.24167/shk.v3i2.780>; Pinky Saptandari, "Pengetahuan Tradisional Tentang Kesehatan Dan Pemenuhan Hak Kesehatan Reproduksi Perempuan Bawean," *Antropologi Indonesia*, 2021, <https://doi.org/10.7454/ai.v41i2.12990>; Pinky Mahlangu et al., "Preliminary Evidence of Promise of a Sexual Violence Risk Reduction Intervention for Female Students in South African Tertiary Education Institutions," *Global Public Health*, November 13, 2021, 1–17, <https://doi.org/10.1080/17441692.2021.1998574>.

³⁶Eleanora and Sari, "Pernikahan Anak Usia Dini Ditinjau Dari Perspektif Perlindungan Anak."

many significant nations. This does not provide adequate protection for children's rights, although some health experts disagree despite the fact that it is mandated by law,³⁷ such as the distribution of the abortion drug misoprostol, which is predominantly used by adolescents. In fact, the elimination of child marriage has been agreed upon by a number of countries and they are committed to realize the idea, but this practice persists in all regions of the globe, where the highest marriage rate occurs between the ages of 15 and 20. These practices are also rooted in the culture and dogma that religion and beliefs impart.

Tabel.3
Impact of reproductive rights on health

Initial	Factor	Impact	Source
M	Reproduction	Because the physical condition of the reproductive organs is not ideal, there is a risk of tearing the cervix, which can lead to bleeding, preeclampsia, high blood pressure, swollen feet, contractions during childbirth, anemia, premature and low birth weight babies, and maternal death during childbirth.	https://www.republika.co.id/berita/riy9o5483/pernikahan-dini-masalah-dan-solusinya
S	Health	At risk for cervical cancer, anemia during pregnancy, birth defects, and maternal mortality.	https://edukasi.kompas.com/read/2022/06/15/164225071/risiko-pernikahan-dini-menurut-pakar-um-surabaya-picu-kanker-rahim?page=all
F	Maternal and	Additionally, child	https://sultra.antara

³⁷Rosalia Sciortino, "Sexual and Reproductive Health and Rights for All in Southeast Asia: More than SDGs Aspirations," *Culture, Health & Sexuality* 22, no. 7 (July 2, 2020): 744–61, <https://doi.org/10.1080/13691058.2020.1718213>.

	Infant Mortality	marriage contributes to high maternal and infant mortality rates.	news.com/berita/419761/bkkbn-sebut-pernikahan-dini-tingkatkan-angka-kematian-ibu-dan-bayi
	Domestic Violence	In addition to reproductive rights, child marriage is vulnerable to domestic violence (KDRT), depression and anxiety disorders	https://www.kompasiana.com/tsabitahazzahra9310/62e4c9633555e4671845edc2/kdrt-akibat-pernikahan-dini
	Divorce	Divorce is caused by domestic disharmony, unstable emotions, and immature methods of thinking.	https://www.celebrities.id/read/waduh-pernikahan-dan-perceraian-dini-di-surabaya-meningkat-pendidikan-parenting-pranikah-digencarkan-Oc388u
	Psychological and social	Child marriage has a psychological impact on the child's unreadiness to become a mother, as well as a socially negative perception of child marriage that has an influence on psychology.	https://www.kompas.com/tren/read/2020/10/27/203100965/simak-dampak-psikologis-dan-sosial-pernikahan-usia-dini?page=all
	Exploitation	Y (17) became a victim of child marriage exploitation due to the <i>Sasak</i> tribe's violation of the <i>Merariq</i> tradition in the Lombok region.	https://www.dw.com/id/tradisi-kawin-culik-di-lombok-suburkan-praktik-nikah-paksa/a-51061239

In Table 3, it can be seen that child marriage has a wide variety of effects, including retardation of children whose mothers are too young to give birth and whose uteruses are not yet mature enough.³⁸ In addition to causing diseases such as uterine cancer and anemia, the procedure of giving birth at a young age contributes to high rates of maternal and infant mortality. Domestic violence can also have an effect on family harmony when child marriage occurs. Unstable emotions and immature methods of thinking contribute to the high divorce rate associated with child marriage. Psychologically, children are not prepared to become wives and mothers, not to mention the negative views of society on child marriage. Child marriage also places children in the position of being exploited in the name of tradition and culture.³⁹

The reproductive rights of females in child marriages are tied to sexual initiation, whether it occurs before or after the marriage, forcibly or voluntarily. According to Padma Anagol, women as young as 15 have engaged in sexual activity in 14 countries around the globe, with 47% of these women undergoing forced sexual initiation.⁴⁰ According to the WHO, this will impair children's reproductive organs and lead to sexual violence in child marriages.⁴¹ Meanwhile, Lewoleba et al. explained that the impact of child marriage is

³⁸ Wanda Nowicka, "Sexual and Reproductive Rights and the Human Rights Agenda: Controversial and Contested," *Reproductive Health Matters* 19, no. 38 (January 1, 2011): 119–28, [https://doi.org/10.1016/S0968-8080\(11\)38574-6](https://doi.org/10.1016/S0968-8080(11)38574-6); Ayşe Arslan, "Relations of Production and Social Reproduction, the State and the Everyday: Women's Labour in Turkey," *Review of International Political Economy* 29, no. 6 (November 2, 2022): 1894–1916, <https://doi.org/10.1080/09692290.2020.1864756>; Hannah Bargawi, Randa Alami, and Hurriyah Ziada, "Re-Negotiating Social Reproduction, Work and Gender Roles in Occupied Palestine," *Review of International Political Economy* 29, no. 6 (November 2, 2022): 1917–44, <https://doi.org/10.1080/09692290.2020.1868017>.

³⁹ Mujiburrahman Mujiburrahman, "EKSPLOITASI SEKSUAL ANAK PERSFEKTIF -UNDANG UNDANG PERLINDUNGAN ANAK SEBAGAIMANA TELAH DIUBAH DENGAN UNDANG UNDANG NOMOR 35 TAHUN 2014 DAN PERUBAHAN KEDUA UNDANG UNDANG NOMOR 17 TAHUN 2016," *Jurnal Hukum Tri Pantang*, 2020, <https://doi.org/10.51517/jhtp.v6i2.263>; Anak Agung Ngurah Bagus Arya Bhaskara, I Nyoman Gede Sugiarta, and Diah Gayatri Sudibya, "Tinjauan Yuridis Terhadap Dampak Eksploitasi Perdagangan Anak Dengan Modus Perkawinan," *Jurnal Konstruksi Hukum*, 2021, <https://doi.org/10.22225/jkh.2.1.2958.5-9>.

⁴⁰ Padma Anagol, "Historicising Child Sexual Abuse in Early Modern and Modern India: Patriarchal Norms, Violence and Agency of Child-Wives and Young Women in the Institution of Child Marriage," *South Asian Studies* 36, no. 2 (July 2, 2020): 177–89, <https://doi.org/10.1080/02666030.2020.1821515>.

⁴¹ Yann Le Strat, Caroline Dubertret, and Bernard Le Foll, "Child Marriage in the United States and Its Association with Mental Health in Women," *Pediatrics*, 2011, <https://doi.org/10.1542/peds.2011-0961>.

experiencing spousal violence; otherwise, the child's reproduction will become unhealthy, resulting in the birth of children with weak conditions, abortion induction, and psychological and psychological depression. Several components of society must be directed to participate in directing the preservation of children's reproductive rights by adjusting regulations in accordance with their traditions and belief doctrines.⁴²

Child marriage disregards the internal and external reproductive rights of children, such as the right to education, the right to growth and development, the right to protection, and other rights inherent to a child.⁴³ Compared to the endeavors of other nations to provide child reproductive protection, Indonesia lags behind in all areas, beginning with the minimum age for marriage as a means of reducing child marriage.⁴⁴ Women's reproductive rights are presently limited only by rules, so the protection of children's rights must still find a solution to this issue. The societal paradigm has always viewed reproductive rights in children negatively, necessitating fundamental adjustments in the way state regulations, culture, and religion view reproductive rights. So that children can exercise their reproductive rights, including the right to choose a partner, sexual rights, the right to determine pregnancy, and the right to bear, nurture, and care for children.⁴⁵ This must be possessed by all females across the globe in a balanced and secure manner. So that later the legal, cultural, and religious protection of the reproductive rights of children in early marriages can be implemented.

Conclusion

This article demonstrates that the protection of women's reproductive rights in child marriages not only affects the reproductive organs, but also has negative psychological and psychological implications for children in the lives of child-age couples, such as the loss of education rights, protection rights, and other children's rights stipulated in the international convention on children's rights. The impact of child marriage is not always manifested by a disregard for

⁴² Lewoleba et al., "PENCEGAHAN DAN PENANGGULANGAN PERKAWINAN ANAK BAGI REMAJA DAN KARANG TARUNA KELURAHAN LIMO KOTA DEPOK."

⁴³Said Yai Herdiansyah, "Hak-Hak Anak Dalam Islam," *Angewandte Chemie International Edition*, 6(11), 951–952., 2021, 5–24.

⁴⁴Eleanora and Sari, "Pernikahan Anak Usia Dini Ditinjau Dari Perspektif Perlindungan Anak"; Masayu Mashita Maisarah, "MENINJAU ULANG TEKS KEAGAMAAN TENTANG BATASAN USIA KAWIN ANAK," *Jurnal Harkat: Media Komunikasi Gender*, 2019, <https://doi.org/10.15408/harkat.v15i1.10434>.

⁴⁵Herdiansyah, "Hak-Hak Anak Dalam Islam"; Auriel Karina Siti Zutema and Nunung Nurwati, "Hubungan Eksploitasi Anak Dalam Perspektif Hak Asasi Manusia Dengan Tingkat Kematian Anak," *Focus: Jurnal Pekerjaan Sosial*, 2020.

children's rights; it can also take the form of negative preferences in a society where religious dogmas and traditions remain ingrained and even present pros and cons in terms of child reproduction. In accordance with this, the implications of child marriage do not only emphasize laws and regulations and public perceptions related to the practice of child marriage, but also highlight key findings in this article regarding the functioning and non-functioning of the legal system in protecting children's reproductive rights. In other words, the neglect of reproductive rights in child marriages in Indonesia is not only an example of problems with children's rights in general, but also of a culture in a society where the protection of children's rights is still denied to a very low degree.

Protection of reproductive rights in child marriage is a global issue that is frequently discussed in dialogue spaces, especially in relation to offline and online acts of violence against reproduction. However, the conception of reproduction, its factors, and the implications of child marriage in relation to reproduction have not been formulated comprehensively. As a result, this article provides an overview of the dynamics of the neglect of reproductive rights in children as a result of child marriage, within the context of mutually agreed upon concepts of values, norms, and rules, as part of a shared commitment to reduce the practice of child marriage. It is anticipated that the contribution of this concept will contribute to the contextualization of the concept of law enforcement for the protection of children's rights, particularly reproductive rights.

This paper demonstrates that several factors contribute to the violation of children's rights in child marriages; therefore, this research is unable to describe the pattern of forced child marriage practices that exist in society as a whole; it must be analyzed to obtain a more comprehensive understanding. In accordance with this, it is recommended that additional research be conducted that includes more representative cases, rather than relying solely on a single scientific study, as well as analyzing the relationship between culture and the practice of protecting reproductive rights in child marriage, so that it can supplement the scope that is lacking in this research regarding the practice of child marriage in protecting child reproductive rights.

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