



## Abandonment of Women's Rights in Child Marriage: An Islamic Law Perspective

### Article history:

#### Abstract:

Cases of child marriage increased significantly during the pandemic, with the belief in improving financial conditions and social security. This phenomenon causes many problems, especially related to the abandonment of women's rights in domestic life. It further contradicts the purpose of marriage in Islam which is to realize a harmonious, prosperous, and happy household. Therefore, this study aims to gain a deep understanding of the forms of abandonment of women's rights and the views of Islamic law on the situation. The study used qualitative approach in which the data were obtained through interviews and literature studies. Structured interviews were conducted with four women who experienced child marriage. The findings showed that respondents experienced the abandonment of economic, human, and reproductive rights. The abandonment puts them in an alarming situation; some had experienced unstable psychological conditions. Islamic law views the abandonment as a violation of written rules. It has consequences for the emergence of criminal sanctions which can be given as imprisonment or monetary fines.

#### Keywords:

abandonment; child marriage; Islamic law; women's rights

#### Abstrak:

Di masa pandemi, perkawinan usia anak mengalami peningkatan jumlah kasus yang signifikan. Hal ini diakibatkan oleh adanya anggapan bahwa perkawinan usia anak akan menyelamatkan kondisi finansial dan keamanan sosial. Faktanya, perkawinan usia anak justru banyak menimbulkan masalah terutama tentang pengabaian hak-hak perempuan dalam kehidupan rumah tangga. Hal tersebut bertolak

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**Commented [s2]:** Do you mean inline with?

**Commented [s3]:** Please add this result to increase the number of words!

**Commented [Ma4]:** Is it also according to islamic law?

**Commented [s5]:** Your abstract in Bahasa and English is not the same, please fix it. Please compare, one of them, : Di masa pandemi, perkawinan usia anak mengalami peningkatan jumlah kasus yang signifikan **and** *Cases of child marriage increased significantly during the pandemic, with the belief in improving financial conditions and social security.* Both are different, fix it and check the other!



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belakang dengan apa yang menjadi tujuan perkawinan dalam Islam yaitu mewujudkan rumah tangga yang harmonis, sejahtera dan bahagia. Studi ini bertujuan untuk mendapatkan pemahaman yang mendalam tentang bentuk pengabaian hak perempuan serta bagaimana perspektif hukum Islam memandang situasi tersebut. Studi ini menggunakan pendekatan kualitatif di mana data diperoleh dengan melibatkan penggunaan metode wawancara dan penelusuran literatur. Wawancara terstruktur dilakukan kepada 4 orang perempuan yang menikah di usia dini. Temuan penelitian menunjukkan bahwa bentuk-bentuk pengabaian terhadap hak perempuan yang dialami oleh responden meliputi tiga kondisi yaitu pengabaian terhadap hak-hak ekonomi, hak asasi dan hak reproduksi. Pengabaian tersebut menjadikan responden berada dalam kondisi yang mengkhawatirkan dan beberapa di antara mereka pernah mengalami kondisi psikologis yang tidak stabil. Hukum Islam memandang bahwa pengabaian yang dilakukan tersebut adalah bentuk pelanggaran terhadap aturan tertulis dan berkonsekuensi terhadap munculnya sanksi pidana yang bisa dalam bentuk hukum penjara dan denda uang.

#### Kata Kunci:

Hak Perempuan; Hukum Islam; Pengabaian; Perkawinan Usia Anak (Dini)

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#### Introduction

Since the emergence of the COVID-19 pandemic, there has been an increase in cases of child marriage. Data from the Department of Women's Empowerment and Child Protection (*Dinas Pemberdayaan Perempuan dan Perlindungan Anak, PPPA*) shows that 13.44% of South Sumatra province practices this type of marriage<sup>1</sup> and the result is 11.21% higher than the national average.<sup>2</sup> This situation indicates that the tradition of child marriage has been considered common in the community. Child marriage is carried out by adolescents between 13

Commented [Ma7]: Is this the locus of your research?

<sup>1</sup> Muhamad Amin, "Pernikahan Usia Dini Di Sumsel Melonjak Selama Pandemi," 2021, <https://rri.co.id/palembang/metropolitan/1202044/pernikahan-usia-dini-di-sumsel-melonjak-selama-pandemi>.

<sup>2</sup> Komnas Perempuan, "Melihat Dampak Pandemi COVID-19 Dan Kebijakan PSBB Melalui Kacamata Perempuan Indonesia" (Jakarta, 2021), <https://komnasperempuan.go.id/download-file/496>.

to 19 years old in either the prospective bride or groom<sup>3</sup> or even both. This practice is prohibited in the marriage law which has determined a minimum age limit of 19 years (Article 7 paragraph (2) of Law No. 16 of 2019). The increase, in the proportion of cases presented in earlier data, indicates a contradiction to the practice<sup>4</sup>.

Several studies demonstrate the causes of child marriage. One of which is the family's weak economic factor that leads to the social belief that child marriage can preserve the family's finances<sup>5</sup>. There is also a parental assumption that marriage is a solution to prevent children from promiscuity<sup>6</sup>. In addition, the low educational factor makes individuals not consider the consequences. A lack of understanding regarding marriage preparedness requirements in religious beliefs and perspectives also leads to an immature decision. These factors are believed to trigger an increasing number of child marriages<sup>7</sup>.

Under the present phenomena, upon entering a marriage life, one is confronted with a variety of challenges, such as the inability to meet family economic needs, unearned work troubles, relations, unreadiness to become a parent at a very young age, and other issues<sup>8</sup>. These challenges may interfere with psychological stability and mental health among individuals in the family which then lead to uncontrolled situations even violations. They range from economic abandonment, injustice in work distribution, demands on women to

Commented [s8]: You can erase this!

Commented [Ma9]: Or to the rule?

Commented [Ma10]: What perspective? Psychological, physical, or what?

<sup>3</sup> Fathur Rahman Alfa, "Pernikahan Dini Dan Percerain Di Indonesia," *JAS: Jurnal Ilmiah Ahwal Syakhshiyah* 1, no. 1 (2019).

<sup>4</sup> Lilis Suryani and Farida Agus Setiawati, "Peran Dan Kualitas Perkawinan Orang Tua Terhadap Perilaku Anak Usia Dini," *Jurnal Obsesi: Jurnal Pendidikan Anak Usia Dini* 6, no. 2 (2019): 977-88, <https://doi.org/10.31004/obsesi.v6i2.1561>.

<sup>5</sup> Abdi Fauji Hadiono, "Pernikahan Dini Dalam Perspektif Psikologi Komunikasi," *Jurnal Darussalam; Jurnal Pendidikan, Komunikasi dan Pemikiran Hukum Islam* 9, no. 2 (2018): 385-97.

<sup>6</sup> Mubasyaroh, "Analisis Faktor Penyebab Pernikahan Dini Dan Dampaknya Bagi Pelakunya," *Yudisia: Jurnal Pemikiran Dan Penelitian Sosial Keagamaan* 7, no. 2 (2016): 385-411.

<sup>7</sup> Fransiska Novita Eleanora and Andang Sari, "Pernikahan Anak Usia Dini Ditinjau Dari Perspektif Perlindungan Anak," *PROGRESIF: Jurnal Hukum* 14, no. 1 (2020): 14.

<sup>8</sup> Satih Saidiyah and Very Julianto, "Problem Pernikahan Dan Strategi Penyelesaiannya: Studi Kasus Pada Pasangan Suami Istri Dengan Usia Perkawinan Di Bawah Sepuluh Tahun," *Jurnal Psikologi Undip* 15, no. 2 (2016): 124-33.

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become the backbone of the family to frequent result in the emergence of violent crimes both physical and mental ones<sup>9</sup>. Problems that often arise in marital life result in women's disadvantage because they are considered weak parties. They are also considered dependent on their husbands in economic matters<sup>10</sup>. In a case of child marriage, the abandoning of women's rights is particularly a significant concern at the present days<sup>11</sup>.

The pandemic has caused increased cases of child marriage because it has dramatically impacted the economic and social life of the community. The government provides a social restriction policy to stop the spread of the Covid-19 outbreak by limiting community activities in economic activities. The long pandemic conditions have caused a decline in economic growth, so unemployment and poverty rates are increasing<sup>12</sup>.

The literature discussing the abandonment of rights focuses on three factors. First, the abandonment of women's rights in an intimate relationship which is based on intimate financial violence and resources in the family<sup>13</sup>. Second, the experiences of domestic workers subjected to workplace violence, discrimination, and violation of rights by their employers<sup>14</sup>. Regulation on protecting domestic

Commented [s11]: Two verbs, what does this mean actually?

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<sup>9</sup> Arianus Harefa, "Faktor-Faktor Penyebab Terjadinya Tindak Pidana Kekerasan Dalam Rumah Tangga," *Jurnal Panah Keadilan* 1, no. 1 (2021).

<sup>10</sup> Ayu Setyaningrum and Ridwan Arifin, "Analisis Upaya Perlindungan Dan Pemulihan Terhadap Korban Kekerasan Dalam Rumah Tangga (Kdr) Khususnya Anak-Anak Dan Perempuan," *MUQODDIMAH* 3, no. 1 (2019): 11.

<sup>11</sup> Sukiaty and Ratih Lusiani Bancin, "Perlindungan Perempuan Dan Anak: Studi Akibat Hukum Pengabaian Pencatatan Perkawinan," *Gender Equality: Internasional Journal of Child and Gender Studies* 6, no. 1 (2020): 121-34.

<sup>12</sup> Nurul Aeni, "Pandemi COVID-19: Dampak Kesehatan, Ekonomi, dan Sosial COVID-19 Pandemic: The Health, Economic, and Social Effects," *Jurnal Litbang: Media Informasi Penelitian, Pengembangan dan IPTEK* 17, no. 1 (2021): 18.

<sup>13</sup> Christina Vogels and Ayesha Scott, "Becoming Unstuck: The Emotional Challenges of Researching Women's Experiences of Intimate Financial," *Women's Studies*, 2020, 1-18, <https://doi.org/10.1080/00497878.2020.1861454>.

<sup>14</sup> Beth Goldblatt, "Social and Economic Rights to Challenge Violence against Women - Examining and Extending Strategies," *South African Journal on Human Rights* 35, no. 2 (2019).

workers are also well discussed<sup>15</sup>. Third, the voices of women who have been victims of violence and marginalization<sup>16</sup>. Concerning the tendencies above, few writings examine the abandonment of married women at a young age (child marriage).

The teachings of Islam in the Qur'an emphasize household life<sup>17</sup>. The husband is the head of the family and the most responsible person to provide a living for the wife<sup>18</sup>. This rule is confirmed in Sura Al-Baqarah verse 233 which indicates that the husband has to provide for the family as a welfare guarantee. Likewise, An-Nisa verse 34 states that the right of leadership is given because of the husband's obligation to bear the burden as a protector of the family's livelihood. Based on this verse, the act of abandonment of rights is a form of non-compliance with the divine provisions. Abandonment of women's rights in child marriage indicates a decrease in community compliance with the law. As a guideline, the legal position of Islamic families is mandatory to be implemented in the life of a Muslim. Incompliance with these rules can destroy the harmonious order in the household<sup>19</sup>.

In several previous studies, abandonment was described as a violation that can lead to divorce lawsuits<sup>20</sup>. The legitimacy of judicial institutions confirms this condition for parties who feel disadvantaged

**Commented [Ma12]:** State your novelty clearly ! If you said few, what are they and how can your current research fill the gap?

**Commented [Ma13]:** In what way?

**Commented [Ma14]:** Or guarantor?

<sup>15</sup> Antony Jesu Rajan, Vettriselvan, and Divyaranjani, "Human Rights Violations against Rural Women Workers," *International Journal of Management Research and Social Science (IJMRSS)* 6, no. 1 (2019), <https://doi.org/10.30726/ijmrss/v6.i1.2019.61001>.

<sup>16</sup> Subrata Banarjee, "Identifying Factors of Sexual Violence against Women and Protection of Their Rights in Bangladesh," *Aggression and Violent Behavior*, 2020, 8.

<sup>17</sup> Umi Supraptiningsih and Khoirul Bariyyah, "Marriage Settlement among Minority Muslim by Datok Imam Masjid in South Thailand," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 14, no. 2 (2019): 221-35, <https://doi.org/10.19105/al-ihkam.v14i2.2631>.

<sup>18</sup> Ahmad Rajafi, "Reinterpretasi Makna Nafkah dalam Bingkai Islam Nusantara," *al-Ihkam: Jurnal Hukum dan Pranata Sosial* 13, no. 1 (2018): 24, <http://orcid.org/0000-0002-8945-0299>.

<sup>19</sup> Ahmad Lonthor, "Moluccas Local Wisdom in the Role of Marriage Arbitrators for Preventing Domestic Violence," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 15, no. 2 (2020): 201-23, <http://dx.doi.org/10.19105/al-ihkam.v15i2.3677>.

<sup>20</sup> Papreen Nahar and Annemiek Richters, "Suffering of Childless Women in Bangladesh: The Intersection of Social Identities of Gender and Class," *Anthropology & Medicine* 18, no. 2 (2011): 327-38, <http://dx.doi.org/10.1080/13648470.2011.615911>.

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in their rights to seek for civil and criminal justice<sup>21</sup>. Neglecting a family living in Islam is also not justifiable, even because of the husband's incompetence in financial need. The obligation of living in Islam is in line with their husbands' abilities.

Many cases of abandonment of women's rights in child marriage show that the community has not fully obeyed the current positive laws. In fact, positive law provides certainty for the implementation of the rights owned by individuals. The approach of perspective of Islamic family law will further emphasize how the abandonment of women's rights as a violation of religious teachings is viewed. The adoption of Islamic family law should be more readily accepted as a solution to the abandonment problem because most perpetrators of child marriage are from Muslim communities. The authors consider that there is no study of the Islamic law that empirically discusses the phenomenon of abandonment, so it becomes a great opportunity to do this research. This study questions what forms of rights abandonment are experienced by women who get married in early ages.

### Methods

This study examines women who experience abandonment of rights in child marriage by elaborating on primary data (interview results) in the field and conducting a discussion from the point of view of Islamic family law. The selection of issues is based on the increase in cases of child marriage and domestic violence in young couples' households. This study was built on research conducted in Palembang, South Sumatra.

The data used for the baseline analysis were obtained from primary and secondary sources. Primary data were obtained through interviews. The data obtained through interview techniques were in the form of statements from respondents. The secondary data were obtained from a literature study in articles relevant to this paper.

Data were obtained in several ways and then grouped based on the pattern of respondents' opinions about their experience in an

<sup>21</sup> Sundari Anitha, Anupama Roy, and Harshita Yalamarty, "Gender, Migration, and Exclusionary Citizenship Regimes: Conceptualizing Transnational Abandonment of Wives as a Form of Violence Against Women," *Violence Against Women*, 2017, 1-28.

**Commented [Ma15]:** What do you mean? Rewrite your sentence!

**Commented [Ma16]:** What are they?

**Commented [Ma17]:** What kind of certainty? Show the evidence/example.

**Commented [Ma18]:** Plis find more suitable diction

**Commented [Ma19]:** How to deal with the existence of both Islamic and positive law? Do you ignore one of them or use them altogether?

**Commented [Ma20]:** You have to make sure, not only consider!

**Commented [s21]:** You can change this to the aims, better, then the answers "what" is too limited. Probably better to "describe/explore the forms of ..."

**Commented [Ma22]:** This part lacks of reference!

**Commented [Ma23]:** Mention reasons for choosing your research locus.

**Commented [Ma24]:** Just directly mention about it, the word several means you have to explain it further, especially in scientific articles. Do you mean Interview and literature study right?

abandonment situation. The grouping was placed as material ready for further processing. Data analysis employs an interpretive strategy to provide coherent meanings while facilitating writing. Specifically, interview data were analyzed through restatement, description, and interpretation of the abandonment situation. Restatement is conducted by referring to the interview quotes based on the informant's experience. The data was described to show the inclination of the respondents' opinions. Meanwhile, the interpretation process is carried out by understanding the results of observations and interviews, textually and contextually.

The respondents comprised four women of child marriage age who worked in the public sector. The selection was based on the criteria of women working in the public sector, married early, having children, and having husbands without permanent jobs. The statements obtained from the respondents form the primary basis of the analysis.

### Discussion and Result

National Commission on Violence against Women (KOMNAS Perempuan) indicated that from January to June 2020, the Indonesian Religious Justice Agency received around 34,000 applications for marriage dispensation for underaged children. Child marriage contradicts children's right to education, pleasure, health, and freedom of expression. It is due to many reasons. By getting married, children are already busy with household matters, so they can no longer continue their education and enjoy their teenage years<sup>22</sup>. In addition, marriage at the age of a child results in poor maternal and reproductive health<sup>23</sup>. The magnitude seriously impacts the sustainability of their family life. Therefore, this study analyzes the various forms of abandonment in child marriage, including the abandonment of economic, human, and reproductive rights. The data on all respondents in this study can be seen in table 1.

<sup>22</sup> Ahmed Abdus Saleh Saleheen et al., "Sociodemographic Factors and Early Marriage among Women in Bangladesh, Ghana and Iraq: An Illustration from Multiple Indicator Cluster Survey" 7 (2021): e07111, <https://doi.org/10.1016/j.heliyon.2021.e07111>.

<sup>23</sup> Susan Lee-Rife et al., "What Works to Prevent Child Marriage: A Review of the Evidence," *Studies in Family Planning* 43, no. 4 (2012).

**Commented [Ma25]:** Child marriage age actor?

**Commented [s26]:** Suggestion, you can divide this part into two sub. The *first* sub is talking about the form of abandonmt, then divided into three sub.sub, economic, human right, and reproductive right. While, the *second* sub is talking about how islamic law views this phenomenon. This suggestion will make the elaboration clearer!

**Commented [Ma27]:** Anti-violence?

**Commented [Ma28]:** Put the Indonesian name as well

**Commented [Ma29]:** How would you interpret the data?

**Commented [Ma30]:** Is it already answering your questions? If you have got this at very early stage, your research question is better to be how the abandonment in three sectors take place rather than what aspects of abandonment that women endure?

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Table 1. Respondents Demography

No.	Initial	Age	Occupation	Age at Marriage	Number of Children
1.	K	19	Household Servant	14 years old	2
2.	W	19	Vegetable Trader	15 years old	3
3.	N	18	Vegetable Trader	15 years old	2
4.	R	19	Laundress	15 years old	2

1. **The Abandonment of Economic Rights**

During the pandemic, the perpetrators of child marriage endured a tough time, particularly those who were economically in the lowest class. The economic crisis has resulted in the unemployment and homelessness of men, formerly the backbone of their families. This condition forces their wives to work extra, as the following four women confessed:

"Since my husband was laid off, I did not get enough family spending. To buy milk for my child, I had to work as a domestic assistant" (K, 19 years old)

"The Covid pandemic resulted in my husband's shop going bankrupt. To meet the needs of my family, every day I had to leave the house at 03.00 am, shopping for vegetables and fish at the central market and sell around the housing complex" (W, 19 years old)

"My husband lost his job because the office reduced employees. In addition to taking care of my young child, taking care of the house, I work in a laundry that requires me to work from 08:00 am to 05:00 pm" (N, 18 years old)

"Our family's economy collapsed due to the pandemic. There is no government assistance in any form. The husband does not have any fixed income. By the end of 2020, I have decided to be a seller, and every day at 04:00 am, I have to prepare herb ingredients and sell

**Commented [Ma31]:** Is the numbering showing structure of your research problems? Plis do consider!

**Commented [Ma32]:** Check <https://www.oxfordlearnersdictionaries.com/definition/english/perpetrator?q=perpetrator>. Use more suitable diction!



them to traders in the market. After returning home, I must carry out the routine household task and care for sick parents." (R, 19 years old)

The interview data above shows that women experienced stacked jobs to earn economic income during the pandemic. These wives who initially took care of domestic affairs eventually got additional duties after their husbands were laid off. Additionally, the pandemic has forced them to accept all jobs randomly without being able to select. These women's lack of skills or expertise due to their low education and unemployment have led them to get various jobs that do not require specific expertise. The dismissal of husbands from work has forced them to maintain the family's economic stability. In this position, these women appear more resilient and responsible for the crisis experienced, as shown by R in her description.

The condition of those hit by family economic difficulties imply that women are the backbone of the family<sup>24</sup>. Even though they are still in the school-age position, the four women got married at the average age of 16 years. They are required to have responsibilities for the family's economic resilience<sup>25</sup>. At this point, the dual role, as reported by expert, is a form of abandonment of women's welfare<sup>26</sup>.

The findings in this section imply that child marriage during the pandemic has resulted in women being neglected in their economic rights. It also shows that they have extraordinary resilience in maintaining their household integrity. Women's social and financial security was exacerbated during the pandemic<sup>27</sup>.

The abandonment of economic rights indicates that the marriage of women of childbearing age will further add to the unfair

Commented [Ma33]: Please rewrite this!

<sup>24</sup> Sri Fadilah, "Kesetaraan Gender: Fenomena Pergeseran Peran Ekonomi Wanita Dari Tulang Rusuk Menjadi Tulang Punggung," *Mitra Gender (Jurnal Gender dan Anak)* 1, no. 1 (2018): 18-26.

<sup>25</sup> Azizah Alie and Yelly Elanda, "Perempuan Dan Ketahanan Ekonomi Keluarga (Studi Di Kampung Kue Rungkut Surabaya)," *Journal of Urban Sociology* 2, no. 2 (2019): 31-42.

<sup>26</sup> Dwi Edi Wibowo, "Peran Ganda Perempuan Dan Kesetaraan Gender," *MUWAZAH* 3, no. 1 (2011): 356-64.

<sup>27</sup> Siti Nurul Khaerani, "Faktor Ekonomi Dalam Pernikahan Dini Pada Masyarakat Sasak Lombok," *Qawwām* 13, no. 1 (2019): 1-13.

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treatment. Injustice in the unbalanced division of labor can create a workload for the dominant party. Hence, the abandonment of women's rights will trigger a rift in the household of young couples and even increase the potential for divorce. The results also show that women perpetrators of child marriage from the middle and lower economic circles are very vulnerable to domestic violence. It is because economic hardship factors and domestic violence are inseparable.

Commented [Ma34]: Are women the dominant party?

Commented [Ma35]: Same as above

## 2. The Abandonment of Human Rights

Human rights are based on the universality concept which states that everyone has equal rights without discrimination. Furthermore, the notion of the indivisible, acknowledgment, and interdependence of multiple rights encompass the fulfillment of civil, political, economic, social, and cultural rights. In this context, human rights are concerned with equal and non-discriminatory treatment. Women perpetrators of child marriage tend to lose their right to education and are vulnerable to physical and psychological violence. This is as stated by the respondents in the results of their interviews.

Commented [Ma36]: Same as above

Commented [Ma37]: No subject here

"I did not finish elementary school because of parental economic factors. As a result, I married sirri at a very young age. During this pandemic, my husband did not have a job, and when I asked for money to buy household needs, we often quarreled. I got harsh words even once slapped" (K, 19 Years old)

Commented [Ma38]: Too Indonesian style. Replace it to \*got unregistered marriage\*

"I went to junior high school, but at the age of 15, in the 10th grade, I was dismissed because I often did not attend the class. Finally, I decided to get married. The desire to maintain the integrity of the household and the feeling of shame when divorced make me endure working to earn money, even though I often get abusive treatment from my husband" (W, 19 Years old)

"I got married when I was 15 because I did not continue my education after finishing junior high school. With the low education background, I can only work as a worker in the laundry. Much workload makes me often tired, and the relationship with my husband is increasingly tense. Therefore, I often make conflicts with

him who is not currently working. It is this conflict that often results in him uttering inappropriate words" (N, 18 Years old)

"The economic difficulties I experienced as a child resulted in my early marriage to reduce the burden on parents, even though my life did not get better. During the pandemic, my husband lost his permanent job. My parents are sick and need treatment. It resulted in an economic problem, and I had to work for a living. However, my unemployed husband is often angry when I am late to return home" (R, 19 Years old)

First, physical violence against women is an intense action where men assert power and control to cause pain<sup>28</sup>. Interview descriptions indicate that 15-year-old women are more susceptible to physical violence, including slapping and abusive treatment. Data from the Ministry of Women 's Empowerment and Child Protection shows that the increasing workload on women, the double burden of being a wife and mothers, and online teachers at home have resulted in higher violence against women during the pandemic<sup>29</sup>.

The violence experienced by the four informants was also influenced by their low educational factors and low-income family history. In this case, there is a significant relationship between the education level of the victims and the violence experienced<sup>30</sup>. Furthermore, marriage at the child's age does not reflect physical and scientific maturity. Therefore, children risk violence and cannot take responsibility for their families<sup>31</sup>.

Psychological violence, furthermore, causes loss of confidence and helplessness or inability to defend oneself<sup>32</sup>. Women cannot stop

Commented [Ma39]: First of what?

<sup>28</sup> Shireen Lateef, "Wife Abuse Among Indo-Fijians 1," in *Sanctions and Sanctuary*, 1st Edition, Cultural Perspectives on the Beating of Wives, 2019.

<sup>29</sup> Amin, "Pernikahan Usia Dini Di Sumsel Melonjak Selama Pandemi."

<sup>30</sup> Ogamamma Arisukwu, "Perception of Domestic Violence among Rural Women in Kuje," *Heliyon* 7 (2021): e06303, <https://doi.org/10.1016/j.heliyon.2021.e06303>.

<sup>31</sup> Ajwang Warria, "Child Marriages, Child Protection and Sustainable Development in Kenya," *African Journal of Reproductive Health* 23, no. 2 (2019): 121-33, <https://www.jstor.org/stable/26772609>.

<sup>32</sup> Ramesh Adhikari, "Child Marriage and Physical Violence: Results from a Nationally Representative Study in Nepal," *Journal Of Health Promotion* 6 (2018).

full names of author (1), full names of author (2)

child marriage because of internal factors. Those include feelings of shame when they want a divorce<sup>33</sup>, a heavy workload that wears them out, harsh comments from men, pressure from the family, and attitudes against males who don't try to provide the need for the family. The occurrence of domestic violence was also due to the unpreparedness of mental health and child psychologists<sup>34</sup>. The violence resulted in the quality of life of women being impaired, and the risk of psychological violence is from depression to unwantedness<sup>35</sup>.

**Commented [Ma40]:** This seems irrelevant as internal factors for inability to stop child marriage. Plis reconsider!

**Commented [Ma41]:** Relate this with your current data

### 3. *The Abandonment of Reproductive Rights*

Article 72 of the Health Law regulates reproductive rights, including healthy, safe, and freedom from coercion and violence. In addition, it also guarantees the right to determine readiness and desire for sexual life and pregnancy. The interview results below show three abandonments of women's reproductive rights.

**Commented [Ma42]:** Reference plis

**Commented [Ma43]:** What are they? Three abandonment or three cases? You mentioned 4 cases!

*"After marriage, even though I was very young, I immediately became pregnant without thinking about my physical and economic readiness. To my knowledge, married women do have to get pregnant and have children. I do not have a BPJS (health insurance) card because I am afraid that the monthly dues will not be paid" (W, 19 Years old)*

*"I had a child at 15 and gave birth to three. I do not practice birth control because I am always busy and have no time to go to a midwife. Furthermore, I do not have BPJS because there is*

<sup>33</sup> Sofia Strid, Runa Baianstovu, and Jan-Magnus Enele, "Inequalities, Isolation, and Intersectionality: A Quantitative Study of Honour-Based Violence among Girls and Boys in Metropolitan Sweden," *Women's Studies International Forum* 88 (2021), <https://doi.org/10.1016/j.wsif.2021.102518>.

<sup>34</sup> Gimba Victor Kyari and Joseph Ayodele, "The Socio-Economic Effect of Early Marriage in North Western Nigeria," *Mediterranean Journal of Social Sciences* 5, no. 14 (2014): 11.

<sup>35</sup> Behice Han Almiş, Funda Gümüştas, and Emel Koyuncu Kütük, "Effects of Domestic Violence Against Women on Mental Health of Women and Children," *Psikiyatride Güncel Yaklaşımlar-Current Approaches in Psychiatry* 12, no. 2 (2020): 232-42, <https://doi.org/10.18863/pgy.567635>.

insufficient income to pay monthly contributions." (K, 19 Years Old)

Commented [Ma44]: Cost?

"I gave birth at the age of 16 after 1 (one) year of marriage, and I had a miscarriage in early 2021 due to exhaustion during the day. But at that time, I did not realize I was pregnant." (N, 18 Years Old)

"I have two children aged 2.5 and 1.5 years, and the second child was born during the pandemic. I continue to trade on the market even though my pregnancy has reached the age of 8 (eight) months. There is a sense of worry when in the market. However, the demands of economic needs and the cost of giving birth require me to keep making money" (R, 19 Years old)

Child marriage has had an impact on women's reproductive problems. According to the data shown from the three women in the interview descriptions, the young age of children's marriage impacts the abandonment of their reproductive rights. Based on the report of the National Commission on Women, there was a decrease in the use of contraception<sup>36</sup>. This statement aligns with the informant's information, "I do not have birth control." It impacts the fall in the family's financial ability to purchase contraception. In addition, another informant stated, "I do not have time to go to the midwife." This statement's main motive is the concern that the family cannot pay the monthly contribution of BPJS (health insurance). The absence of contraceptives resulted in unplanned pregnancies, making the family more economically degraded. Furthermore, the economy is the main factor behind the lack of health insurance to cover health costs. Health insurance does not get much attention because of the poor and low knowledge.

Commented [Ma45]: Or four?

Commented [Ma46]: Transcript?

Commented [Ma47]: Plis mention the report information clearly as your reference is not the primary one. More particularly, is it relevant to insert here? Does the decrease target to underaged marriage?

Commented [Ma48]: To what does it refer to?

Commented [Ma49]: Impact or is caused by?

Commented [Ma50]: Noun instead of adjective!

The abandonment of reproductive rights is caused by the lack of knowledge about the importance of reproductive health for the family, especially for women. The lack of communication with parents and understanding about reproductive health from the school will affect them. For biological risks, pregnant women under 18 years, as experienced by all four informants, are at risk of death, bleeding,

<sup>36</sup> Amin, "Pernikahan Usia Dini Di Sumsel Melonjak Selama Pandemi."

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miscarriage, and even premature pregnancy. The absence of commitment to reproductive health has also led to sexual abuse<sup>37</sup>. Individuals who underestimate marital commitments often show unethical behavior in their families, making them lose control and commit violent acts. Pregnancy increases the risk of medical complications in immature women that are not ready for the process of conceiving. The lack of knowledge and physical and mental unpreparedness resulted in short-distance and unwanted pregnancies. Women who lack an understanding of reproductive health are incapable of performing societal duties.

**Commented [Ma51]:** Show the evidence/example!

#### 4. *Islamic Law in Viewing Abandonment in Women*

Women's obligations as the backbone of the family are perceived as an abandonment of their economic rights. It is proved by the shift of responsibility in bearing the household economy. In Islam, marriage is an inner bond between a man and a woman to form a *sakinah* (harmony) household based on *mawaddah warahmah* (love and affection). One way of building household harmony is the implementation of rights and obligations between members. Household harmony will be achieved without the awareness and care of each individual<sup>38</sup>.

**Commented [Ma52]:** Again, relate your analysis/interpretation with your current data.

**Commented [s53]:** 1, 2, 3 are discussing about one thing, while 4 is different thing compares to the three above, can you differentiate the bullet? If you use 4, then it should be the similar thins. What is that: ***the forms of abandonment face by women!***

The obligation of the husband materially towards the wife is the provision of legal subsistence which is mandatory. These obligations are in the form of proper food, clothing, and housing. This rule is stated in article 80, paragraph 4, and article 81, paragraphs 1, 2, and 3 **Islamic Law Rule**. Based on the provisions in these articles, the abandonment of women's rights is a form of violation. This violation's impact can lead to filing lawsuits against husbands through religious justice institutions<sup>39</sup>.

**Commented [Ma54]:** WILL NOT! PLIS MIND OF YOUR WORD!

**Commented [Ma55]:** What rule? Do you mean KHI?

**Commented [Ma56]:** Do you mean court?

<sup>37</sup> Majel McGranahan, "Realising Sexual and Reproductive Health and Rights of Adolescent Girls and Young Women Living in Slums in Uganda: A Qualitative Study," *Reproductive Health* 18, no. 125 (2021), <https://doi.org/10.1186/s12978-021-01174-z>.

<sup>38</sup> Haris Hidayatulloh, "Hak Dan Kewajiban Suami Istri Dalam Al-Qur'an," *Jurnal Hukum Keluarga Islam* 4, no. 2 (2019): 143-65.

<sup>39</sup> Sarah Brayne, "Surveillance and System Avoidance: Criminal Justice Contact and Institutional Attachment," *American Sociological Review*, 2014, 1-25, <https://doi.org/10.1177/0003122414530398>.

In domestic life, women have the right for equal treatment with a balanced position with the husband<sup>40</sup>. However, some women experienced the abandonment of human rights, such as the right to education and safety from any physical and psychological violent treatment. The Compilation of Islamic Law confirms this in the article 79, paragraph 1 concerning equality of rights and position of husband and wife in the household and social life. In addition, article 80, paragraph 2, states that the husband must protect the wife and provide education and learning opportunities to obtain valuable and beneficial knowledge for religion, society, and the nation. Opportunities should be created for the wife to learn independently by reading books or giving permission to spend time studying outside through Islamic discussions<sup>41</sup>.

The attainment of a good physical, mental, spiritual, and social condition concerning the reproduction system, function, and process will be hindered when women are denied their reproductive rights. Additionally, women with undeveloped reproductive organs can become pregnant in early marriage<sup>42</sup>. In fact, they should be free to determine their physical and psychological readiness to become pregnant and the number of pregnancies according to their health. They should also be protected from the possibility of unwanted pregnancies to prevent abortions that can endanger their safety and reproductive health. Article 80 Islamic Law Rule emphasizes that even though a husband is a guardian in the family, the wife should decide essential matters for the household.

The laws and regulations also explicitly state that acts of domestic violence are a form of crime in the marriage that can be given criminal sanctions as stipulated in the Law on the Elimination of Domestic Violence (UUPKDRT) articles 44-53 of Law No. 23 of 2004. Article 5 of the Law on PKDRT states that domestic violence includes physical violence, psychological violence, sexual violence, and abandonment of the household (UUPKDRT). Physical violence is

Commented [Ma57]: Can't access?

Commented [Ma58]: What or who says so?

Commented [Ma59]: Indonesian/positive?

Commented [Ma60]: Mention what it stands for.

<sup>40</sup> Amiur Nurudin and Azhari Tarigan, *Hukum Perdata Islam Di Indonesia*. (Jakarta: Prenada Media Grup, 2016).

<sup>41</sup> Ahmad Rofiq, *Hukum Islam Di Indonesia* (Jakarta: PT Raja Grafindo Persada, 2003).

<sup>42</sup> Ani Purwanti and Tridewiyanti Kunthi, *Stop Perkawinan Anak Dan Penghapusan Kekerasan Seksual Bagi Perempuan & Anak* (Thafa Media., 2019).

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an act that can cause pain, fall ill, or be seriously injured (article 6 UUPKDRT). The informants (K and W) in this study experienced physical violence by being slapped and mistreated by their husbands.

Psychological violence, meanwhile, is an act that can cause fear, loss of self-confidence, loss of ability to act, feeling helplessness, and/or severe psychological suffering in a person (Article 7 UUPKDRT). All informants (K., W., N., and R) experienced psychological violence from their husbands. The victim received psychological violence, such as harsh and inappropriate words, and was often scolded by her husband. This violence causes fear, shame, loss of confidence, and helplessness.

**Domestic** abandonment is ignoring someone who is a household member even though you are legally required to care for them or have an obligation to provide life, care, or maintenance to that person due to a contract or other arrangement. This abandonment also pertains to anyone who makes the victim financially dependent by restricting and/or forbidding appropriate jobs inside or outside the home, putting the victim under their control (article 9 UUPKDRT).

Domestic abandonment is not only limited to violence against the economy but also includes violence of a complex nature<sup>43</sup>. That is, abandonment of the household is not only by not providing a living, but also the abandonment of a general nature such as limitation of health and education services, not giving affection, excessive control, and so on.

All informants (K., W., N., and R) experienced economic abandonment. Their husbands have lost their jobs due to the pandemic, so they cannot provide a living for their families. This condition forced the informants to earn a living to meet their daily needs. The responsibility for maintenance lies with the husband, not the wife, so the wife is the victim of economic abandonment in this case.

The law on PKDRT states that the abandonment of women's rights, as described above, can be subject to criminal sanctions. The provisions regarding criminal sanctions are explained in articles 44 to

<sup>43</sup> Agung Budi Santoso, "Kekerasan Dalam Rumah Tangga (KDRT) Terhadap Perempuan: Perspektif Pekerjaan Sosial," *KOMUNITAS Jurnal Pengembangan Masyarakat Islam* 10, no. 1 (2019): 39-56.s

**Commented [Ma61]:** What do you mean?

**Commented [Ma62]:** !

**Commented [Ma63]:** This sort of definition should NOT be put at the last part like this

**Commented [Ma64]:** Cite the reference properly!

**Commented [Ma65]:** Same as previous paragraph

**Commented [Ma66]:** According to what/who?



53 of the Law on PKDRT. Physical violence that results in the victim falling ill or seriously injured is subject to a maximum imprisonment of 10 years or a maximum fine of 30,000,000 (thirty million rupiahs) (Article 44 paragraph 2 UUPKDRT). Physical violence resulting in the victim's death is subject to a maximum imprisonment of 15 years or a maximum fine of 45,000,000 (forty-five million rupiahs) (Article 44, paragraph 3 UUPKDRT). Physical violence perpetrated by a husband against his wife or vice versa, which does not cause illness or obstacles to work, is subject to a maximum imprisonment of 4 months or a maximum fine of 5,000,000 (5 million rupiahs) (Article 44 paragraph 4 UUPKDRT).

The perpetrators of psychological violence within the household are subject to a maximum imprisonment of 3 years or a maximum fine of 9,000,000 (nine million rupiahs) (Article 45, paragraph 1 of UUPKDRT). Psychological violence perpetrated by a husband against his wife or vice versa and does not cause illness or an obstacle to carrying out daily activities and is subject to a maximum imprisonment of 4 months or a maximum fine of 3,000,000 (three million rupiahs) (Article 45 paragraph 2 of the UUPKDRT).

In the case of informants, their husbands can be subject to sanctions following article 44, paragraph 4, and article 45, paragraph 2. However, without a report from the victim or the community, the perpetrators of this women's rights violation cannot be punished. It aligns with articles 51 and 52, which state that the crime of physical and psychological violence experienced by informants is a complaint offense.

In line with the Qur'an's commands and the Islamic Law Rule, the husband is obliged to get along well with his wife in domestic life. Islamic Law Rule implicitly prohibits committing violence in any form in domestic life. Islamic Law Rule also provides strict rules in article 116 concerning acts of violence in any form that can be used as a reason to file for divorce. Islamic Law Rule provides detailed rules regarding the rights of wives in domestic life. The abandonment of these rights is categorized as a crime regulated by the law on PKDRT.

### Conclusion

Child marriage during the pandemic causes the abandonment of economic, human, and reproductive rights, even though the reason

**Commented [Ma67]:** Is it a part of Islamic law?

**Commented [Ma68]:** How does this explanation imply/have relevance to your current case?

**Commented [Ma69]:** What type of rule?

**Commented [Ma70]:** Which one?

**Commented [Ma71]:** The main question that you need to focus on is; does the child marriage only happen during the pandemic? If no, pls add like which also/particularly happened during the pandemic due to the economic collapse

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for marriage the attainment of social and financial security. The abandonment of human rights experienced by informants is all forms of domestic violence that they experience. Women who experience child marriage during the pandemic cause heavy burdens and suffering, including losing the opportunity to live their desired life. However, they have tremendous resilience to maintain the integrity of their households. The concept of rights has enabled a fundamental understanding of women's abandonment to experience due to child marriage. This child marriage needs more attention, primarily related to fulfilling the rights of all human beings. Abandoning economic, human, and reproductive rights is domestic violence that can be subject to criminal sanctions.

Commented [Ma72]: Or endure?

Commented [Ma73]: Rewrite this@

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