

IS CHILD MARRIAGE THE PUTATIVE ANSWER TO ILLEGAL SEX AND PREGNANCY OUT OF WEDLOCK?

Noraine Bahari
Faculty of Administrative Science and Policy Studies
Universiti Teknologi MARA, 40450, Shah Alam, Malaysia
Email: ainebahari91@gmail.com

Yarina Ahmad
Faculty of Administrative Science and Policy Studies
Universiti Teknologi MARA, 40450 Shah Alam, Malaysia
Institute for Biodiversity and Sustainable Development
Universiti Teknologi MARA, 40450 Shah Alam, Malaysia
Research Entity for Competition Law and Policy
Universiti Teknologi MARA, 40450 Shah Alam, Malaysia
Email: yarina@uitm.edu.my
*Corresponding Author

Nor Azira Ayob
Faculty of Administrative Science and Policy Studies
Universiti Teknologi MARA, 40450, Shah Alam, Malaysia
Email: norazira@uitm.edu.my

ABSTRACT

At the international level, UNICEF has taken significant measures to counteract the rising trend of child marriages. According to the projection by UNICEF, 15 million teenagers globally will marry before reaching the age of 18. The advocates for children's rights are concerned by this figure; as a result, UNICEF advises that each nation monitor and identify the dynamic aspects that contribute to child marriage in their respective countries. According to statistics, child marriage is on the rise in Malaysia, with the state of Kelantan recording the highest number of cases among Muslims. While many causes contribute to child marriage, this study contends that diverse cultures and ethical norms influence how individuals believe about child marriage. This study utilizes a qualitative approach by using semi-structured in-depth interviews with 14 youngsters who got married at a young age (below 18 years old for males, and below 16 years old for females) who live in the state of Kelantan and a Syariah Judge. The informants were chosen based on the list provided by the Magistrate. Based on the findings of this study, the primary reason for the informants to marry at a young age is that they had sexual relationships with their partners; and in the majority of the cases, the girls were pregnant, and marriage was the only solution for Muslim. This study further argues that a lack of sexuality education leads to lackadaisical attitudes among youngsters towards sexual practices and unwanted pregnancies. For this reason, this study concludes that child marriage is a consequence of other social problems (illegal sex, pregnancy out of wedlock and lack of sexuality education) and that one of the putative answers is child marriage. Ironically, marrying at a young age may lead to other social problems such as divorce, domestic violence, child abuse and many more. Therefore, by examining the fundamental causes of child marriage, it can assist the authorities in determining its origin. There is a pressing need for all stakeholders to address the root causes of the issue.

Keywords: child marriage, illegal sex, pregnancy out of wedlock, sex education.

INTRODUCTION

Child marriage is a combination of two terms: 'child' and 'marriage'. Society's understanding of the meaning of children varies according to the country and culture of each society. For example, some countries designate "puberty" as a symbol that a person has grown up (Rembe et al., 2018). Internationally, the Convention on the Rights of the Child (CRC) agrees that people under the age of 18 are in the "child" phase. According to the convention, in that phase, children should be free and happy and should not have problems (Svanemyr et al., 2012). At the national level, according to the Malaysia Child Act (2001), children are those under the age of 18. However, in practice, the culture of society in Malaysia understands that children are those aged 12 years and below (Ahmad, 2018). Meanwhile, marriage is a union between men and women that involves biological contact for reproduction (Wimalasena, 2016). It is a trust and a responsibility that should be borne by the married couple (Hariri & Raihanah, 2014).

Thus, from this point of view, the definition gives the impression that children and marriage are not suitable to be joined because the nature of these two is seen to be the opposite. In addition, in defining the term "child marriage" at the international level, this term refers to a legal or customary union between two people, one or both of whom are below the age of 18 years old. The United Nations Children's Fund (UNICEF) believes that marriage has a harmful effect on children both physically and psychologically (United Nations Children's Fund, 2009). At the national level, the meaning of child marriage differs according to the minimum age stipulated in the law. For Muslims, the Islamic Family Law Act 1984 states the legal minimum age of marriage for a male is 18 years old, and for a female is 16 years old; under this stipulated age, there is a need for approval from a judge. However, some states have raised the marriage age for women to 18 years old.

Many studies have proven that child marriage has a detrimental effect on children's well-being. Firstly, in terms of physical health, studies found that adolescents aged 15 to 19 years have twice the risk during pregnancy compared to adult women. Not only that, but the risk of death to the infant is 60% higher if the female individual is below 18 years old (Iyanoulu, 2008). Secondly, in terms of mental health, as children are weak and vulnerable, the adaptation to a new environment after marriage and carrying out the responsibilities as a wife and mother before they are emotionally mature are exposed to depression (Rembe et al., 2018). Thirdly, child marriage also causes learning to stop. This is because, after marriage, the married children need to focus on managing their offspring and household chores (Oledeji, 2010). Without any skills and education, this situation results in such children not having a chance to get a better job; hence, they will be trapped in the poverty cycle (Justice & Nahamya, 2017).

This matter has led the Convention on the Rights of the Child (CRC), the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the United Nations Children's Fund (UNICEF) to acknowledge that this practice has a conflict with children's human rights such as health, education, sexual protection, the right to not be separated from their parents, the right to ensure free and null consent to marriage, the right to gain maximum support for survival and development as well as the right to leisure and live free from any exploitation. Therefore, to prevent child marriage from happening in Malaysia, the factors that cause this tradition to happen need to be refined. The causes that contribute to the occurrence of this tradition are different according to customs, culture, religion, region, and economy. There is still a gap in the research on child marriage whereby there has been relatively little attention on presenting empirical data regarding the causes of child marriage in the Asian countries, particularly in the context of Malaysia. This is the issue that warrants for further investigation to be carried out. Therefore, the goal of this study is to investigate the reasons that led to the occurrence of this practice in the state of Kelantan in Malaysia.

LITERATURE REVIEW

Early debates concerning the legal minimum age of marriage began in Egypt in the 1920s, and this conversation served as the impetus for the emergence of child marriage in the Muslim community (Izadparast, 1974, as cited in Noor, 2013). When the Feminist Union was founded in 1923 under Huda Saharawi's leadership, the development officially began. The suggestion for this union to be implemented as the legal minimum age for marriage was made to the Egyptian government. Due to the effects of the "economic revolution" in Western countries, adjustments and reassessment of the practise of child marriage toward children, particularly girls, started to attract attention. Noor (2013) said that it is crucial for women to be involved in decision-making at this time and to have the freedom to take an active part in society and the country. As a result, this has emerged as a key issue and a paradigm shift in Muslims' attitudes about women and children. The revolution also combines with a different Western legal impact that established a minimum marriage age. They feel that early marriage exposes children to more negative effects on the child, the family institution, and the growth of the country, resulting in the reason they established this regulation. According to Umar (1998), child marriage has been a common practise in Malaysia since the 1930s. Low economic conditions are mostly to blame for the practise of underage marriage in the Malay community. First and foremost, parents want to get money from the "wedding dowry." Second, to assist them in working on the farm or paddy field, parents need more "manpower." The burden might be divided and decreased as a result of having a son-in-law. The Islamic intellectual community in Malaya first brought up the issue of the legal marriage age in the 1930s (Umar, 1998). According to the author, Fadhlullah Suhaimi was one of the first people to bring up the problem of child marriage in the Malay community. According to the author, Fadhlullah Suhaimi suggested that females should not get married until they are between the ages of 13 and 14. This is due to the fact that young children need to attend school in order to learn and contribute to the advancement of Islamic society.

Earlier research has shown that the driving factors for child marriage may be split into two groups: sexual and non-sexual interactions. First, parents often cite the dread of rape, premarital sex, and unwed pregnancy as factors in sexual activity that contribute to child marriage. These actions resulted in family dishonour (Onyido & Akpan, 2018). The choice of whether to report a statutory rape to the police or a marriage can be difficult for some parents. Therefore, in an attempt to alleviate the social stigma associated with pre-marital sex and pregnancy, child marriage is being used as a camouflage for child pregnancy. For instance, there is a report by the *Berita Harian* dated 17 July 2018 stated a 15-year-old Malay girl in Sandakan gets married after being pregnant by her boyfriends outside of marriage. Marriage, according to the girl and her mother, is the only way to escape (Idris, 2018). Second, poverty, a lack of education, customs, gender discrimination, and a lack of effective law enforcement are non-sexual relations elements that lead to child marriage (Lee-Rife et al., 2012). The dread and worry surrounding the aforementioned situation only serves to amplify these key causes of child marriage. In order to survive, parents and girls decide on child marriage without taking into account the actual and perceived consequences. In addition, the difficulty the courts have in approving child marriage applications is another concern related to child marriage. Approximately eight to ten child marriage applications are allowed by judges in Malaysia each year (Hin, 2017). The word "Court Dilemma" was mentioned by the Syariah court judge in exercising discretion in accepting child marriages, according to the study by Awal and Samuri (2018). It might be described as the conundrum that the court faces, whereby pre-marital sex, which is forbidden in Islam, may rise if the applications are not permitted. However, if applications are accepted, the child's future is in danger. The judge's fundamental guiding concept for making decisions is that they must be made in the child's best interest (Awal & Samuri, 2018). As options for future study, Efevbra et al. (2019) recommended examining country-specific social and historical circumstances that may lead to a major effect.

METHODOLOGY

RESEARCH PHILOSOPHY

According to Crotty (2003), the research philosophy of epistemology emphasizes the ways and methods by which people understand and claim to know about certain knowledge. This method allows the acquisition of knowledge by measuring or examining certain subjects through a specific methodology (Cohen & Manion, 2000). This study uses the interpretivism paradigm. As stated by Cohen et al. (2007), the main principle of interpretivism is to understand knowledge through the experience of the people. Therefore, this study applied qualitative methodology to explore the reasons why parents and children decided to marry underage in the state of Kelantan.

RESEARCH DESIGN AND SAMPLING TECHNIQUE

This study uses a fully qualitative study through in-depth interviews. The interview protocol uses semi-structured interviews. Apart from that, this study applies a purposeful sampling technique, where the selection of the sample is based on the process of identifying and selecting children based on certain criteria. In the purposeful sampling technique, this study has developed three criteria to be met by informants before being selected, which are: (i) Muslim, (ii) must be from the state of Kelantan, and (iii) have been married underage (below 16 years old for females, below 18 years old for males). The state of Kelantan is being selected based on the highest number of child marriage cases in Malaysia. The list of names of the informants was obtained directly from the Department of Syariah Judiciary Malaysia, Kelantan. The court has permitted us to examine the case files of children. Therefore, a total of 14 informants were successfully obtained.

DATA COLLECTION PROCESS

The interview took place within five months, from April to August 2021 (during the pandemic COVID-19). The interview with the informants was divided into three different sessions to complete the interview questions. This is because most informants required a suitable time to be interviewed, since they are mothers and wives, they needed the time to take care of the children, breastfeed, and manage the house. Usually, the informants choose to be interviewed in the evening, between 4 pm and 8 pm. In addition, the informants also choose a time when their husband is not at home. This ensures privacy during the sharing session. Each interview session lasted from 30 to 40 minutes. The first session of the interview was intended to break the ice between the informant and interviewer. This session focused on demographic questions that can also help the interviewer understand the background of the informant.

After the completion of the first session, the interviewer arranged another time for the second session. In this second session, the interviewer focused more on the reasons why the informants wanted to marry and how they obtained approval from the authorities. Next, the third session focused on the life experiences of the informants after marriage. Before the interview started, the interviewer mentioned to the informants the privacy and confidentiality of all information given. The informants were aware that all names and information of the informants were kept confidential, and the story shared would be used only for academic purposes with permission to record the conversation session. The interviews were conducted until the point of saturation of the data was gathered.

DATA ANALYSIS

The data analysis method used in this study is the thematic analysis method. The researchers employ technology computer software called Nvivo version 9 to facilitate process for organizing, analyzing and visualizing qualitative data. After the interview process was carried out, it was continued with the process of transcribing the recording. The main theme and sub-themes were constructed through the reading of each transcript. After the themes were constructed, quotations from the informants were arranged according to the themes. After quotations were obtained for each theme and sub-theme, a pseudonym was designed to maintain the privacy of all informants.

FINDINGS

PROFILE OF INFORMANTS

Table 1: Profile of children marriage underage

Profile	Demographic	Female	Male	Total
Children	Age at first marriage			
	15 years old	8	-	8
	16 years old	-	2	2
	17 years old	-	4	4
Education	Standard 6 (12 years old)	-	1	1
	Form 1 (13 years old)	1	-	1
	Form 2 (14 years old)	1	-	1
	Form 3 (15 years old)	4	3	7
	Form 4 (16 years old)	2	2	4
Occupational	Employed (welder/farmer/hawkers/car washer)	1	6	7
	Unemployed	7	-	7

Income level	RM 0	7	-	7
	RM 100 - RM 500	1	5	6
	RM 501 - RM 1,000	-	-	-
	RM 1,001 - RM 1,500	-	1	1
Family Educational level parents	No Education	-	-	-
	Primary Level	5	5	10
	Secondary Level	3	1	4
Occupational	Employed (labour/welder/farmer/guard/driver lorry)	6	6	12
	Unemployed	2	-	2
Income Level	RM 0	2	-	2
	RM 100 to RM 500	3	5	8
	RM 501 to RM 1,000	2	-	2
	RM 1,001 to RM 1,500	1	1	2
	RM 1,501 to RM 2,000	-	-	-
Marital status of parents	Married	4	4	8
	Divorce /widowed or widow*	4	2	6
Number of siblings	1 to 2	1	1	2
	3 to 4	3	1	4
	5 and above	4	4	8

*To cause the death of one's

Table 1 shows the socio-demographics of 14 informants who had married underage. The trend of underage marriage is higher at the age of 15 years old, which is eight informants. This means children have started dropping out of school at the age of 15 years old and below. This can be evidenced through their education reports, which show that a total of 10 informants have reported attending school until Form Three (15 years old) and below. Thus, this trend is seen in parallel because this study found all informants did not complete their schooling. In terms of occupational, seven informants do not have a job, while seven informants have a job, but it is only working at low-income levels such as selling food, welding, plantations, hawkers, and car washes. Therefore, it is not surprising why the income earned by the majority of informants is low, which is only RM100 to RM500 per month.

In terms of family background, the study found that most of the informants are from difficult families where the average family income was very low. Eight informants reported their parents' income was RM100 to RM500 per month, with two informants stating that their parents had no income. The work of the informant's parents is also at a low level as labourers, welders, security guards, farmers, and lorry drivers. It is difficult for parents to financially support all their children with their little salary and send them to school, and the informant's siblings are also many, as eight informants reported having more than five siblings. Finally, the study found that a total of six informants stated that their parents had separated. This emphasizes that there are informants who have experienced emotional crises in childhood.

Table 2: Profile of Syarie Judge

Key Informant	Position	Department	Period of service
Interviewee 1	Syarie Judge	Syariah Judiciary Department Malaysia	20 years

Table 2 above demonstrate the experts' profiles that have contributed expertise and knowledge to the Malaysian case of child marriage. The first interviewee is a *Syarie* Judge who has 20 years of experience working for a government agency. The interviewee also having an experience handling child marriage related case in low court. The *Syarie* Judge is responsible for giving approval for child marriage applications in Kelantan. The experience handling child marriage cases shared by the *Syarie* Judge help to understand the child marriage phenomenon specifically at a specific regional area at Kelantan.

PREMARITAL SEX AND PREGNANCY OUT OF WEDLOCK AS A KEY FACTOR OF CHILD MARRIAGE

PREMARITAL SEX

According to a *Syarie* Judge who handled child marriage cases, unlike in the past, underage marriages often occur because of the factors of life in a society that lives in poverty and has many children—at that time, exposure to family planning was still foreign. The court found that the child marriage application was due to the increasing involvement of children in adultery cases. Therefore, marriage is seen as a way to control this situation from continuing. This matter is seen to be consistent with the results of in-depth interviews with informants, whereby all informants stated that they wanted to get married to avoid immoral acts. In fact, according to the *Syarie* Judge, the parents stated at the court that they wanted their children to get married because they were no longer able to control the behaviour of the children. For example, informants stated that they often go out together with their partners without any direction and presence of parents or guardians. This situation causes the child to be involved in immorality. Pre-marital sex is the main problem that caused the increase in child marriages in Kelantan. Despite that, the *Syarie* Judge also shared his experience of being involved in the case of close proximity. According to the judge, although Kelantan is seen as a state with a high religious

base, in reality, many young children are arrested for close proximity a in Kelantan. When asked why they had pre-marital sex, they said it was just for fun and had no intention of getting married. So, in the lens of the *Syarie* Judge, if there is an application for marriage from these young children, usually approval will be given because they have made an effort to avoid sin.

"Before getting married, I always meet my partner [...] sometimes my partner comes home... sometimes we meet outside... walking around the village together" (Informant 1, Female, Muslim, married at 15 years old).

"Before getting married, my boyfriend often comes to my house [...] We started to get know and meet at the park [...] In a year of being a couple, we often meet... my boyfriend come to pick up me with a car... We go round around the village... mom and dad know we are out" (Informant 3, Female, Muslim, married at 15 years old).

PREGNANCY OUT OF WEDLOCK

This study found that the application made for marriage by the children was also caused by being pregnant out of wedlock. Through observation from in-depth interviews, initially, when the interviewer asked why the informants wanted to get married at a young age, they seemed embarrassed to tell. However, the interviewer used prompts that eventually helped to obtain information as narrated by the informants. For example, some informants expressed experiences when they went to the health clinic to register for pregnancy. The nurse asked for marriage documents, but they did not have the documents. There is also an informant who stated that she knew she was pregnant when she did not have her period and immediately checked for pregnancy using a urine pregnancy test (UPT) bought over the counter. Additionally, there was an informant who stated that when she found out that she was pregnant, she told her boyfriend first because she was afraid that her father would be angry and at that time she was still in school. According to the *Syarie* Judge, usually when this happens, before attending the court, both parents of the male and female families have discussed allowing their children to marry. Hence, on the part of the court, if the '*wali*' or guardian has allowed their children to marry, the court assumes that these children will be under the care of their parents. Therefore, the court will only approve the application.

"I told my boyfriend I was pregnant... because I'm still schooling...I'm scared... my father was fierce... [...] when I know I was pregnant... I immediately drop out of school... [...] I quit school because I was pregnant [...]" (Informant 3, Female, Muslim, married at 15 years old)

THE URGENCY OF CHILD MARRIAGE APPLICATION DURING PANDEMIC COVID-19

The results of the study found that when this interview was conducted, Malaysia was experiencing the COVID-19 pandemic, which had caused the government to order a Movement Control Order (MCO) and total lockdown. According to a *Syarie* Judge in Kelantan, the *Syarie* Judge decided not to postpone any child marriage cases during MCO and total lockdown because this application was seen as an urgent matter. If the court delays the application, the child has a risk of being involved in adultery, which can lead to pregnancy out of wedlock. For other cases, such as divorce cases, the court decides to delay the cases during MCO and total lockdown due to lack of urgency. Therefore, the results of the study found that pre-marital sex and pregnancy out of wedlock have become a very serious matter in Kelantan, which has caused child marriage cases to continue. It can be expected that in Kelantan, the higher the pre-marital and unwed pregnancy cases, the higher the number of child marriage cases that are being made.

"Okay...actually... during the Movement Control Order (MCO) during COVID-19...we postponed other cases... but, for this case (child marriage), I think it's an urgent and desperate case...so, I tried to solve this case even during MCO...which means I will give the priority to solve this case first ...we cannot postpone for marriage case...I'm afraid if it's postponed, later they will commit immorality sins if we do not allow them to get married..." (*Syarie* Judge, Kelantan, May 2021)

CULTURAL AND RELIGION INFLUENCED TOWARDS PREMARITAL SEX AND PREGNANCY OUT OF WEDLOCK

People's negative stigma—Findings discover that informants at Kelantan get married early because they are concerned that people would criticize, and it is not good to see them always go out together before being married. Additionally, if a person has a child without a father, they may feel humiliated. Pregnancy out of wedlock will become gossip by the community and this will shame both the parents. Therefore, when children are found to be pregnant out of wedlock, to cover up the shame, the parents will decide to get them married. The majority of the informants also mentioned that they frequently go out with their partners, which will be perceived negatively by the neighbours, who will speak negatively about it. Therefore, these children decide to get married without considering the abilities and responsibilities that will be undertaken after marriage in order to escape judgement from society.

"My mom was okay when I said want to marry.... my mom said it is better to get married rather that being a couple because people will be talking bad about us" (Informant 1, Female, Muslim, married at 15 years old)

The finding reveals that informants in Kelantan need to marry underage for two reasons, which are (1) to have a legitimate relationship in Islam, and (2) to avoid illegal things happening (adultery), which is forbidden in Islam. Religion was a driving factor that resulted in child marriages in Kelantan. This matter was also acknowledged by *Syarie* Judge, who stated that approval for underage marriages must be given to prevent adultery cases from increasing in the state of Kelantan. Because of the high religious culture within the society in the state of Kelantan, many parents choose to marry their children at an early age to avoid adultery, which is a sinful act. For example, the informants stated that it is better to get married early to avoid getting involved in adultery because they often meet their partners. The informant also stated that in Islam, it is not advisable to be in a relationship, so, to have a legitimate relationship in Islam, one needs to get married. According to the government officials at the court, in Islam, marriage is necessary to have a sexual relationship. This is to protect the lineage- the descendants of one individual in Islam. Therefore, to meet the obligation, the Muslim society of Kelantan believes child marriage is a putative answer to pre-marital sex.

"Marriage because...to avoid illegal things from happening [...] its better marriage because we always go out together [...] to have a halal (legal) relationship" (Informant 1, Female, Muslim, married at 15 years old)

"We both want to marry...In Islam it is not good if we couple only...to have a legitimate relationship in Islam" (Informant 10, Male, Muslim, married at 17 years old)

BEHIND THE LIFESTYLE OF CHILDREN INVOLVED IN SOCIAL PROBLEMS

SOCIAL LIFE - UNSUPERVISED USE OF TECHNOLOGY BY CHILDREN

Apart from that, as the study uses a fully qualitative approach, it helps to dig into why something happens. Therefore, through research data analysis, the study found that the involvement of these children in this situation started with the use of technology, namely mobile phones, without adult supervision. For the cases in Kelantan, the study found that all children had mobile phones. However, this technology has been misused by children. The child gets to know their partner through the use of WhatsApp and Facebook on mobile phones. This technology has allowed children to connect even if they are from different schools and villages. The development of technology at this time without control from adults allows children to be exposed to anyone at an early age.

"I knew my boyfriend through handphone...from WhatsApp... he's from another village" (Informant 2, Female, Muslim, married at 15 years old)

"I know my boyfriend from Facebook" (Informant 8, Female, Muslim, married at 15 years old)

"I knew my boyfriend when I went for a walk with friends...suddenly I met him...at the playground... it was school time...then he asked for my phone number... after being friends... we continued to be a couple... couple in a year" (Informant 3, Female, Muslim, married at 15 years old)

'COUPLE CULTURE' AMONG CHILDREN

The study also discovered that the premarital sex issue and the issue of unwed pregnancies are brought on by the culture of couples among children. Every one of the 14 interviewees admitted to having more intimate relationships with partners of the opposite sex as early as in their teenage years. This is retentive of the use of mobile phones that are unsupervised by parents, causing children to have intimate relationships. One of the informants claimed to have been in love with his partner since Form one or Form two. This signifies that they began participating in couple culture when they were between the ages of 13 and 14. Being involved in a love relationship at a child's age without guidance from adults causes children to easily deviate into immorality. This couple's culture has caused these children to be involved in sexual relations. Further, with low sexuality education which lead them to pregnant out of wedlock, eventually causes a marriage to occur at a young age.

"He looks serious with me... I've been a couple many times... He looks serious... the others are kind of joking... We were a couple for almost two years, when I was in Form one or two, if I'm not mistaken" (Informant 4, Female, Muslim, married at 15 years old)

"I've been a couple with him for a long time... in seven months like that... when I knew him, I was in Form 3" (Informant 5, Female, Muslim, married at 15 years old)

"He asked to be friends then couple.... I couple with him for a year..." (Informant 3, Female, Muslim, married at 15 years old)

FLAWS IN THE FAMILY INSTITUTION, WHICH IS SOCIETY'S PRIMARY DEFENCE - HOME IS WHERE IT ALL BEGINS

According to the narratives of all the informants, this study concludes that children are engaged in premarital sex as a result of the chaotic environment in their home. The dysfunctional family institutions caused these children to fulfil their emotional needs from

other sources, which ultimately led to the problem of pre-marital sex and pregnancy out of wedlock. This in turn leads to the incidence of child marriage.

Broken family or divorced parents—Informants stated during childhood they had to go through a situation that led to emotional conflict. The turbulent situation of seeing parents fight before divorce, having to choose whether to stay with mom or dad, and having a stepfather and stepmother was a new experience to adapt to as a child has scratched their emotions. Having boyfriends and girlfriends is one of the ways children gain attention and love.

"I used to see mom and dad fighting... many times too... the first time I saw them fighting I was feared" (Informant 8, Female, Muslim, married at 15 years old)

"My mom and dad are divorced...I'm following my dad, but my grandfather is taking care of me...my dad has married three wives...I'm staying with my grandfather...from a young age, my brother and I stay with my grandfather...my dad stays at another house" (Informant 10, Male, Muslim, married at 17 years old)

Lack of parental monitoring—Informants also mentioned parents' lack of assertiveness and inability to monitor their everyday activities. In many cases, parents allow children to go out with boyfriends without supervision from the guardian.

"I go out to see my boyfriend two or three times a month... My parents don't ask anything... My parents are sometimes fierce... sometimes not fierce... depending on their mood" (Informant 4, Female, Muslim, married at 15 years old)

Lack of parental bonding—One of the informants also stated that they did not receive their parents' love and attention. This circumstance is now a major contributing reason why children look for attention, love, and affection from people outside of their families. For instance, the informant said after getting divorced, she needed to live apart from her father and he was too fierce. Due to this circumstance, the informant was unable to interact or exchange stories. In fact, she also admitted that only her boyfriend celebrates her birthday.

"My father was not here... my father was in Kedah.... he rarely came home [...] I was not close with my father [...] My father is hot-tempered... he will get angry even with small things... I never share stories with father [...] my father usually doesn't celebrate my birthday... [...] my boyfriend celebrates my birthday; he buys cakes and gifts" (Informant 3, Female, married at 15 years old)

DISCUSSION

This study aims to discover the contributing factors of a high number of child marriage cases in Kelantan Malaysia compared to other states. The results of this study found that the case of child marriage in the state of Kelantan was found to be high because there are many cases of premarital sex and pregnancy out of wedlock, which causes child marriage to be seen as a solution. This finding reveals that 14 informants expressly admitted to engaging in prostitution or adultery. For instance, the informant claimed that they frequently reported meet their girlfriends or boyfriends, and that this pattern has maintained for a very long period. This result is consistent with other research showing that child marriage is substantially correlated with having sex before becoming married and pregnancy out of wedlock (Mpilambo et al., 2017; Ayiga & Rampagane, 2013). According to Oledjeji (2010), child marriage is primarily caused by teenage pregnancy and extensive sexual activity at a young age in South Asia and Africa. Therefore, this study found the same trend also occurs in the state of Kelantan, Malaysia. The loss of virginity or an unwed pregnancy is viewed as shameful to the family. This situation has pressured parents to marry off their daughters early (Raj & McDougal, 2012; Women's Refugee Commission, 2016).

The culture of the society is also influenced by the religious practices whereby Muslim informants avoid adultery and promiscuity, which causes sin in Islam and has become a major reason for marrying underage. The findings prove to be consistent with the previous study by Al-Hakami and McLaughlin (2016) that the main aim of marriage in Islam is to have a "legal sexual relationship". In this study, it was discovered that social culture greatly influences the prevalence of child marriage. This is a result of the unfavourable stigma attached to these problematic children in society. Promiscuity, adultery, and unwed pregnancies bring humiliation to the family, regardless of gender or religion. Concerning this aspect, the current study's findings, which are supported by the Theory of Social Norms, show that individuals are concerned with both what other people believe (normative) and do (empirical) (Bicchieri & Xiao, 2009). From a cultural perspective, the majority of society thinks child marriage is a method to uphold the dignity of girls and prevent premarital sex and unwanted pregnancies. Since it is generally known that the state of Kelantan has a greater level of religious practice than other states, it is not surprising that the state of Kelantan has a high rate of child marriages.

This approach stresses the reasons behind a group's actions. According to Bicchieri et al. (2014), parents choose to marry off their daughters based on expectations or beliefs that align with social norms. In this sense, "belief" might refer to a religious conviction that adultery is prohibited and that such behaviour constitutes a sin. While the normative expectation in this theory can be applied by referring to parents who may fear punishment, gossip, and social exclusion if their daughter is discovered to be pregnant out of wedlock (Bicchieri et al., 2014), this situation occurs in the state of Kelantan, where pregnancy out of wedlock is a shameful act for Muslims because it is considered a deviation from religion, whereby to have a sexual relationship it is necessary to be married.

Through examining the issue of why these children can be involved in social problems through the informant's narration in in-depth interviews, the study found that all the informants had problematic family backgrounds. Family problems have led children who drop out of school to engage in harmful behaviours (social problems), which is a novel finding from this study. The relationship between family problems and child marriage has rarely been covered in previous studies. This study shows that even if a family is poor, if the parents can play a role in educating the children, then these children can be saved from falling into social problems that eventually lead to child marriage. According to this study, family issues including poor bonding, inadequate supervision, and parental divorce have led children who drop out of school to feel lonely at home and fill their emotional needs with boyfriends or girlfriends. The arguments are that even though parents are poor, children can avoid being involved with social problems if parents have a strong bond and monitor their children. This eventually prevents child marriage. This was also supported by Kohno et al. (2020), who noted that many studies conducted abroad have focused on the likelihood of child marriage and early sexual behaviour in females and lack of studies have looked into the relationship between parenting practises or a lack of parental attachment and child marriage. According to the study, youngsters who drop out of school face loneliness at home, spend their free time engaging in partner activities, and have family issues such a lack of connection, inadequate supervision, and divorced parents. Because of this, even impoverished children can avoid social issues if their parents can establish a strong bond and monitor after children.

Following this, in 2010, the National Population and Family Development Board Malaysia (NPFDB) formed a Reproductive, Social, and Health Education (PKRS). This is because baby dumping and free sex among teenagers are frequently reported in the media. Therefore, at that time, PKRS must be implemented for teenagers. This reproductive and social health education aims to provide students with a thorough understanding of the biological, sociocultural, psychological, and spiritual components of healthy conduct. This knowledge and education help the formation of responsible individuals and further create a Malaysian society that is free from societal problems that are constantly becoming worse. However, a misunderstanding within the community caused the delay in this initiative (National Population and Family Development Board Malaysia, 2021). In addition, the Religious Department must improve its teen da'wah programmes since doing so would assist in raising awareness of the issue. It is notable in this study most parents are unable to supervise their children by allowing them to go out with boyfriends without a *mahram* or guardian. As a result, the government must take an active part in taking over the parental role. The Religious Department's prevention measures for managing relationships and infidelity assist end child marriages.

CONCLUSION

In conclusion, it is noted that the topic of raising the minimum age of marriage and reinforcing the child marriage procedure, which is frequently addressed at the parliamentary level, has proven to be ineffective in resolving the actual issue of child marriage in Malaysia. This is because it was discovered through this study that if the minimum age is raised and the procedure is reinforced, as long as the court can use its discretion in making a decision, of course, regardless of how strict the law is against child marriage, marriage is being used as a tool to combat the issue of premarital sex and unwed pregnancies. However, it can be expected that other societal issues, such as baby dumping, child abandonment, and abortion—which is prohibited in Islam—will worsen if the government decides to raise the minimum age of marriage for all children to be 18 years old without any discretion. This is because children have no solution to escape from social problems unless by marriage. Pre-marital sex and unwed pregnancies are the fundamental issues that need to be confronted in order to address child marriage at the national level.

There is no quick-fix solution for the sensitive and complicated situation of child marriage. However, this study holds that child marriage should no longer be a practice since a significant amount of empirical data from previous research conducted overseas shows that it negatively impacts children's lives over the long run. Therefore, it is suggested that the implementation of sexual education critically needs to be done. Society must be reminded that the purpose of sexual education in schools is not to promote children's involvement in sexual relationships but rather to inform them of the consequences of such behaviour. The rapid advancement of technology has exposed children to sexual content. Without adult guidance, many children believe that having sex gives pleasure without any permanent consequences in their life. Through the research findings, the institution of the family, which is supposed to guide children, is dysfunctional. Therefore, it is crucial that the safety net at the school level be implemented through sexual education. By providing children with information about reproduction, it is hoped that they will decide not to approach premarital sex because it can result in pregnancy. The findings presented in this study are based on informants at Kelantan as the sample to gather insight concerning life experience of child marriage based on the higher cases, it may not be represented other geographical areas, therefore, it is advised that the study be done depending on the geographical region in order to identify the factors that contribute to child marriage.

ACKNOWLEDGMENT

We wish to acknowledge the Ministry of Higher Education (MoHE), Fundamental Research Grant Scheme (FRGS) [File No: 600-RMI/FRGS 5/3 (0042/2016)] and Universiti Teknologi MARA (UiTM) and we also would like to thank the UiTM Research Ethics Committee Reference No.: REC/04/2021 (MR/185) for the approval given to this study.

REFERENCES

- Hariri, M. S. A., & Raihanah, A. (2014). Pengukuhan Institusi Keluarga Melalui Kawalan Terhadap Penceraian: Analisa Literatur. *Jurnal Fiqh* 11: 175-194.
- Ahmad, Y. (2018). *Empirical evidence on child abuse in the Malaysian context*. Selangor: UiTM Press.
- Al-Hakami, H., & McLaughlin, K. (2016). Debatable marriages: Marriage and child marriage in Saudi Arabia. *Marriage and Family Review*, 52(7), 654–664. Retrieved from <https://doi.org/10.1080/01494929.2016.1157119>
- Ayiga, N., & Rampagane, V. (2013). Determinants of age at first marriage in sub-Saharan Africa: A comparative study of Uganda and South Africa Introduction. *Journal of social development in Africa*. 28. 9-34.
- Awal, N. A. M., & Samuri, M. A. A. (2018). Child Marriage in Malaysia. UNICEF Malaysia, (Working Paper). Retrieved from <https://www.unicef.org/malaysia/reports/child-marriage-malaysia>
- Idris, R. (2018, July 17). Kes perkahwinan bawah umur masih disiasat. *Berita Harian*. Retrieved from <https://www.bharian.com.my/berita/kes/2018/07/450483/kes-perkahwinan-bawah-umur-masih-disiasat>
- Bicchieri, C., & Xiao, E. (2009). Do the right thing: but only if others do so. *Journal of Behavioral Decision Making*, 22(2), 191-208
- Bicchieri, C., Jiang, T., & Lindemans, J. W. (2014). *A social norms perspective on child marriage: The general framework*. UNICEF. Retrieved from <https://repository.upenn.edu/cgi/viewcontent.cgi?article=1012&context=pennsong>
- Cohen, L., Manion, L., & Morrison, K. (2007). *Research Methods in Education (6th ed.)*. London and New York, NY: Routledge Falmer.
- Cohen, L., & Manion, L. (2000). *Research Methods in Education*. Raoutledge. P. 254. (5th Edition).
- Crotty, M. (2003). *The Foundations of Social Research: Meaning and Perspectives in the Research Process*. London: Sage Publications, 3rd edition, 10.
- Efevbera, Y., Bhabha, J., Farmer, P., & Fink, G. (2019). Girl child marriage, socioeconomic status, and undernutrition: evidence from 35 countries in Sub-Saharan Africa. *BMC medicine*, 17(1), 55. <https://doi.org/10.1186/s12916-019-1279-8>
- Hin, O. K. (2017). Child Marriages in Malaysia: Reality, Resistance and Recourse. *Penang Institute*. Retrieved from <https://penanginstitute.org/publications/issues/981-child-marriages-in-malaysia-reality-resistance-and-recourse/>
- Iyanoulu, A. E. (2008). *The challenge of culture for rights of women in Africa: A critical analysis of the protocol to the African charter on human and people's rights on the right of the women in Africa*. Masters' thesis. University of Cape Town: Cape Tow.
- Justice, H., & Nahamya, E. (2017). Child, early, and forced marriages (CEFM) in the Commonwealth: The role of the judiciary. *Journal Commonwealth Law Bulletin* Volume 43, 2017. Retrieved from <https://doi.org/10.1080/03050718.2017.1329964>
- Kohno, A., Dahlui, M., & Nik Farid, N.D. (2020). Why girls get married early in Sarawak, Malaysia - an exploratory qualitative study. *BMC Women's Health* 20, 46. <https://doi.org/10.1186/s12905-020-00911-z>
- Lee-Rife, S., Malhotra, A., Warner, A., & Giinski, A. M. (2012). What Works to Prevent Child Marriage: A Review of the Evidence. *Studies in Family Planning*, 43(4), 287–303. <http://www.jstor.org/stable/23409224>
- National Population and Family Development Board Malaysia. (2021). *Pendidikan Kesihatan Reproduksi Dan Sosial Bukan Kontroversi, Tetapi Perlu Dipelajari*. Retrieved from <https://www.lppkn.gov.my/lppkngateway>
- Mpilambo, J. E., Appunni, S. S., Kanayo, O., & Stiegler, N. (2017). Determinants of early marriage among young women in Democratic Republic of Congo. *Journal of Social Sciences*, 52(1–3), 82–91. <http://doi.org/10.1080/09718923.2017.1322393>
- Noor, Z. (2013). Minima umur perkahwinan dalam undang-undang keluarga Islam. *Child Marriage and Minimum Age of Marriage Under Islamic Family Law*. 21(2), 165–190.
- Onyido, J. A., & Akpan, B. G. (2018). Child Abandonment and Its Implications for Educational Development in Nigeria. *Archives of Business Research*, 6(9). <https://doi.org/10.14738/abr.69.5068>
- Oladeji, D. (2010). Sociocultural Factors Influencing Girl-Child Education in the Context of Marriage in Ilorin Environs, Nigeria, *Journal of Divorce & Remarriage*, 51:6, 339-347, DOI: 10.1080/10502551003652074
- Raj, A., & McDougal, L. (2012). Changes in prevalence of girl child marriage in South Asia. *JAMA*, 307(19). Retrieved on 24 February 2020 from <https://www.ncbi.nlm.nih.gov/pubmed/22665097>
- Rembe, S., Chabaya, O., Wadesango, N., & Muhuro, P. (2018). Child and forced marriage as violation of women's rights, and responses by member states in Southern African Development Community. *Empowering women for gender equity Volume 25, 2011 Agenda*, 25(1), 65–74. Retrieved from <https://doi.org/10.1080/10130950.2011.575586>
- Svanemyr, J., Chandra-Mouli, V., Raj, A., Travers, E., & Sundaram, L. (2015). Research priorities on ending child marriage and supporting married girls. *Reproductive Health* 12-80: 1-4.
- Umar, N. I. (1998). *Fadhullullah Suhaimi*. Selangor: Progressive Publishing House Sdn Bhd.
- United Nations Children's Fund. (2009). *A Statistical Snapshot of Violence Against Adolescent Girls*. New York.
- Wimalasena, N. A. (2016). An analytical study of definitions of the term marriage. *International Journal of Humanities and Social Science*. Vol. 6, No. 1. Retrieved from <https://pdfs.semanticscholar.org/c070/528582f3aa3c5d7319bb71d33f35ae972289.pdf>
- Women's Refugee Commission. (2016). *A girl no more: The changing norms of child marriage in conflict*. New York.