

THE SERIOUSNESS OF CHILD MARRIAGE IN MALAYSIA: AN INSIGHT FROM EXPERTS

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ABSTRACT

At the international level, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) states that child marriage commonly exposes the child to abuse, abandonment, and poverty; hence, child marriage should be prohibited. Furthermore, CEDAW urges governments to take all necessary actions to eliminate gender discrimination. Meanwhile, at the national level, the 106th Convention of the Malaysia National Council Fatwa Committee issued a fatwa titled "Child Marriage Issues: A Study of Religion, Health, and Psychology Aspects" on October 21 and 22, 2014, asserting that child marriage causes physical and mental health issues for female spouses. As a result, the committee agrees on just one requirement for sanctioning child marriage: it must be done totally for the benefit of the children. Despite its negative consequences, Malaysian culture continues to practice this ritual. To the best of our knowledge, organisations do not have a monitoring system in place to check on the wellbeing of children after permission has been received. As a result, the purpose of this study is to evaluate how the gravity of child marriage has influenced the lives of children based on professional experience. This research utilises qualitative methodologies, including in-depth interviews (IDIs) with Malaysian family counsellors and child psychology experts who often deal with family conflict and children's well-being. According to the findings, this custom has a detrimental influence on children's lives after marriage. Child marriage is highly associated with physical health problems, dropping out of school, sexuality education, poverty, taking on extra obligations, and mental health problems. The fundamental point of this research is that this custom has had a significant influence on the children's mental and emotional well-being. This should be anticipated since society allows for this practice by looking at children's physical and biological (reproductive) development compared to their psychological maturity.

Keywords: child marriage, poverty, health, responsibility, sexuality education.

INTRODUCTION

A children's childhood is diminished by child marriage, which goes against the rights of children (Kooij, 2016). The world society views this cultural practise as robbing girls of their childhood since it interferes with their ability to develop normally. Girls are made out to be victims of this practise, which makes it seem like child marriage is compelled and restricts the girl's freedom of choice (Chanter, 2012). The establishment of the Sustainable Development Goal (SDG), which expressly specifies that the goal is to stop the practise of child marriage, represents the way the international community aims to achieve this goal. The SDG expects the country to reach the objective of 5.3 over 10 by 2030 in order to achieve gender equality and empower women, which is indicated by SDG number five (Girls Not Bride, 2017). Additionally, by addressing the child marriage crises, we are also indirectly advancing the first Sustainable Development Goal, which is to reduce poverty through improving the lives of the underprivileged. The Convention on the Rights of the Child (CRC), the Universal Declaration of Human Rights (UDHR), and the United Nations Children's Fund (UNICEF) all recognise that the practise of child marriage has violated a child's fundamental rights to health, education, and sexual protection. As a result, these rights must be upheld. Other rights that have been violated by the practise of child marriage include the right to remain with their parents, the right to free and unrestricted consent in marriage, the right to receive the greatest amount of assistance for survival and development, and the right to leisure and an unencumbered life (Girls Not Bride, 2017). Although Malaysia has signed and ratified the international agreement aimed at ending the practise of child marriage, its implementation of the treaty continues to be out of step and contrary to the norm. The discrepancy may be seen by contrasting Malaysia's marriage laws with the international standard, which states that a person must be 18 years old to get married.

Additionally, on a global scale, the Legislative Reform Initiative-Paper Series in 2007 stated that the principle of "the best interests of the child" had been highlighted in the article by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), demonstrating that this organisation plays an important role in protecting the child by providing a fundamental principle as guidance in law and regulation. Child marriage should be prohibited since various empirical studies reveal that child marriage commonly exposes children to abuse, abandonment, and poverty, according to the CEDAW. Children are entitled to parental supervision and guidance since they are "unable" to make moral decisions. As a consequence, CEDAW recommends governments take all necessary actions to eliminate gender discrimination (Convention on the Elimination of All Forms of Discrimination Against Women, 2019).

Meanwhile, on the national level, the 106th Convention of the Malaysia National Council Fatwa Committee issued a fatwa titled "Child Marriage Issues: A Study of Religion, Health, and Psychology Aspects" on October 21 and 22, 2014. Based on the findings of an expert investigation, the committee concluded that child marriage creates physical and mental health problems for female partners. Instead, the committee observed that marriage is no longer seen as a healthy activity. As a result, the committee has agreed on a single condition for sanctioning child marriage; it must be done exclusively for the benefit of the children (Jabatan Kemajuan Islam Malaysia, 2015). However, in Malaysia, this situation is still regarded as widespread in society, despite several studies proving that it is damaging to children. The fatwa issued seems to be disregarded as well, despite the fact that it explicitly states that child marriage is only permitted provided the kid's welfare is preserved.

Despite these repercussions and despite international and domestic rules and regulations, child marriage is nonetheless common in Malaysia. In order to pinpoint the main issue, it is critical to carefully examine the underlying element that promotes child marriage. The choice by the parents to marry their daughter at a young age must be motivated by a specific purpose. According to Oladeji (2010), in order to preserve family honour, teen pregnancy has been a major element in child marriage throughout the past century. Next, low household income (poverty) is another issue that encourages child marriage as a way for parents to survive and decrease their financial burden (Hanzi, 2006). According to Mplimbo et al. (2017), education helps people to prepare for the future, however women with poorer education backgrounds frequently prefer to get married at a younger age than those with higher education. Consequently, the aforementioned reason suggests that marriage appears to be a way out for both parents and the girls to continue existing without recognising the repercussions the girl would face after marriage.

Notably, there has not been enough research done in Malaysia to convincingly establish that child marriage is harmful to children, there isn't enough evidence to persuade society. The majority of society is based solely on the assumption that this marriage will not hurt the children. This scenario has also been witnessed at the implementation level, with staff members claiming that after permission is provided, they are unable to follow the child's health. They only realise the kid is in peril when they return to court to seek a divorce. As a result of the lack of information regarding the negative repercussions of child marriage, changing society's view is difficult. As a consequence, the government's attempts to reduce child marriage in Malaysia are impeded.

LITERATURE REVIEW

Child marriage is seen as a socially unacceptable practise in Malaysia. Although a few governments support initiatives to increase the minimum marriage age to 18 years old, this practise persists as a communal tradition. This is owing to a paucity of studies in Malaysia on the effects of child marriage. The majority of the research is aimed at determining what motivates child marriage (Corno et al., 2020). It is critical to understand the life experiences of children who have married underage in order to present empirical data to society, particularly parents. The consequences of child marriage are inextricably linked to the conditions that lead to child marriage. For example, poverty and a lack of education, which are the causes of child marriage, have a huge impact on the lives of children following marriage (Cameron et al., 2022).

According to United Nations Children's Fund (2009), once the children marry, they must accompany their spouse abroad, isolating the young bride from her close relatives and friends. This situation has resulted in a shortage of support networks at a critical age. Furthermore, this will limit the child's ability to participate in community activities. As a result, without a strong support structure, the children's mental health may suffer. According to the United Nations Population Fund (2012), child marriage exposes children to domestic violence at a higher incidence than their unmarried peers. Since children have less authority over family choices and intervention, their husbands are more likely to mistreat them. Furthermore, child's lack of economic and intellectual advantages would increase their proclivity to have less influence in marriage. As a consequence, youngsters have a vulnerability that allows them to be exploited by others.

Furthermore, Mpilambo et al. (2017) demonstrate that marriage exposes children to a significant risk of domestic violence. Children, according to the authors, are less competent at self-defense than adults. Gaffney-Rhys (2011) agreed, claiming that children are more susceptible to domestic abuse and desertion than adults. This was corroborated by the Global Rights Survey done in Afghanistan in 2008, which discovered that child marriage is highly connected with domestic violence and spousal abuse, with 63.8% of married children suffering physical abuse compared to adults. According to the author, females are less inclined to take action to halt the assault. Furthermore, statistics from Demographic Health Surveys (DHS) from 35 countries show that young people marrying underage are less educated, start having children sooner, have less influence over family choices, and are more likely to suffer domestic abuse (Jensen & Thornton, 2003). As a result, children may be considered more vulnerable to domestic violence than adults.

Rembe et al. (2018) further said that child marriage exposes children to mental health concerns. According to the authors, children who were engaged in instances of child marriage had early stress and despair. According to Mayor (2004), child marriage is also associated with high problems during pregnancy and early delivery, which is a significant cause of mortality among females aged 15 to 19 years old; this condition influenced the children's mental health, resulting in a lengthy traumatic disorder. Furthermore, John et al. (2019) discovered a substantial link between child marriage and psychological well-being using cross-sectional data for children in Nigeria and Ethiopia. Aside from that, United Nations Children's Fund (2005) states that the burden of dealing with marriage and parenthood is often beyond the capacities of youngsters. This institution agreed that children are in danger of being treated as slaves. As a result, child marriage may affect the kid's emotions since it exceeds the child's ability to deal with the conflict and pain of marriage. This tradition has a big effect on the mental and emotional health of young people in Malaysia, which is the focus of this study.

METHODOLOGY

In-depth interviews (IDIs) with family counsellors and child psychologists who commonly deal with family conflict and children's well-being are used in this research. The interview was scheduled for one to two hours. Thematic analysis was used to examine the interview transcript. Thematic analysis is a method of dealing with data that includes assigning "codes" to specific data. The findings are arranged in hierarchical order to give a picture of a phenomenon via methodical text sorting (Gibson, 2009). This study employs technology-based computer software called NVivo version 9.0 to facilitate the process of organising, analysing, and presenting qualitative data. The transcription was classified and assigned themes using the NVivo application. The interview procedure and instrument were submitted to the UiTM Research Ethics Committee (REC UiTM) for approval. To avoid any misconceptions, the ethical consideration of cultural and religious belief shall be handled respectfully. With reference number REC/04/2021 (MR/185), the approval period was given from 7 April 2021 to 19 March 2022. There is no information pertaining to the impacts of marriage that can be gathered from the authorities engaged in issuing marriage licence since there is no monitoring mechanism to see the wellbeing of children once marriage permission is given. Therefore, in order to understand the impact of early marriage on children, this study included interviewing family counsellors from the National Population and Family Development Board as well as child specialists in child-related experts.

FINDINGS

PROFILE OF EXPERT

Table 1: Profile of expert

Key Informant	Position	Period of Service
Interviewee 1	Family Counsellor Officer /Psychology Officer	12 years
Interviewee 2	Psychology Expert/ Doctor of Philosophy in Psychology	14 years
Interviewee 3	Senior Medical Lecturer & Psychiatrist Consultant	17 years

The profile of the experts shown in Table 1 have provided expertise and knowledge in the Malaysian case of child marriage. The first interviewee is a psychologist/family therapist with 12 years of government agency experience. The interviewee has also handled child marriage-related problems, such as family conflict, counselling with parents and young married couples, involvement in a sexual education programme, and managing complete marriage courses for young married couples. Meanwhile, the second interviewee is a psychologist who has spent 14 years working at a government institution. The third interviewee is a 17-year-old psychiatric consultation at a semi-government hospital. Hence, both psychology experts have experience watching the psychological development of children, and hence this key informant was chosen to investigate how child marriage impacts children.

THE SERIOUSNESS OF CHILD MARRIAGE IN MALAYSIA

In Malaysia, there is a tremendous amount of concern over child marriage. This is because child marriage is considered a form of abuse and may have major effects on the child's health and well-being. During the interview, the key informants provide information for inquiries on the impacts of child marriage were the family counsellor officer and psychiatric consultants. According to key informants, child marriage has six consequences: lack of psychological maturity; inability to make choices; stress and despair; insufficient social circle and support; divorce; and interrupted development of family, society, and country. Table 2 describes the consequences of child marriage as seen by key informants.

LACK PSYCHOLOGICAL MATURITY

In most cases, physical maturity precedes psychological, mental, and emotional growth. This suggests that the majority of adolescents who marry before reaching the age of consent have parents who recognise their physical maturity but typically neglect their psychological maturity. This is due to children's psychological development being less advanced than that of adults. Furthermore, in terms of brain development, children's psychological maturity is not fully formed. For example, rational thinking is necessary for the neurological system's development. As a result, children cannot manage the family effectively if they do not

fully develop their ability to think, make choices, and solve problems from a young age. It is unjust to put children in situations where they must make important home decisions.

Table 2: Lack of psychological maturity

Theme	Sub-themes
Lack psychological maturity	<ul style="list-style-type: none"> ▪ Mentally and emotionally not ready ▪ Not mature as an adult ▪ Brain not fully developed psychologically ▪ Not having an ability to make decisions and solve problems ▪ Not skilled at handling household

UNABLE TO MAKE DECISION

Because children lack cognitive maturity, they are unable to make mature and sensible judgments. Children should not marry since marriage involves the ability to make a range of life choices. For example, are these pregnant youngsters capable of making such crucial medical choices as having a natural or surgical delivery since many therapies during pregnancy and childbirth need the patient's consent? According to the law, people must be at least 18 years old to offer consent, and those who are younger must get permission from their guardians—their parents or, if married, their husbands—to do so.

Table 3: Unable to make decision

Theme	Sub-themes
Unable to make decision	<ul style="list-style-type: none"> ▪ Does not have decision making skills ▪ Marriage is not appropriate for children ▪ Marriage requires ability to make many decisions in life

STRESS AND DEPRESSION

Marriage as a child who is not yet mature enough to handle family obligations exposes them to a number of psychological disorders, including depression. Furthermore, some youngsters have been diagnosed with post-traumatic stress disorder. Women are more prone than men to suffering from depression. This is due to a range of conditions that arise for female children after marriage, such as needing to care for children and coping with the same daily routine. This is particularly true if the family completely abdicates care of their daughters' children to their spouse.

Table 4: Stress and depression

Theme	Sub-themes
Stress and depression	<ul style="list-style-type: none"> ▪ Face mental and emotional problem ▪ Depression/stress ▪ Take care of children ▪ Face same routine everyday ▪ Not skilled to handle many kinds of household stress and issues

LACK OF SOCIAL CIRCLE AND SUPPORT

In general, people who marry as adults will have disagreements and conflicts in their marriage. Adults, on the other hand, typically have the necessary maturity. They already have a large social structure as adults. They have high school friends, university friends, and colleagues from work. On the other hands, children need strong moral support and sometimes don't know where to go for help when they faced problems. Further, children who have married do not have time for study or go to school. As a result, the social circle is frail. As a consequence, when there is a problem, youngsters typically opt to stay at home alone. They don't know who to talk to or discuss their difficulties with since married children have fewer resources. As a result, it is critical that they get family help and support after marriage; otherwise, these children are at risk. In this context, parents must continue to counsel, supervise, and assist their children.

Table 5: Lack of social circle and support

Theme	Sub-themes
Lack of social circle and support	<ul style="list-style-type: none"> ▪ If marriage during appropriate age, they will have strong social support like friends in university and workplace ▪ Children who marry early have no time to go to college and work; hence, their social circle is weak ▪ If they have a problem, they tend to hide at home and do not know whom to tell and share ▪ Lack source for help ▪ After marriage, parents must guide, monitor, and support the child

DIVORCE

According to an expert who has expertise in counselling situations in Kelantan, with the youngest age at which they were married being 15 years old, the bulk of child marriages are triggered by unwedlock pregnancies. When a girl discovers she is pregnant, her family is generally the one pressing for the marriage, while the boy's family is usually opposed. As a consequence, many marriages did not last very long. This is mostly due to the fact that the vast majority of people who desire to marry are genuinely disqualified. It indicates that as an adult, they only choose to settle down and establish a family when their financial status is secure, they are conscious of the commitments they will face as a married couple, and everyone is willing to contribute to the home. For example, in order to fulfil her wifely obligations, a woman needs to prepare herself by learning how to be a good homemaker and be obedient to her husband. As a consequence, they will see this situation as a need for marriage eligibility. Marriage necessitates this degree of understanding. However, in a child marriage setting, youngsters marry not because they are ready, but rather to conceal a societal issue. This circumstance resulted in a divorce. Children are unable to regulate their emotions. The difficulty caused by the divorce will influence their children; it is not the divorce that has harmed their children's mental well-being but rather the circumstances that led to the separation. For example, if parents quarrel in front of the kid, the child's development will suffer as a result. A mature parent will not quarrel in front of their kid since they are conscious of the influence on the child's growth. They have learnt from reading, personal experience, and hearing other people's stories. People who marry too early do not have the chance to learn about this issue.

Table 6: Divorce

Theme	Sub-themes
Divorce	<ul style="list-style-type: none"> ▪ Usually, children do not want to marry, but because of pregnancy, they need to marry ▪ They are not qualified to get married ▪ End up with divorce ▪ Adults who are already financially stable and understand their responsibilities ▪ Physical fighting in front of children influences child development ▪ Matured parents will not quarrel in front of the child because they understand the impact on the child

OTHER EFFECTS OF CHILD MARRIAGE

The effects of child marriage, especially if the girls have children, will have a significant influence on their child. This situation – unstable mothers is indirectly influencing how the family, community, and nation are developing. If this girl is raised in a condition that requires a strong mental strength in life before marriage, they will have a strong resilience, she can endure, but occasionally the pressure from the household is too intense, sometimes even the strong ones can fall. They may consequently experience severe psychological issues when such situation happens. It's worried that they won't be able to raise another child if they can't even care for themselves.

Table 7: Other effects of child marriage

Theme	Sub-theme
Affected development of family, community, and country	<ul style="list-style-type: none"> ▪ Unstable mother give impact to her children ▪ Pressure from household is too strong, they can fall ▪ If young mothers cannot take care of themselves, how to raise another child

DISCUSSION

The United Nations, which advocates for children's rights, has 190 member countries. Every member of the Committee on the Rights of the Child (CRC) must ensure that the country acts in the child's "best interests" (Committee on the Rights of the Child, 2014). From the standpoint of children's rights, this group has adhered to the following basic premise regarding child marriage practises, Article 19: The right to be safeguarded from all types of physical or mental aggression, harm, or abuse, including sexual assault. Countries make a commitment to their people by ratifying this international standard. According to the Committee on the Rights of the Child (2019), each country must fulfil its promise by incorporating the agreement into national law and policy.

According to the findings of this research, mental health issues have a significant impact on child marriage. Previous study indicated that female spouses suffer from mental health concerns more than males, as a consequence of child marriage. Similar finding is discovered in this study. For example, it is common for a woman to move in with her husband's family after marriage in order to acclimate to a new environment and assume increased responsibilities; yet this circumstance causes them to feel lonely and melancholy. The youngster loses out on learning opportunities as well as growth phases. As a consequence, a child who married at a young age fails to meet expectations as a wife and mother exposes the youngster to mental health issues such as depression (Rembe et al., 2018; Iyanoulu, 2008). This has a negative impact on children's emotional and mental development.

Furthermore, Justice and Nahamya (2017) discovered that young married women are more likely to experience divorce, widowhood, or separation. According to their study, early marriage is a factor in 67.9% of women experiencing divorce or separation. According to the authors, divorce has a greater detrimental impact on children's physical, mental, and emotional well-being than any other factor. This situation has a negative influence, especially on the children's future, since the child will have to care for their babies without the husband's financial and emotional support. As a consequence, it is obvious that divorce will have a detrimental impact on a child's future.

This conclusion is bolstered further by the Theory of Maturity, which claims that marriage implies a tremendous amount of duty and commitment, making it essential for those who enter it to be mature individuals. According to Johnson et al. (2009), maturity is an important stage in the evolution of living organisms. Biological maturation and psychological maturation are the two phases of maturity. According to the author, psychological maturity is acquired at a certain level of emotional and intellectual development. Biological maturity refers to a person's physical growth from birth through the most critical stage of development—the development of their reproductive system at puberty. To have a successful marriage, biological maturity must be combined with other critical factors such as social and intellectual development.

According to Dahl (2001), one of the most important characteristics of emotional maturity is the ability to cope with stress. Cunningham et al. (2002) defines emotional maturity as a person's ability to manage and guide their emotions correctly. However, research has shown that children lack the maturity to bear the duties of marriage. According to Harry (1983) children are incapable of settling down and facing the obligations that come with marriage. Their marriage will suffer as a consequence of their immaturity. Marriage has a plethora of duties and obligations, so people entering it must be mature individuals.

In addition, the condition of child marriage in Malaysia is impacted by religion; society looks at children's physical reproductive development as a measure of maturity to marry rather than emotional and intellectual maturity. According to Esak (2012), puberty serves as a dividing line between childhood and maturity in the Islamic faith. According to the author, puberty is a process and an indicator that a girl is no longer a child. As a result, the author concludes that historically, Islamic culture has suggested that the process of puberty implies that a person is considered an adult and mature enough to marry. According to Al-Hakami and McLaughlin (2016), reaching puberty is not the appropriate age to consider someone mature enough for marriage in the Arab area. According to the author, marriage is important since it not only requires a female to be physically mature in order to become pregnant (achieved after puberty by creating an ovum), but also emotionally and psychologically mature. As a result, previous research found that the following findings supported the findings of this study: lack of psychological maturity, inability to make decisions, stress and depression, lack of social circle and support, divorce, and adverse effects on the development of the family, community, and country.

Aside from that, marriage at a young age is the consequence of societal issues such as pre-marital sex and pregnancy out of wedlock. Marriage is utilised to solve societal issues regardless of the children's mental and emotional development in carrying out the greater tasks in the family. Child marriage instances may be eliminated indirectly if the government handles this social issue appropriately. To avoid these societal issues from recurring, the government implemented sexual education in schools in 2000. However, sexual education in schools is stigmatised by society, and free sexual conversation is prohibited by society. The government created the Reproductive and Social Health Education Program at the time. This module is meant to address the human reproductive system as well as social life (National Population and Family Development Board Malaysia, 2021). For example, what will happen if youngsters do not understand how their reproductive system works? This will have further social consequences for the children, such as unmarried pregnancies. However, the government has encountered challenges since society does not appreciate the notion of sexual education being taught in schools. Society misconstrued this concept—sexual education is supposed to educate youngsters to develop self-discipline and refrain from participating in sexual behaviour before things spiral out of hand.

Last but not least, it is advised that the National Population and Family Development Board occasionally establish a distinctive pre-marriage course that is more thorough. The goal of this programme is to provide children the knowledge and skills they need to handle their respective households. The Health Department should plan mental health screening as well. Before deciding if a child is ready for marriage, it is also crucial to take into account their emotional and psychological development. This is important since it has been proven that early marriage elevates the incidence of mental health issues including depression. In addition, the government must standardise the legislation governing the minimum marriageable age and the process for legalising child marriages in order to guarantee that children are treated fairly. This is due to research showing that children unintentionally create families (marriages) just to prevent pregnancy and sexual activity. Following the court's consent, it is advised that the Welfare Department keep an eye on the welfare of the children. Findings show that children experience financial instability, particularly during the Covid-19 outbreak when the majority of children have lost income; as a result, further financial help is required. Additionally, housing support appears to be crucial for children of marriage who reside with their mother-in-law yet have family disputes. Additionally, these children who are struggling psychologically and emotionally and who find it difficult to handle responsibilities in marriage need a lot of psychological support. Children who are already married at a young age require a strong support system.

CONCLUSION

In conclusion, the condition of child marriage in Malaysia is caused by pre-marital sex and unwed pregnancy, which pushes young children to have the option to marry. It is apparent that these youngsters' desire to marry not because they are emotionally or psychologically prepared to take on the burden of becoming parents at such a young age. Marriage is employed as a means of resolving societal issues. Yet, society fails to see that this marriage merely solves one problem while creating other ones. It is terrible that the effects of child marriage disproportionately harm women, and children born from child marriage are also afflicted.

Children are traumatised by marriage because they are still emotionally and cognitively immature. Marriage may be split into two categories: forced and voluntary marriage. In this context, this research discovered that if the marriage was done to solve societal issues, it signifies that the marriage did not occur willingly, but rather as a constraint that children and parents must accept. Experts believe that when social difficulties arise, both parents will contemplate marrying off their children, even if the youngsters are not ready to marry, in order to cover up social problems. According to the findings of this research, the definition and notion of forced marriage must be enlarged now in comparison to earlier years. Following that, future research should emphasise the relevance of sexual education for teenagers in order to adequately address the fundamental cause of Malaysia's child marriage issue. Marriage should focus on not only physical growth but also emotional and mental maturity in order to form a family institution. Lastly, there was a limitation on the researchers' capacity to interview with medical practitioners since this study was carried out while Malaysia was grappling with the Covid-19 outbreak and the health system at the time was in dire straits. Therefore, this became a challenge for researchers trying to understand how early marriage affects children's physical health. Particularly to observe the health impacts on the reproductive system, early pregnancy, and physical development as well as infant's health. Future research is thus advised to pioneer this field.

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