



Examining the Complexity of Child Marriage as Sexual Violence in the Digital Era

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Article	Abstract
<p>Keywords: Child marriage; criminal offense; sexual violence; promiscuity</p> <p>Article History Received: Jun 30, 2023; Reviewed: Jul 07, 2023; Accepted: Sep 29, 2023; Published: Sep 30, 2023;</p>	<p><i>Child marriage in the digital era is an interesting fact because this type of marriage is classified as sexual violence. However, child marriage is very common in Indonesia because of many factors. Child marriage in the digital era is known to have triggered many problems, such as reproductive health problems, domestic violence, and divorce. However, considering child marriage as a criminal offense of sexual violence (TPKS) as stated in Law Number 12 of 2022 is unwise. Departing from this issue, this research identifies three reasons why child marriage cannot be categorized as sexual violence in the digital era. The results of this paper show that child marriage in Indonesia is inevitable due to three main arguments: Islamic teachings permit child marriage, the high number of marriage dispensations, and the TPKS Law focuses more on protecting women, not the spouses of child marriage perpetrators. Another cause of child marriage is poor education in the digital era, coupled with poor understanding of the importance of self-protection from promiscuity in the digital era among community members. Education on gender equality and reproduction also has not been properly applied. Finally, marriage guidance for teenagers and prospective brides in the digital era has not been implemented yet.</i></p>



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INTRODUCTION

Child marriage has been an intriguing topic to discuss, considering that since 2022 this type of marriage has been categorized as a criminal act of sexual violence (Marzuki & Siroj, 2023). In fact, child marriage is still found in Indonesian society in the digital era. The latest data from the Central Statistics Agency (BPS) showed that 33.76% of adolescents in Indonesia recorded their first marriage age in the range of 19-21 years old in 2022. Then, as many as 27.07% of Indonesia's young population had their first marriage at 22-24 years old. There were also 19.24% of teenagers who first got married when they were 16-18 years old (Badan Pusat Statistik, 2022). Data from the NGO Girls Not Brides shows that 16% of the Indonesian population were married under 18 years old and 2% of them were married under 15 years old (Girls Not Brides, 2022).

Child marriage is likely to cause many problems in the digital era, i.e. reproductive health (Ahonsi et al., 2019; Christian & Edenela, 2019; Paul & Chouhan, 2019; Ratnaningsih et al., 2020), domestic violence (Hotchkiss et al., 2016; Kidman, 2017; Nasrullah et al., 2014; Qamar et al., 2022; Tenkorang, 2019), and divorce (Gaffney-Rhys, 2011; Latifiani, 2019; Raj et al., 2009; Wahi et al., 2019; Zaman & Koski, 2020). However, considering child marriage as a part of sexual violence is inappropriate due to several concrete reasons that stand for child marriage such as Islamic religious teachings allowing child marriage (Anissa et al., 2021), the high rate of marriage dispensation (Nawawi et al., 2022, p. 122), and the emergence of sexual violence outside the context of child marriage (John et al., 2019). This reinforces that the idea that child marriage is a criminal offense is not easily accepted (Disemadi, et. al, 2020). Lots of steps to reduce the number of child marriages in the digital era, such as improving the level of education of children and preventing teenage promiscuity that leads to illegal pregnancy can be taken into account.

So far, the studies of child marriage in the digital era are still limited to three main issues. In terms of the legal aspects of child marriage (Hanafi, 2016), some studies focus more on reporting various Islamic laws and positive laws relating to child marriage. The other two studies focus on child marriage in Indonesian society (Cameron et al., 2023; Dewi, 2018; Djubaedah, 2019; Grijns & Horii, 2018; Salenda, 2016) and the factors triggering child marriage (Schaffnit & Lawson, 2021). Studies on child marriage likened to sexual violence as a criminal offense in the digital era are rare because this topic is relatively new. The Law on Sexual Offences (TPKS Act) was only passed one year ago and is still in the early stages of implementation. Therefore, the thoughts in this paper are very important to propose amendments to the TPKS Act so the public does not worry about the implementation of this law.

The purpose of this study is to complement the shortcomings of previous writings by examining child marriage in terms of the latest law that considers child marriage as a criminal offense in the digital era. Furthermore, this paper shows that child marriage in Indonesia seems inevitable due to three main arguments: Islam allows child marriage; marriage dispensations are high in number; the TPKS Act focuses more on the protection of women, not on child marriage partners. These three points are widely elaborated in the discussion section.

This paper is based on an argument that child marriage occurs because of unfulfilled education in the community. This is in line with the community's poor understanding of the importance of self-protection from promiscuity. In addition,

education on gender equality and reproduction has not been properly implemented. Finally, marriage guidance has not been applied to adolescents and prospective brides. Several important recommendations are outlined in this paper to prevent the adverse effects of child marriage in the digital era.

METHOD

Normative research and empirical research are the two main categories of research on child marriage (Ansari & Negara, 2023; Rosidah et al., 2023; Yakub Aiyub Kadir & Rizki, 2023). The repertoire of child marriage in terms of history, literature, and written laws is the focus of normative research on child marriage. Empirical research on child marriage, in contrast, concentrates on the analysis of child marriage in the context of real-world society. This research is a normative child marriage study because it examines the law on child marriage, which is considered a form of sexual violence in Law Number 12 of 2022 on Criminal Acts of Sexual Violence (TPKS Act). This research identifies three reasons that child marriage in the digital era is not solely sexual violence. The main data was obtained through several documents obtained from reliable sources, such as official websites and online news portals that cover related information about child marriage.

RESULTS AND DISCUSSION

Child Marriage in Islam

Child marriage is considered a legitimate practice with some stipulated conditions. The Islamic perspective on child marriage is based on the principle that individuals are considered ready for marriage when reaching the age of puberty known as *baligh* (Nawawi, 2022, p. 118). Explicitly, the Qur'an does not provide a limit on the minimum age for marriage. Instead, it only provides provisions implying that marriage may take place if the couple is old enough or marriageable based on Surah al-Nur (24) verse 32 (Anissa et al., 2021). Eligibility for marriage, which is characterized by physical, mental, and emotional development, is considered an adequate time limit for marriage in Islam (Alwi & Munir, 2023, p. 534). Age is not only a consideration in determining marriageability. Those who are unable to provide for their families through gainful employment, such as men who are physically or mentally challenged, are not legally permitted to marry (Muksalmina et al., 2022, p. 207).

Although there is no minimum age for marriage in the Qur'an that explains marriage (Muksalmina et al., 2022, p. 201), Fiqh scholars have expressed several opinions regarding the signs of puberty or *baligh*. Among them are *ibtilam* (nocturnal emission) for men, menstruation for women, or voice change. These signs generally appear at the age of 12 for men and 9 for women (Khusurur, 2021). Fiqh scholars emphasize signs of maturity rather than age. Therefore, a woman who has menstruated is allowed to marry regardless of her age (Mursyid & Yusuf, 2022, p. 983). When signs of maturity are not found, scholars provide a limit to the age of puberty that marks a person eligible for marriage. A school of thought from Shafi'i and Hanbali in this case provides a minimum age of at least 15 years old for both men and women. The Maliki's school of thought sets a minimum age of 18 for both sexes. The Hanafi school gives an age limit of 19 for men and 17 for women (Mursyid & Yusuf, 2022, p. 980).

Meanwhile, the Ja'fari's school determines the age limit of 15 for men to get married and 9 for women (Musyarrafa & Khalik, 2020).

Age limit for marriage in Indonesia and marital dispensation

The legal rules of the age limit for marriage in Indonesia refer to Law Number 16 of 2019 on Amendments to Law Number 1 of 1974 on Marriage. According to this law, the minimum age limit for marriage is 19 years old for both men and women. Prior to this amendment, the age limit for marriage for men was 19 years old and for women was 16 years old (Ulfa et al., 2023, pp. 316–317). This provision allows child marriage because Article 1 point 1 of Law No. 35 of 2014 on the Amendment to Law No. 23 of 2002 on Child Protection states that a child is defined as a person under 18 years old; this definition also applies to an unborn baby (Supraptiningsih, 2021a, p. 236). The equalization of the age limit for marriage for women and men to 19 years old is intended to protect children's rights and prevent child marriage which is considered risky to reproductive health and infants. In addition, the mental readiness of the couple who get married below the legal age allowed may not suffice, which contributes to a high divorce rate (Mariani, 2022, p. 99).

Despite regulations on the age of marriage, child marriage in Indonesia is still high. Sixteen percent of Indonesians are married under 18 years old and 2% are married under 15 (Girls Not Brides, 2022). Early marriage is legally recognized if one of the parties has applied for marriage dispensation to the Religious Court. Therefore, the existence of child marriage in Indonesia still exists. Article 7 paragraph 2 of the Marriage Law permits underage marriage with dispensation from the local Religious Court. Before marriage dispensation is granted, at least five document requirements and seven procedures must be fulfilled, starting from the submission of the marriage dispensation application to the judge's decision in the Religious Court (Ismawayati & Ngazizah, 2022, p. 451–452). In the context of a marriage dispensation application, the Court does not grant the application immediately during the hearing, but it first assesses the factual elements of the trial, encompassing witness testimonies and significant evidence, which will serve as the foundation for the judge's legal deliberations in determining the appropriateness of granting the request for an exemption to the minimum age requirement for marriage. (Nawawi et al., 2022, p. 122).

The existence of a marriage age limit is expected to reduce or prevent child marriage. However, the level of child marriage in Indonesia is relatively high. The regulation on marriage dispensation is considered to be one of the causes of the increase in child marriage (Fakihudin et al., 2022). Marriage dispensation is intended to provide a solution to marriage on an emergency basis, not to legalize child marriage (Ahmad, 2022). For this reason, a strong motivation is needed to enable the court to grant a marriage dispensation. Some reasons for dispensation are illegal pregnancy and economic grounds (Chusnida & Anggriawan, 2022, p. 303).

Problems of Child Marriage and Sexual Violence

Child marriage is still an exciting topic for scholars (El Arab & Sagbakken, 2019; Malhotra & Elnakib, 2021). Although it is still perceived as a dangerous tradition, child marriage still occurs in some countries (Efevbera & Bhabha, 2020; Gastón et al., 2019; Horii, 2020; Naveed & Butt, 2015; Ramadhita, 2014). Child marriage is seen as harmful

for both husband and wife, and it may hurt a person's mental health. Research by Neetu A. John et al. shows that child marriage triggers depression and emotional distress (John et al., 2019). Child marriage also leads to abortion of unwanted pregnancies (Ahonsi et al., 2019; Christian & Edenela, 2019; Paul & Chouhan, 2019; Ratnaningsih et al., 2020), results in poor education and perpetuates poverty, and brings legal repercussions, such as divorce (Gaffney-Rhys, 2011; Latifiani, 2019; Raj et al., 2009; Wahi et al., 2019; Zaman & Koski, 2020) and domestic violence (Hotchkiss et al., 2016; Kidman, 2017; Nasrullah et al., 2014; Qamar et al., 2022; Tenkorang, 2019).

Research conducted by Parson et al. shows that child marriage occurs due to sociocultural norms, beliefs, low levels of education, and economic status. In underdeveloped countries, marrying off children under the age of 18 helps the family economy (Parsons et al., 2015). Limited financial resources and access to investment make dowry a tool to help the parents' economy (Schaffnit & Lawson, 2021). Another research by Stephanie R. Psaki suggests that concerns about children's sexual behavior and pregnancy also drive child marriage (Psaki et al., 2021). On the other hand, child marriage is an effort by parents to protect their daughters from sexual crimes (Wibowo et al., 2021) as happened to Syrian refugee women. Girls are prone to becoming victims of rape in areas of armed conflict (Bartels et al., 2021; DiGiuseppe & Haer, 2023; Elnakib et al., 2022). The moral burden of rape victims for married women is lighter than those who are still unmarried (Kohno et al., 2020). However, child marriage is also a way out of pre-marital pregnancy (Ramadhita, 2014).

Child marriage is closely related to the issue of sexual violence/exploitation (Revkin & Wood, 2021). Marriage brings many consequences, such as the legality of sexual intercourse (Jatmiko et al., 2022). Research by John et al. states that children becoming husbands and wives in their early marriage are not ready for sexual intercourse and cannot enjoy sexual intercourse. The fear of expressing their desires forces women to obey their husbands' wishes in sexual relations. Otherwise, they risk experiencing violence (John et al., 2019). Forced sexual intercourse is also based on the interpretation of religious teachings. If a wife does not fulfill her husband's sexual desires, she will receive the wrath of God (Kodir, 2020). In Indonesia, a number of regulations are in place to eliminate child marriage. Law No. 12 of 2022 on Criminal Acts of Sexual Violence (IPKS Act) states that child marriage involving coercion is deemed to be sexual violence, and the perpetrators can be criminally charged (Mongkaren et al., 2023).

Furthermore, technology-facilitated sexual violence is a form of gender-based violence that has developed in the digital era (Sorochinski & Varvaro, 2023). Technology-facilitated sexual violence that often occurs is disseminating pornographic content for revenge, commonly known as revenge porn (Gámez-Guadix et al., 2022; Ricci et al., 2022; Serpe & Brown, 2022). Another form of technology-facilitated sexual violence is cyberstalking against intimate partners (March et al., 2022; Smoker & March, 2017). Technology-facilitated sexual violence is often perpetrated by the intimate partner of the victim such as a spouse or ex-spouse (Kim et al., 2023). According to Maclahan and Harris, technology-facilitated sexual violence is closely related to violence in the real world (McLachlan & Harris, 2022). Gender relations between men and women in society are a contributing factor to sexual violence. Perpetrators have control over victims of sexual violence, especially economically. Men

are positioned higher than women. Men must be respected and their wishes must be obeyed to prevent violence against their partners (Antai, 2011; Sikweyiya et al., 2020).

Research by Zaghloul et al reports that the perpetrators of information technology-based sexual harassment are on average 29 years old. Meanwhile, the victims are young women between 18 and 29. Women who are divorced and work in the non-government sector experience more significant harassment than other women (Zaghloul et al., 2022). Ahinkorah et al. have found that victims of sexual violence involving intimate partners in Sub-Saharan African countries are women who get married under the age of 18 and are likely to experience sexual violence (Ahinkorah et al., 2022). Tenkorang's research states that women who marry as children have lower levels of education, are more likely to support patriarchal gender norms, and have lower levels of autonomy within the household. Women do not have the right to autonomy over themselves and are, therefore, vulnerable to physical, psychological, and sexual violence (Tenkorang, 2019).

Analysis of the Complexity of Child Marriage as Sexual Violence in the Digital Era

Child marriage is a common phenomenon in Indonesia. However, Law No. 12 of 2022 on Criminal Acts of Sexual Violence (TPKS Act) states that child marriage in the digital era is included in forced marriage and therefore considered a criminal act. This is not in line with the following arguments in favor of child marriage in Indonesia;

1. Islam Law Permits Child Marriage

Islam is a religion of mercy (Wibowo, et. al, 2023). Its various teachings provide complete arrangements for human benefit. Many examples have been exemplified in the Prophet Muhammad's life. One of them is about getting married at a young age. The Prophet Muhammad was married to Aisha bint Abu Bakar. Prophet Muhammad married Aisyah when she was 6 years old. Then, when Aisha was 9 years old, the Prophet Muhammad lived together with Aisha in a happy household. Regarding Aisha's age, some scholars believe that Aisha's age of marriage was 9 years old and lived with the Prophet Muhammad when she was 14 years old (Hanafi, 2016). Although considered young, Aisha was one of the special wives because she was one of the companions who narrated many hadiths. More than 2210 sahih hadiths were narrated from Siti Aisha (Muhsin & Inah, 2014). Households built on a strong foundation of faith can realize great *maslahah* (benefit) for the *ummah* (Muslim society).

Furthermore, child marriage is a real Indonesian fact in the digital era. In some areas, such as in Madura, child marriage is very common. Surprisingly, matching the unborn children has been part of a tradition. A condition where a teenage girl has not been proposed to represents a disgrace to the parents. Thus, child marriage seems to be a hereditary tradition maintained to honor the ancestors and their family pride (Jamilah & Raudlatun, 2019). Apart from pride, several reasons for early marriage in Madura are economic problems, low education, and an attempt to maintain family ties. If the girl is married off, the financial burden is expected to shift to her husband. Parents will feel relieved from life's dependents. Poor education has also caused them to earn an inadequate living. In terms of kinship ties, two children are matched by their

parents who know each other. With child marriage, the kinship between the two families will be maintained.

Next, the simple requirements of marriage in Islam can also be a trigger for child marriage. Dowry can be in the form of an iron ring or even a recitation of the Qur'an. The light dowry in Islam is one of the driving causes of child marriage. If the child has reached puberty, even if they are not financially capable, parents will allow their children to marry to prevent adultery (Saputera & Abdillah, 2021).

2. High Rate of Marriage Dispensation

The phenomenon of legal child marriage is indeed legalized by the state. Basically, the state aims to limit this type of marriage. However, the state is also present to solve the problem of child marriage by introducing marriage dispensation (Ramadhita, 2014). This dispensation is inevitable because the number of applications for the dispensation of marriage is quite high in the digital era. Dispensation of marriage in Indonesia is possible because of the available regulations. If there are two people or one of the parties still does not meet the minimum age requirement for marriage, as stated in Law Number 16 of 2019, they can apply for marriage dispensation to the Religious Court. If there is no marriage dispensation, the Religious Affairs Office cannot approve a marriage contract (Chusnida & Anggriawan, 2022; Rifqi, 2017; Syuib & Filzah, 2019). Data on applications for dispensation of marriage compiled by the Religious Courts Bureau of the Supreme Court of the Republic of Indonesia from 2016 to 2022 are as follows:

Table 1. Marriage Dispensation Approved by Courts in Indonesia

Year	Number of Marriage Dispensation
2016	8.488
2017	11.819
2018	12.504
2019	23.126
2020	64.211
2021	59.709
2022	52.338

Source: (Indonesian National Commission on Violence Against Women, 2023)

The number of marriage dispensation applications rose sharply in 2020, and this dramatic rise was primarily caused by the change in the minimum age of marriage. In 2019, the government passed Law Number 19 of 2019 on Amendments to Law Number 1 of 1974 on Marriage. The minimum age limit for marriage for men and women is 19 years old whereas in the old regulation, the minimum age limit for marriage was 19 for men and 16 for women. Consequently, prospective brides and grooms younger than 19 must apply for marriage dispensation at the religious court even though traditionally they are ready for marriage. The Indonesian government's policy to prevent COVID-19 transmission affects child marriage. Rahiem's research suggests that child marriage during the pandemic was a way out from schoolwork, homework, and the stress and boredom of studying and staying at home during the pandemic. Not only that, child marriage helps ease the burden on families during the pandemic (Rahiem, 2021). Many families have lost their source of income because

family members are no longer working or have died due to COVID-19 (Subchi et al., 2021). In 2021 and 2022, applications for marriage dispensation tended to decrease, following the implementation of the Minister of Religion Regulation Number 19 of 2018 on Marriage Registration and the implementation of Law Number 19 of 2019 on Marriage (Indonesian National Commission on Violence Against Women, 2023).

Surprisingly, the majority of dispensation cases are due to illegal pregnancy. Promiscuity in the digital era has triggered this incident. To protect the rights of future babies, the religious court inevitably has to authorize the marriage (Ridwan, 2023). Other reasons include fear of slander, economic aspects, social aspects, and moral aspects (Fadhli & Warman, 2021; Prabawati & Rusdiana, 2019). Another triggering factor of the increase in marriage dispensation is to protect a child's right to be a legitimate child. A child born out of wedlock still has civil rights with the biological father. This is stated in the decision of the Constitutional Court Number 46/PUU-VIII/2010. However, it is certainly very unpleasant if the child is still considered an illegitimate child. This certainly affects the child's mentality. Therefore, marriage due to pregnancy outside of marriage is an urgent need even though the couple has not reached the age of adulthood.

3. The emergence of the Sexual Violence Law (TPKS Act)

TPKS Act is to protect women from various sexual violence in the digital era. TPKS Act states that all sexual harassment behavior in the digital era is included in sexual violence in Article 4 paragraph 2, stating that every person who performs non-physical actions in the form of gestures, writing, and/or words to other people related to a person's body parts and related to sexual desires, shall be punished for non-physical sexual harassment. Perpetrators who are proven to have committed the offense are sentenced to imprisonment for a maximum of nine months and/or a maximum fine of IDR 10 million. Behavior that leads to sexual violence must be avoided and victims of sexual violence must be protected. Therefore, child marriage, as long as it does not lead to sexual violence, should not necessarily be included in the law.

Another content of the TPKS Act is to protect victims, including the victims of the distribution of pornographic content in the digital era intended to take revenge on victims, as stated in Article 4 Paragraph 1 that there are at least nine criminal acts of sexual violence, such as sexual slavery, non-physical sexual harassment, forced contraception, physical sexual harassment, forced marriage, sexual torture, forced sterilization, sexual exploitation, and electronic-based sexual violence.

Marriage involves both women and men. In many sexual violence cases, the victims are mostly women. In child marriage, the party of immature age is not necessarily a female, but it could be a male. So, child marriage can happen and will not always make women victims. Sexual violence is not always the main topic in households. Domestic violence is mostly due to physical and psychological violence. Therefore, sexual violence in the household is not always associated with child marriage.

Furthermore, child marriage cannot be generalized as a form of sexual violence in the digital era. Child marriage has no direct bearing on sexual violence. Data from the National Commission on Violence against Women of the Republic of Indonesia shows

that many cases of violence in the digital era involve unmarried women as victims. Perpetrators are the intimate partner of the victims. There were 821 cases of gender-based sexual violence in cyberspace in 2022. The perpetrators were the victims' boyfriends in 549 cases and the victims' ex-boyfriends in 230 cases. Data on the age of the victims shows that reports of sexual violence in private areas are mostly made by women aged 18-24, then 25-40. Meanwhile, reports of gender-based violence by women under the age of 18 are not significant (Indonesian National Commission on Violence Against Women, 2023).

Table 2. Age of Gender-Based Violence Victims

Age	Victims		
	Personal Domain	Public Domain	State Domain
≤ 5	2	1	0
6-13	9	12	2
14-17	132	130	0
18-24	901	546	6
25-40	565	183	11
41-60	164	50	12
61-80	9	4	1
NA	316	350	36
Total	2098	1276	68

Source: Indonesian National Commission on Violence Against Women's Annual Report 2023

Child marriage should not be directly linked to sexual violence. People fear damaged reproductive organs and health problems in child marriage. Child marriage has the potential to force women to serve their husbands' sexual desires in the name of religion and custom (Barkah et al., 2022; Fauzi & Ismayawati, 2022). However, the fact is that child marriage begins with free sex activities that occur among adolescents (Fuadi, 2023). Marriage dispensation cases are mostly related to illegal pregnancy. Parents are forced to marry off their children to maintain the family's dignity even though they are underage (Supraptiningsih, 2021b; Supriyadi & Suriyati, 2022; Zulaiha & Mutaqin, 2021). The prohibition of child marriage in the TPKS Act contradicts the Marriage Law which allows for dispensation of marriage. The state does not prohibit marriage below the minimum age but controls it by involving the courts with their authority to assess whether a person is eligible for marriage.

From all the data above, this research asserts that child marriage is a real phenomenon that is inevitable in Indonesia in the digital era because religion does not prohibit child marriage (Anissa et al., 2021), marriage dispensation is given (Nawawi et al., 2022, p. 122), and the applicable laws in Indonesia regarding sexual violence are not purely due to child marriage (John et al., 2019).

The results of this study show that there are still many problems of sexual violence in the digital era, such as verbal violence, physical violence, and psychological violence. Child marriage should not be included in this criminal offense because religion does not prevent child marriage under certain conditions. In addition, the institution of religious courts has provided space for couples under the minimum age of adulthood

to marry. With dispensation, a person under the age of 19 can get married without fear of criminal prosecution. Finally, child marriage is not the main cause of sexual violence or domestic violence. For this reason, child marriage should be removed from the types of forced marriage that lead to criminal offenses.

This research confirms that the fundamental point that triggers the problem of child marriage in Indonesia is illegal pregnancy (Ridwan, 2023). The promiscuity that is now sweeping the younger generation in the digital era with low social control is the main trigger for young people's adultery. The unlimited flow of digital information has led to unbalanced lifestyles and relationship patterns. This has led to the phenomenon of illegal pregnancy. Another factor that triggers child marriage is the culture of the community that supports their children to find a partner immediately to help them escape from the financial burden they are bearing. (Aso et al., 2020). Furthermore, the third trigger is the low education and economic levels of the community. The children concerned often choose to not continue their education and prefer to work and have a family (Schaffnit & Lawson, 2021).

This research has a different perspective from previous research. This research makes a special contribution that focuses on child marriage as a crime of sexual violence as the main problem. So far, the attention of previous researchers is still compartmentalized into three partial issues. First, the discussion of the legal aspects of child marriage (Hanafi, 2016). These studies focus more on the study of various Islamic laws and positive laws relating to child marriage. Second, the study of child marriage in Indonesian society (Cameron et al., 2023; Dewi, 2018; Djubaedah, 2019; Grijns & Horii, 2018; Salenda, 2016). Third, the study centers on the factors that cause child marriage (Schaffnit & Lawson, 2021). Studies on child marriage related to the crime of sexual violence are still rare because this topic is still relatively new. TPKS Act was only passed one year ago and is still in the trial stage. Therefore, the thoughts in this paper are very important to put forward in order to propose amendments to the law so that people do not excessively fear the application of this law.

From the results of this study, corrective actions to reduce the number of child marriages are to increase children's participation in education. Continuing their education will keep children busy with assignments and the learning process so that they can put aside the desire to get married immediately. Also, education provides a better future, meaning that education will lead them to greater job opportunities and the economy will improve. In addition, there is a need to raise awareness to maintain personal honor. Religious teachings and morality are a powerful fortress to prevent children from adulterous behavior. Another point to do is promoting gender equality and reproductive education. Finally, it is necessary to encourage marriage guidance for teenagers and prospective brides in the digital era. These teenagers and young people need direction and guidance on the intricacies of marriage. They have the physical and mental maturity to run a household life well. Thus, child marriage in the digital era will be avoided and sexual violence can be eradicated.

CONCLUSION

Child marriage, as presented in this paper, is not just about criminalizing it as part of sexual violence, it should be more about the process of educating the community so that they can avoid child marriage behavior in the digital era.

Considering child marriage as a part of sexual violence in the digital era will not be able to reduce the number of child marriages as long as the causal factors are not resolved. The permissive behavior of teenagers is the most obvious causal factor that triggers child marriage. The juridical approach used in this study has made it possible to read the phenomenon of child marriage from a socio-religious and legal perspective at the same time. This study is different from previous studies because it provides a critical analysis of child marriage which is included in the criminal offence of sexual violence stated in TPKS Law which can trigger chaos in society. This study is limited to child marriage analysis in the digital era in terms of positive law and has not included the study of child marriage from a psychological, historical, or sociological perspective. This study also does not examine the practical aspects of child marriage from the perspective of the parties and parents as active actors. For this reason, this study suggests further research on child marriage in the digital era with a socio-psychological approach so that the problem of marriage will be more comprehensively resolved.

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