

## Child Marriage from a Gender Equality Perspective

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### Abstract:

This article examines the practice of child marriage in Indonesia from a gender equality perspective by exploring the causal factors, socio-cultural constructions, and implications for women's health, education, and position within the social structure. Data from the Central Statistics Agency (BPS) and UNICEF show that the prevalence of child marriage remains high and its decline is very slow, indicating strong cultural roots, economic inequality, and unequal access to education. An international literature review confirms that low education, family economic pressure, and established social norms are the main determinants of this practice. From a health perspective, early pregnancy increases the risk of serious complications for both mother and baby and contributes to an intergenerational cycle of poverty. Gender analysis shows that child marriage reinforces unequal power relations between men and women, while limiting the space for identity development, social participation, and life opportunities for girls. From an Islamic perspective, the principles of gender equality and justice are guaranteed through the values of maqasid al-shari'ah, but their implementation is often hampered by biased social interpretations. This article emphasizes that the issue of child marriage cannot be separated from the structure of gender inequality and requires holistic interventions based on law, social, cultural, and theology to encourage sustainable change.

**Keywords:** Child marriage; gender equality; maqasid al-shari'ah; reproductive health; social construction.

### INTRODUCTION

Child marriage continues to be a major social challenge in Indonesia, particularly considering its persistently high prevalence for over a decade. According to the "Delayed Progress" report compiled by Statistics Indonesia (BPS) and UNICEF, based on an analysis of the 2008–2012 National Socioeconomic Survey (Susenas), approximately 25 percent of ever-married women aged 20–24 reported marrying before the age of eighteen (Statistik & UNICEF, 2015). These figures indicate that the practice of child marriage is not confined to a specific region but has become a national phenomenon that persists over time. While there has been a slight downward trend in some years, the rate of change remains very slow, suggesting that the issue is rooted in deep-seated social structures and cultural norms. This phenomenon underscores the need for a more in-depth study of the social determinants that contribute to the persistence of child marriage in various societal contexts.

The historical trend demonstrated by the Susenas (National Socioeconomic Survey) shows a stagnant decline in child marriage. In 2008, the prevalence reached around 27 percent and only decreased to 25 percent in

2012, with no significant change after four years (Statistik & UNICEF, 2015). This stagnation indicates that policy interventions and legal outreach have not yet penetrated the cultural and structural roots of the problem. When viewed within a broader demographic context, child marriage not only impacts family dynamics and women's well-being but also affects the quality of Indonesia's human resources in the long term. Therefore, this issue cannot be understood solely as a domestic family issue but must be placed within a broader social structure, including access to education, regional development, and the distribution of poverty.

Data also shows that the risk of child marriage increases sharply in the 16–17 age group, which is a transitional age for girls toward adulthood, but lacks adequate emotional and social readiness (Statistik & UNICEF, 2015). This age is a critical point when girls are under pressure from cultural norms, family economic conditions, and limited access to education. In many cases, child marriage occurs in response to difficult family situations, both economically and socially, leaving girls most impacted. This phenomenon highlights how power dynamics within families often determine decisions that significantly impact children's lives. Considering this data, the practice of child marriage must be understood as the result of the interaction of interrelated structural factors, rather than the result of a single cause.

The report also emphasizes that the provinces with the highest prevalence are dominated by regions with a lower Human Development Index, including West Sulawesi, Central Kalimantan, and Papua (Statistik & UNICEF, 2015). This situation demonstrates the relationship between human development and the tendency to marry young. Regional inequality creates significant differences in access to education, employment opportunities, and the availability of reproductive health services, all of which have a direct impact on marriage decisions. In areas with low development, marriage is seen as a social mechanism for maintaining family stability, so limiting the age of marriage is not always considered necessary. These facts underscore the importance of an approach that accounts for regional context to make prevention efforts more effective and responsive to local communities' social and economic conditions.

External research, including reports from the World Bank and UNICEF, reinforces these findings by showing that low education, poverty, and social norms are strong predictors of child marriage in lower-middle-income countries. These studies indicate that girls with low levels of education are up to twice as likely to marry early as those who have completed secondary education (Edmeades et al., 2017). Similar findings are also evident in the Indonesian context, where unequal access to education increases the likelihood of girls dropping out of school and entering marriage. While the research is not specifically based on the data, the alignment of the data suggests that structural dynamics in Indonesian society align with global trends that place educational inequality as a key factor in perpetuating the practice of child marriage.

In addition to educational factors, family economic structure plays a significant role in influencing child marriage. A study in the journal BMC Public Health noted that families in the lowest economic categories are more likely to marry off their daughters at an early age, as an adaptive strategy to cope with economic constraints (Maswikwa et al., 2015). In the Indonesian context, data findings indicate that households with more children are more likely to engage in child marriage, especially when access to employment and education is limited (Statistik & UNICEF, 2015). The combination of economic burdens, social pressures, and cultural norms creates a social space where the decision to marry off children is seen as a way to reduce family burdens. This situation places girls in a vulnerable position because their rights to education and protection are lost before they reach adulthood.

From a reproductive health perspective, research in The Lancet Child & Adolescent Health journal shows that girls who marry before the age of eighteen have a higher risk of pregnancy complications, including anemia, premature birth, and maternal mortality (Raj & Boehmer, 2013). This is in line with findings that note the low physical readiness and reproductive health of young women, so that child marriage carries the potential for long-term harm (Statistik & UNICEF, 2015). This is in line with findings that note the low physical readiness and reproductive health of young women, so that child marriage carries the potential for long-term harm (Statistics & UNICEF, 2015). In a social context, the burden of early pregnancy also impacts psychological stress that is difficult for girls to handle, especially when family support and access to health services are limited. This condition shows that child marriage is not only risky for physical health, but also for the mental and emotional well-being of children who are not yet ready to enter reproductive and domestic roles.

In addition to health risks, the psychosocial impacts of child marriage are related to the formation of self-identity. Adolescence is a crucial phase in the development of gender identity, where children need space to explore social roles and develop decision-making skills. Data shows that girls who marry at a young age often miss out on the opportunity to develop their personal identity because the roles of wife and mother come too early (Statistik & UNICEF, 2015). External research by Greene confirms that girls who marry early have a lower ability

to negotiate decisions within the household, thus creating long-term unequal power relations. This situation shows that child marriage not only limits social mobility but also affects girls' psychological development and self-confidence (Greene, 2014).

Within the framework of children's rights, UNICEF documents indicate that child marriage deprives children of a number of fundamental rights, including the right to education, health, protection, and participation in social life (UNICEF, 2020). Data analysis supports this by showing that children who marry early tend to drop out of school earlier, thus hindering their access to knowledge, skills, and social mobility (Statistik & UNICEF, 2015). When education is interrupted, girls become more vulnerable to long-term poverty, which then contributes to an intergenerational cycle of poverty. In the context of national development, this phenomenon becomes an obstacle to improving the quality of human resources because women who do not complete formal education have limited opportunities to enter the labor market and participate in socio-economic development.

Legally, the Indonesian government's efforts to reduce the number of child marriages are evident in the revision of the Marriage Law, which sets the minimum age for marriage at 19 for both men and women. However, data shows that formal regulations are not always aligned with social practices at the community level, resulting in high rates of child marriage despite the updated legal framework (Statistik & UNICEF, 2015). This discrepancy demonstrates that legal policies need to be supported by strategies to change social norms and adequate economic support. External research indicates that a legal approach alone is insufficient if interventions do not address the social structures that support the practice of child marriage. Therefore, policy implementation requires the involvement of civil society and local leaders for sustainable change (Parsons et al., 2015).

The role of traditional and religious leaders is a significant component in preventing child marriage, especially in communities with strong traditional social structures. Data indicates that local actors have significant influence in validating or rejecting early marriage practices (Statistik & UNICEF, 2015). External research by Stark found that community-based interventions involving traditional and religious leaders can increase the effectiveness of prevention programs because they serve as moral reference points for the community (Stark et al., 2018). When local leaders support delaying the marriage age, normative change is more likely. However, such change requires a culturally sensitive approach to ensure that policy interventions are not perceived as contradictory to local values. Therefore, strengthening community leaders' capacity is a crucial element in sustainable social transformation efforts.

## METHOD

In the context of sustainable development, child marriage is a significant obstacle to achieving the Sustainable Development Goals, particularly the target to eliminate child marriage by 2030. Data underscores that the rate of decline in prevalence is still too slow to achieve this target without additional, more comprehensive interventions (Statistik & UNICEF, 2015). UNICEF also notes that the global reduction in child marriage requires a threefold acceleration compared to current trends to achieve this goal. Therefore, it is crucial to ensure that prevention programs focus not only on legal aspects but also on human development, educational equity, and poverty reduction. Cross-sector integration is key to creating more solid and sustainable social change (UNICEF, 2020).

By considering various findings from external data and literature, it is clear that child marriage is a phenomenon inextricably linked to gender relations, economic inequality, and social norms. This literature review aims to explore how social structures and gender constructions contribute to maintaining this practice, while also identifying policy strategies to strengthen the protection of girls. Through this analysis, it is hoped that a more comprehensive understanding of how social dynamics shape family decisions and how interventions can be designed more effectively will emerge. By laying the foundation for empirical data and scientific research, this article seeks to demonstrate that change requires not only strong legal policies but also cultural reforms involving all elements of society to ensure sustainable child protection.

## RESULTS AND DISCUSSION

### 1.1.1 Understanding Child Marriage

Law Number 1 of 1974, in its first article, explains the meaning of marriage as a two-dimensional bond, physical and spiritual, between a man and a woman recognized as husband and wife. This bond is formed with the aim of building a household that radiates happiness and lasts forever based on the principle of the One Almighty God. This formulation shows that marriage is not merely a social relationship, but also contains a

spiritual dimension that incorporates religious values in every aspect of its implementation. This affirmation illustrates that the institution of marriage in Indonesia is not only based on positive law but is also linked to moral teachings and beliefs that exist in society, so that its meaning encompasses the physical, emotional, and spiritual aspects inherent in family life.

The second article of the law reinforces the perspective that marriage, particularly under Islamic law, is a solid and dignified contract, known as mitsaqan ghalidzan. This contract is understood as a form of obedience to God's command, thus its implementation is viewed as a sacred act of worship. Thus, marriage is seen not only as an agreement between two individuals, but also as a religious commitment that demands sincerity and responsibility. This interpretation makes marriage part of the fabric of religious life, where every step taken by both parties is inseparable from a spiritual foundation. This emphasizes that the validity of a marriage lies not only in the administrative process, but also in the quality of the spiritual relationship framed by the values of faith.

The third article explains the primary orientation of marriage, namely realizing a household life that is sakinah (peaceful, loving, and compassionate), indicating that marriage is directed towards creating peace, affection, and an abundance of blessings within the family (Basri, 2019). These values are the core of the ideal husband-wife relationship, so that the goal of marriage does not stop at a formal bond, but rather emphasizes the quality of a harmonious relationship. Thus, marriage is positioned as a space for the growth of emotional stability as well as a means of forming a life full of warmth. Within it is the hope that the household will become a place where feelings of mutual respect and support develop. This explanation shows that the law places the emotional and spiritual aspects of the family as an integral part of the structure of marriage.

In her work, Soemiyati explains that marriage, or the marriage contract, is a binding agreement between a man and a woman, thus making their relationship lawful and valid according to religion. This bond is made voluntarily, based on the intention to create a happy and loving family blessed by Allah SWT. This understanding positions marriage as a process that demands physical and spiritual readiness, because the relationship is built not only based on social needs but also guided by religious values. Thus, the marriage contract is considered the starting point for a long journey between husband and wife, who are expected to maintain harmony and carry out moral responsibilities. This explanation emphasizes that marriage has a spiritual dimension that requires sincerity from both parties.

Soedharyo Saimin added the perspective that marriage is a covenant between two individuals of different genders with the aim of forming a happy and eternal family. He emphasized that this covenant must be based on the belief in the One and Only God, the first principle of Pancasila. Thus, marriage is not only bound by formal rules but also by philosophical values that make divinity the foundation of family life. Soedharyo's explanation broadens the understanding that marriage is not only a social contract that regulates relationships between individuals, but also part of the nation's moral order. Divinity is a pillar that is expected to maintain harmony and family continuity. This formulation illustrates the depth of the meaning of marriage within the context of Indonesian culture and ideology.

Afandi offers another perspective, stating that marriage is a form of familial agreement that differs from general agreement, as it contains certain characteristics that distinguish it from other forms of agreement (Jamaluddin & Nanda, 2016). This understanding indicates that marriage involves a broader element of voluntariness than a regular contract, as it concerns the formation of a family and moral obligations for both parties. This agreement involves an acknowledgement from both individuals that they are ready to live life as a united, responsible person. Thus, marriage is understood as a process of commitment that requires maturation of attitudes, spiritual awareness, and a willingness to build a life together. Afandi emphasized that the familial element is the foundation that provides direction for the journey of marriage.

A societal phenomenon shows that marriages are often carried out by sons and daughters who are still considered children. In practice, child marriage is interpreted as a family bond involving two individuals who are still in their adolescent developmental stage or under the legal age. This situation raises concerns because childhood should be a period of growth and development, not a burden of household responsibilities. However, social reality shows that child marriage continues to occur, whether due to cultural pressures, economic pressures, or certain moral interpretations of family situations. This phenomenon demonstrates an imbalance in understanding regarding the emotional and physical readiness of children entering marriage. Thus, the issue of child marriage reflects complex social dynamics.

Sarlit Wirawan Sarwono (2012) in his book Psychology of Adolescence emphasizes that the primary requirement for a healthy marriage is achieving psychological maturity (both physical and spiritual). Marriages undertaken by individuals who are still children or adolescents (before reaching full adulthood) are considered

premature because they lack the mental, emotional, and social readiness to shoulder the complex responsibilities of a household. Sarlito's focus is on the psychological demands that children cannot meet (Sarwono, 2012). This explanation suggests that some communities interpret child marriage as a way out of what are considered difficult circumstances. Within this framework, marriage is seen as an effort to establish morality and provide a safer environment for both girls and boys. However, this understanding needs to be reconsidered because the decision to marry children is often made without considering their psychological readiness or ability to face the realities of a household. This view shows that child marriage is often justified as a moral choice despite carrying significant risks for the child's future.

Sarlito's concept of physical and spiritual readiness illustrates that children entering marriage are expected to assume the responsibilities that adults should assume. Marriage demands the ability to manage emotions, make decisions, and navigate household issues, all of which require a certain level of maturity. When children have not yet achieved this understanding, the risks involved are greater. In social reality, child marriage often brings unanticipated impacts, both in the form of emotional distress and heavy life burdens. Thus, child marriage places individuals in a vulnerable position and has the potential to hinder their development. This statement demonstrates that readiness is a fundamental aspect that must be considered before someone enters marriage.

In practice, the urge to marry children often arises from the influence of family or community environments that view marriage as a solution to various problems. This decision is often made due to fear of promiscuity, economic pressure, or cultural pressures that view early marriage as a viable option. However, in the context of child development, such decisions can cut off learning opportunities and opportunities to achieve a more stable adulthood. Child marriage makes it difficult for children to gain the life experiences they should have during adolescence. This interruption of developmental stages results in emotional unpreparedness that can trigger conflict within the household. Therefore, the phenomenon of child marriage requires a more in-depth examination of its underlying social background.

Cultural constructs that develop in society often position marriage as part of family honor, so children are deemed necessary to marry before entering full adulthood. This perception creates moral pressure on families to regulate their children's lives in accordance with prevailing local norms. In some cases, child marriage is seen as a marker of adulthood, even though the child is not yet biologically or psychologically ready. This situation demonstrates the powerful influence of the social environment in influencing individual and family decisions. Cultural norms that persist across generations shape societal views of the ideal age for marriage. In this context, child marriage reflects a social mechanism that is difficult to separate from deeply rooted cultural structures.

Beyond cultural dimensions, the family environment plays a significant role in guiding children through developmental stages. However, in some cases, families are the ones pushing children into marriage. Unequal access to education, a lack of understanding of reproductive health, and economic constraints often trigger these decisions. When families lack the resources to support a child's education, marriage is seen as a practical solution. However, such a decision can deprive children of the opportunity to build a brighter future. In this context, families play a crucial role in determining whether children receive their right to grow and develop without restrictive pressures.

Considering the various perspectives and dynamics surrounding the practice of child marriage, it is clear that this phenomenon requires serious attention. Child marriage reflects how seemingly simple decisions can actually have profound consequences for an individual's life. Emotional readiness, the ability to manage relationships, and the capacity to cope with life's pressures are often overlooked when marriage occurs too young. By reviewing the legal definition of marriage and experts' views, it is clear that marriage should ideally be entered into by individuals who are physically and mentally mature. This understanding emphasizes the importance of providing space for children to grow up without the burden of marital responsibilities so they can build healthier and more sustainable lives.

According to Nukman as quoted by Andi Mappiare, child marriage is a marriage under the age when the person is not yet ready to marry due to certain factors, the marriage becomes a shortcut to be carried out or perhaps because of the wishes of each party (Mappiare, 1982).

In this case, there are several factors that cause child marriage, including:

- 1) Economic factors: This occurs because the girl's family comes from a low-income family. Her parents marry her off to a man from a well-off family. This naturally has a positive impact on both the girl and her parents. The girl can have a decent life, and the burden on her parents is lessened. Early marriages occur because families living on the poverty line. To ease the burden on their parents, the daughter is married off to someone deemed capable.

- 2) Educational factors: Low levels of education among parents, children, and the community contribute to underage marriage. Parental factors: Parents worry that their children will bring shame to the family or commit adultery while dating, so they immediately marry their children off to their boyfriends. This intention is indeed good, to protect their children from sin.
- 3) Whether we realize it or not, mass media and the internet have made it very easy for children today to access anything related to sex and the like. This makes them "accustomed" to sexual matters and doesn't see it as particularly important at an early age. However, this doesn't mean these children learn on their own without adult guidance.
- 4) Factors contributing to premarital pregnancy include: Pregnancies outside of marriage are not only caused by "accidents," but can also be caused by rape, leading to pregnancy outside of marriage. Parents faced with this situation will inevitably marry off their daughters, even to someone they don't love at all. This dilemma is compounded by the violation of the Marriage Law. A marriage based on love alone can be shaken, let alone one based on coercion.
- 5) Customary factors are rarer but still exist. Some early marriages occur because parents fear being labeled spinsters, leading to hasty marriages. Child marriage is a common social phenomenon in Indonesia.

The above description outlines the factors that contribute to the prevalence of child marriage in society, but each individual has different factors. Furthermore, child marriage can have several potential impacts, including:

- 1) Dropping out of school, even though they can take part in package A, B, C, D, but in reality, married children are too tired because they are forced to take care of the family.
- 2) Vulnerable to experiencing domestic violence, husbands and wives who cannot fulfill or do not know their rights and obligations, this happens because their mentality still has a high level of selfishness which causes arguments, disputes, clashes between husband and wife which can result in divorce.
- 3) Child marriage has intergenerational impacts. Babies born to girls who marry as children have a higher risk of death, and are twice as likely to die before the age of one compared to children born to mothers in their twenties. Babies born to child brides are also more likely to be born prematurely, have low birth weight, and suffer from malnutrition.
- 4) Reproductive Health: Pregnancy under the age of 17 increases the risk of medical complications for both the mother and the child. Pregnancy at such a young age is correlated with maternal mortality and morbidity. It is stated that girls aged 10-14 years are five times more likely to die during pregnancy or childbirth than those aged 20-24 years, while this risk doubles in the 15-19 year age group. This is because children's reproductive organs are not yet fully developed and the pelvis is not yet ready for childbirth. Child marriage not only underlies but also encourages gender inequality in society.
- 5) Child marriage can lead to a perpetual cycle of poverty, increased illiteracy, poor health for future generations, and rob the wider community of productivity in both the short and long term (Susanti, n.d.).

### **Understanding Gender Equality**

In her research, Yasnita highlights that all concepts of gender are constructed through the meanings created by society, so that differences depend on the values held by a community. This perspective shows that gender is the result of a long-term dialogue between culture and human experience. In different environments, the details of roles and traits attached to gender can change, following local social and historical developments (Yasnita, n.d.). The way society evaluates the behavior of men and women shapes different gender identities. This concept explains that the meaning of gender is dynamic, dependent on prevailing social constructions, and therefore not determined solely by biological factors. In other words, gender is a space of interpretation that continues to evolve with societal changes. This view emphasizes the importance of understanding cultural context in interpreting gender differences.

The term gender originates from English and is often translated as "sex," although its meaning in a social context extends beyond mere biological markers. Webster's New World Dictionary defines gender as the visible differences between men and women based on values, behaviors, and patterns of interaction that exist within a society. This explanation demonstrates that gender refers not only to bodily identity but also to the way society shapes specific roles for each sex. Webster's Studies Encyclopedia adds that gender is a cultural concept that defines roles, mental tendencies, and emotional characteristics between men and women, all of which develop through social experience. This definition demonstrates that gender emerges from a long process of interaction

within the social environment and reflects the cultural construction that structures the relationship between men and women in various spheres of life.

In an effort to understand the concept of gender in more detail, it is important to distinguish gender from sex, or biological sex. Sex is understood as a physical characteristic inherent in the human body, permanent, non-exchangeable, and believed to be an unchanging part of nature. This biological characteristic includes body structure, reproductive function, and other naturally determined aspects. The category of sex is not within the realm of social interpretation because it is a basic characteristic given at birth. This distinction is important to emphasize to avoid a conflation between biological characteristics and social constructs. By separating the two concepts, we can provide a space to understand that body structure is not the sole determinant of the behavior or roles played by men and women in social life.

Unlike sex, which is biological, gender is a trait formed through social, cultural, and historical interactions and can change over time. Gender is understood as the result of the process of forming roles and values that society attaches to men and women, so it is not inherent. These changes can occur from one place to another, depending on prevailing social norms. Thus, traits or behaviors considered appropriate for a gender in one community may differ in another. This concept illustrates that gender does not exist in a static space, but rather is constantly evolving according to social interpretations. Fakih demonstrates that gender is a social structure that regulates the behavior and expectations of men and women.

The fact that gender can change demonstrates that the differences in roles, functions, and responsibilities between men and women are not biological consequences, but rather the result of social construction. Changing values and historical experiences influence how societies position the sexes within the fabric of life. Different situations across communities display a wide variety of roles, demonstrating that gender is a living and evolving social concept. In some places, women are given greater public space, while in others their roles are more focused on the domestic sphere. These changes demonstrate that gender is a social sex, while sex remains a biological identity. This understanding demonstrates the importance of distinguishing between these two domains in understanding the relationship between men and women.

Adriana stated that gender essentially discusses the differences in roles and functions that arise from social construction. These differences are not always the same in every society and can shift with changing values. When a society begins to experience developments in education, economics, or mindsets, gender structures also undergo adjustments. The traits and behaviors associated with women or men in one culture can differ drastically from those in another, demonstrating that gender is an interpretive space. Adriana's perspective provides additional understanding that gender differences are a product of the history and collective experiences of a social group (Adriana, 2009). Thus, gender cannot be separated from the social context that shapes it, so that every cultural change also influences how a society interprets the differences between the sexes.

Gender equality is a crucial concept in understanding the relationship between men and women in various sectors of life. Equality is defined as a condition in which women and men have equal opportunities to access their rights as human beings. This equality includes opportunities to participate in legal, political, economic, socio-cultural, and educational fields. This understanding demonstrates that gender equality is not merely about equalizing formal positions, but rather about creating a space where all individuals can develop without structural barriers. In the context of development, equality is intended to ensure that both women and men can optimally contribute to various sectors. This understanding emphasizes the importance of eliminating barriers that limit one group's access to decent life opportunities.

In the discourse of gender equality, efforts to eliminate discrimination are an integral part. Discrimination arises when women or men are restricted in their access to certain resources or opportunities due to established social assumptions. Therefore, gender equality involves redressing these conditions, so that the social structures that give rise to injustice can be changed. This injustice can take the form of restrictions on women's participation in public spaces, the neglect of social rights, or their relegation to subordinate positions. With this in mind, the concept of gender equality aims to create justice that is not only formal but also substantive. This change requires collective awareness so that all of society understands that gender differences are not a basis for limiting opportunities.

The concept of structural discrimination discussed by Khairir reflects a long-standing pattern of inequality rooted in culture and social practices. When society places greater value on one gender, the resulting social structures often prevent the other from fully developing. This situation is evident in various sectors, such as education and the economy, where women's access is often more limited. This thinking demonstrates that gender equality is not only about individual rights but also examines how social structures regulate power relations. When

these structures favor one group, injustice becomes difficult to avoid. Therefore, gender equality invites society to reflect on the values passed down through generations so that the living space for all individuals can be more open.

The injustices created by gender construction are often evident in the expectations placed on men and women. In many societies, women are relegated to domestic roles, while men are directed to public responsibilities. This pattern hinders the development of potential because it locks individuals into roles that do not always align with their abilities. The concept of gender, as outlined in various literature, demonstrates that these differences are not inherent, but rather the result of inherited social customs. When society begins to understand that roles are not determined by biological sex, space for transformation becomes more open. In this context, gender equality seeks to create an environment where individuals can define their roles based on their interests and abilities, rather than social labels.

Gender construction not only influences public spaces but also shapes patterns of personal interaction within the family. Role divisions based on stereotypes often place women in a more vulnerable position, both physically and emotionally, to the burden of work. When role divisions are unfair, household relationships can be unequal and impact the well-being of all family members. Understanding gender helps reveal how role divisions are formed and how these values are reproduced from one generation to the next. This explanation leads society to reexamine practices that have long been considered normal, even though they do not always reflect fairness within the family. Such observations encourage deeper reflection on the relationship between men and women at the household level.

In the broader social sphere, gender differences often impact access to decision-making. When gender becomes the basis for role limitations, women's participation in the public sphere is often hindered. The concept of gender equality seeks to remove these limitations by providing space for women to fulfill their roles as active subjects in development. Women's participation in politics, education, and the economy is an indicator that social structures are beginning to open up to value renewal. By opening up spaces for participation, society can benefit from the diverse perspectives women bring. This shift demonstrates that a gender equality approach not only corrects inequality but also enriches social dynamics with a diversity of roles.

The overall concept of gender explained by experts demonstrates that gender is a dynamic social product, while sex remains a constant biological marker. This distinction is crucial to understanding so that society can organize roles more equitably and not rely on stereotypes that limit individual potential. Gender equality serves as a framework that guides the creation of a living space where men and women have equal opportunities to grow and contribute. By understanding the differences between the concepts of gender and sex, society can build a more inclusive social structure. Gender equality is a collective task that requires the awareness and participation of all elements to realize a comprehensive and just social life for every individual.

In Islam, men and women have equal rights and are guided by the concepts of balance, harmony, and divinity. The concept of gender relations in Islam goes beyond simply regulating gender justice in society; it theologically regulates the relationship between humans, nature, and God. Only then can humans fulfill their role as caliphs, and only successful caliphs can achieve their true status. One of the central themes and fundamental principles of Islamic teachings is the principle of egalitarianism, namely equality between humans, both men and women, as well as between nations, tribes, and descents. This is implied in Surah Al-Hujurat, verse 13.

يَأَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِّنْ ذَكَرٍ وَّأُنثَىٰ وَجَعَلْنَاكُمْ شُعُوبًاٰ وَقَبَائلَ لِتَعَارِفُواٰ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَنْفَكُمْ ۖ إِنَّ اللَّهَ عَلَيْهِمْ

حَيْثُر ۱۳ (الحجـرت/49:13)

*"O mankind, We have created you from a male and a female. Then We made you into nations and tribes that you may know one another. Indeed, the most honorable of you in the sight of Allah is the most righteous. Indeed, Allah is Knowing, Aware." (Al-Hujurat/49:13)*

The verse demonstrates that men and women are positioned equally in both the spiritual realm and in social activities related to professional roles. This affirmation presents the image that both are given the same broad spiritual space to draw closer to God, while also being given the opportunity to participate in social dynamics without being constrained by boundaries that demean one party. This understanding eliminates the mindset that places gender as a basis for demeaning or superiorizing one group. When the verse is read in depth, it appears that its main message rejects marginalizing distinctions and affirms the equality of human

standing before the Creator. This equality serves as the foundation that human worth is not determined by gender, but rather by the sincerity of one's worship and social contribution.

The equality described in this verse encompasses various aspects of life, particularly in the area of worship. Every individual who diligently worships will receive a reward according to their sincerity and effort, without biological considerations. This affirmation leads to the understanding that differences in spiritual rewards arise from the quality of one's devotion and level of piety to Allah SWT, not from their innate gender. This thinking positions men and women as subjects of worship with equal moral capacity. In this context, this verse establishes the foundation that spirituality is built through personal sincerity, so that the value of worship is never based on social status, ethnicity, or other primordial characteristics. This awareness reinforces the idea that worship has a universal essence that embraces all humanity.

The verse also emphasizes the primary mission of the Quran, which is to create a living space free from oppression and discrimination. This message demonstrates that the holy book addresses more than just ritual aspects, but also contains a moral orientation to eliminate injustices arising from human social constructs. The forms of discrimination referred to include inequalities based on gender, skin color, ethnicity, and other primordial identities that are often used as justifications for differentiating human dignity. In a social interpretation, this message teaches that a person's dignity before God is rooted in moral goodness, not physical attributes or social background. Thus, the verse serves as an ethical guideline that affirms the equal dignity of human beings and encourages the creation of a society that values diversity.

Understanding this verse explains that equality in the teachings of the Quran does not stop at the conceptual level, but functions as an ethical principle that frees humans from domination and oppressive limitations. This verse directs that healthy social relations are built on mutual respect, not on hierarchical evaluations between men and women. By stating that the reward for worship is based on the quality of piety, this verse establishes a normative foundation that spiritual integrity is the primary measure in assessing a person. The essence of this teaching serves to cut through the roots of discrimination that arise from old social structures that favor certain groups. In the context of societal development, this message can be read as a call to build a social space that is inclusive, just, and based on human dignity.

However, even though theoretically the Qur'an contains the principle of gender equality between men and women, in practice these principles are often neglected (Suhra, 2013). Furthermore, the concept of gender equality between men and women is stated as equal servants in Q.S. Az-Zariyat, verse 56.

وَمَا خَلَقْتُ الْجِنَّةِ وَالْأَنْسَاءِ إِلَّا لِيَعْبُدُونَ ٥٦ (الذریت/51:56)

"I did not create the jinn and mankind except to worship Me." (Az-Zariyat/51:56)

The concept of the relationship between women and men in social and developmental settings is often dominated by the term gender equality. However, there are alternative views expressed by thinkers, one of which is Suhra (2013), who explicitly recommends the use of the terminology gender harmony over gender equality. This difference in diction carries profound implications, especially in the context of implementation in a society that adheres to cultural and religious values. Gender harmony is comprehensively defined as a relationship model that focuses on the division of complementary roles between women and men. The essence of this concept is an effort to ensure that both sexes have equal opportunities in various dimensions of life, without having to eliminate or ignore the inherent differences in nature and gender identity that are biologically and spiritually inherent (Suhra, 2013).

### **The Concept of Equality and Normative Foundations in a Gender Framework**

Gender equality is closely related to the idea of gender justice, a concept that emphasizes the importance of fair treatment for every individual regardless of their gender. This understanding of justice manifests itself in the form of equal access, opportunity, and utilization of development benefits for both men and women. This understanding positions gender not as a hierarchical distinction, but as an element of social relations that requires balance so that everyone can have equal space to develop. Gender equality and justice are achieved through the elimination of all forms of discrimination that place one party at a disadvantage. By placing men and women on equal footing, the social development process can move more inclusively and comprehensively. This direction indicates that gender relations must be read as a social system that needs to be managed fairly.

Every individual fundamentally has the right to equal access to resources, the opportunity to participate in development, and equal control over the use of those resources. Access refers to the opportunities open to all people to utilize various social, economic, and educational facilities. These opportunities require a community's willingness to build a system that does not limit women or men. Participation embodies a person's ability to make a real contribution to national development, while control reflects the capacity to make decisions related to the use of resources and the direction of their benefits. These three aspects form a crucial foundation for achieving gender equality, which is not merely symbolic but also touches on the practical aspects of life. This effort illustrates that equal access is at the heart of equitable participation.

Participatory opportunities encompass an individual's ability to contribute to development, both through public and domestic roles. In this context, control over resources reflects a person's ability to participate in determining the direction of benefits and policies that directly impact their lives. Gender equality is understood as a strategy that can strengthen a society's economic base by providing opportunities for women to engage in productive economic activities. When women gain broader access, the economy has the potential to grow more efficiently. This positions women as subjects with the ability to determine the direction of development. This understanding demonstrates that gender equality is not merely a social issue but has real economic implications, particularly when women's roles are recognized in various sectors.

The perspective on gender equality offers a concrete foundation for the status and roles of men and women. Equality begins with the recognition of the dignity of both sexes on a comparable level, so that no hierarchy favors one party over the other. The recognition that men and women have equal rights in social, economic, and political dimensions is a crucial prerequisite for building a just society. Both parties have the same right to enter into or terminate a marriage contract, as well as the right to own and manage property without interference from others. This concept illustrates that the freedom to choose a profession or lifestyle is a fundamental right inherent to individuals, regardless of gender, and emphasizes equal responsibility as part of individual freedom.

In the study of the Qur'an, the concept of equality is illustrated through the recognition that men and women originate from the same entity, thus both possess equal dignity and rights in a general sense (Rosnaeni, 2021). This view demonstrates that religious texts do not position women as subordinates, but rather as individuals with full capacity and rights within the social structure. Asghar Ali Engineer utilizes this foundation to reinterpret the discourse of gender equality within a religious framework. His interpretation opens up space for new readings that support social justice, especially when prevailing societal norms are inconsistent with the spirit of equality in the sacred text. In this way, Engineer's thinking serves as a bridge connecting religious values with contemporary social needs, particularly in the fight for women's positions.

Engineer's contributions stand out because he views religion as an instrument for building a more just social structure. In his various writings, he emphasizes that religious teachings should be used to advance the interests of society and enhance human dignity, rather than perpetuate inequality (Juliani & Hambali, 2022). Engineer views gender issues as social constructs that create differences in roles and responsibilities between men and women. He believes that when religious texts are interpreted sensitively to the social context, men and women can obtain equal rights. His thinking demonstrates that religious teachings can form the basis for social change that supports gender equality, as long as their interpretation is directed toward justice and human values.

In Engineer's view, men and women are given equal rights in determining their life choices, including in matters of marriage. While tradition grants husbands certain rights in divorce, Engineer emphasizes that the Quran does not stipulate that the divorce must be pronounced by the husband, thus opening up space for a more equal interpretation. This position demonstrates that inequality in social practices often stems from culture, not from religious teachings. Engineer is widely known as a figure who supports marginalized groups from various backgrounds, whether social, political, ethnic, or religious. His dedication demonstrates that the struggle for gender equality aligns with the values of justice within the religious traditions he understands. Through this thinking, Engineer presents a model of religious interpretation that supports human dignity.

From an Islamic perspective, gender equality is seen as essential for maintaining harmony between humans and their social environment. This concept is related to the idea that balance is a key principle in human relationships. One framework used to understand this value of justice is *maqasid al-syari'ah*, a concept that explains the objectives of sharia law, including the meaning behind the formation of various provisions. Through this approach, the issue of child marriage can also be understood more comprehensively, because the purpose of law is not only to assess legality but also to promote public welfare. Disagreements among scholars regarding the age of marriage demonstrate a diversity of views, but practices that create a sense of coercion or create

problems are not in line with the objectives of sharia law. This perspective places human happiness and safety as the primary principles.

Maqasid al-Shari'ah, in Imam al-Ghazali's thought, focuses on devotion that promotes benefit and rejects all forms of harm. This principle is then formulated into a general principle that leads to efforts to achieve good and eliminate harm. This goal is the core of all sharia teachings, which are oriented towards the welfare of humanity. Al-Ghazali also emphasized the need to pay attention to basic Islamic values such as justice, equality, and freedom. These values not only regulate personal life but also regulate social relations to prevent injustice for either party. In the context of gender, this understanding emphasizes that the goal of sharia must be directed towards the realization of balanced and respectful relationships. Thus, maqasid al-Shari'ah provides a normative basis for assessing practices that have the potential to cause injustice to women.

Within al-Ghazali's framework, the objectives of sharia are divided into several categories that encompass all aspects of human life. One of the first is safeguarding religion (hifdz al-din), a principle that underlies the obligation of jihad when religion is threatened. This principle aims to safeguard the continuity of faith as an integral part of human life. The emphasis on this aspect reflects the crucial role religion plays as a building block of morality and social identity. As part of the structure of Islamic values, safeguarding religion means maintaining a space for each individual to practice their faith without interference, including upholding the dignity of men and women as believers.

The second objective of sharia is the preservation of the soul (hifdz al-nafs), which forms the basis for establishing the law of qisas (retribution). This principle aims to safeguard human life, a key value in sharia. When the safety of life is understood as a priority, legal provisions regarding murder or acts that threaten life are strongly emphasized. This value affirms that human life, both male and female, has equal status and must be protected without discrimination. This perspective is relevant in discussions of gender, as protecting life means safeguarding women's physical and psychological well-being from practices that could cause harm (Rahman, 2021).

The next objective of sharia is to safeguard the intellect (hifdz al-aql), which underlies the prohibition against intoxicants or narcotics. This principle aims to ensure that humans are able to think clearly and make informed decisions. This capacity for thought is the foundation of an individual's dignity as a rational being. In a gender context, safeguarding the intellect means creating a space where women can develop their intellectual abilities without being limited by stereotypes. The prohibition against things that harm the intellect demonstrates sharia's concern for the quality of human life and implies the need for a space for learning and reflection for all individuals.

Other Maqasid include safeguarding property (hifdz al-maal), which forms the basis of legal provisions regarding theft, usury, and prohibitions on behavior that usurps the property of others. This principle recognizes that ownership is the right of every individual, including women, and therefore its management should not be interfered with by others. The final objective is safeguarding offspring (hifdz al-nasl), which forms the basis for the prohibition of adultery and accusations of adultery without evidence. These two principles demonstrate that sharia guarantees the continuation of social life with dignity. In a gender context, this protection reflects the right of women to their bodies, their lineage, and their dignity as individuals. The Maqasid framework provides the basis for gender equality as part of the values that support the overall well-being of humanity.

## CONCLUSION

Child marriage is a practice that negatively impacts the fulfillment of children's basic rights, particularly the right to education, health, and social protection. From a gender equality perspective, child marriage reinforces the inequality between men and women because it is more prevalent among girls. This deprives women of the opportunity for optimal development and makes them more likely to be trapped in a cycle of poverty, economic dependency, and domestic violence. Therefore, this practice contradicts the principles of justice and equality that underlie sustainable human development. From an Islamic perspective, marriage is a noble sunnah (religious duty), but it must be undertaken responsibly and with spiritual and physical readiness. Islam emphasizes the importance of puberty, aqil (the state of a person), and rasyid (physical, mental, and emotional maturity) before marriage. The purpose of marriage in Islam is not merely to legitimize a relationship, but to establish a family that is sakinah, mawaddah, and rahmah (a loving, compassionate, and compassionate). Therefore, if child marriage causes harm such as the loss of the child's right to education, health and the future, then this is not in line with the principle of maqasid al-syariah, which aims to protect religion (hifz al-din), soul (hifz al-nafs), reason (hifz al-aql), lineage (hifz al-nasl), and property (hifz al-mal).

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