



Child Marriage as Structural and Ecological Violence: An Eco-Fiqh Critique of Indonesian Islamic Family Law

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ABSTRACT

Child marriage remains a persistent socio-legal issue in Indonesia, reflecting not only cultural and economic pressures but also deeper forms of structural and ecological violence. This study aims to critically examine child marriage through the lens of eco-fiqh, an integrative Islamic legal perspective that emphasizes the interconnectedness between human well-being, social justice, and environmental sustainability. Using a qualitative normative approach, this research analyzes Indonesian Islamic family law alongside relevant socio-ecological frameworks. The findings reveal that child marriage perpetuates structural violence by reinforcing gender inequality, limiting access to education, and sustaining cycles of poverty. Moreover, it embodies ecological violence by disrupting the balance of social and environmental systems, particularly in vulnerable communities where early marriage correlates with overpopulation, resource strain, and diminished resilience. From an eco-fiqh perspective, such practices contradict the maqāṣid al-sharī'ah, especially the protection of life (ḥifz al-nafs), intellect (ḥifz al-'aql), and progeny (ḥifz al-nasl). This study argues that Indonesian Islamic family law must be reinterpreted and reformed to incorporate eco-justice principles, promoting a more holistic understanding of harm and welfare. Strengthening legal frameworks, enhancing community awareness, and integrating eco-fiqh values into policy discourse are essential steps toward eliminating child marriage and fostering sustainable social development.

INTRODUCTION

Child marriage remains a persistent socio-legal challenge in Indonesia, despite various legal reforms and policy interventions aimed at reducing its prevalence. Defined as a formal or informal union involving individuals under the age of 18, child marriage is widely recognized as a violation of fundamental human rights and a significant barrier to sustainable development. According to UNICEF (2021), millions of girls worldwide are still married before reaching adulthood, with developing countries—including Indonesia—showing relatively high rates. Although the Indonesian government has amended the legal framework through Law No. 16 of 2019, which sets the minimum marriage age at 19 years for both men and women, the increasing number of marriage dispensation cases demonstrates that legal reform alone is insufficient to eliminate the practice.

From a socio-theoretical perspective, child marriage can be understood as a form of structural violence, a concept introduced by Johan Galtung (1969). Structural violence refers to systematic inequalities embedded within social, economic, and political systems that prevent individuals from fulfilling their basic needs and achieving their full potential. In the context of child marriage, such violence manifests through poverty, gender inequality, limited access to education, and socio-cultural norms that legitimize early marriage.

Empirical evidence indicates that girls who marry early are more likely to drop out of school, experience early and high-risk pregnancies, and remain trapped in cycles of economic dependency and marginalization (UNICEF, 2021). Thus, child marriage is not merely a personal or cultural choice but a consequence of deeply rooted structural inequalities.

Beyond its structural dimension, child marriage can also be interpreted as a form of ecological violence. This concept expands the understanding of harm to include the disruption of the relationship between human populations and their environment. Early marriage is closely associated with high fertility rates and rapid population growth, particularly in resource-constrained communities. According to United Nations Population Fund (2020), child marriage contributes to increased population pressure, reduced access to reproductive health education, and unsustainable use of natural resources. These dynamics exacerbate environmental degradation and weaken community resilience, thereby creating a cycle of socio-ecological vulnerability. In this sense, child marriage not only affects individual well-being but also undermines broader ecological sustainability.

In the context of Islamic legal discourse, the issue of child marriage has often been approached through classical interpretations of *fiqh*, some of which allow early marriage under certain conditions. However, these interpretations are increasingly being re-evaluated in light of contemporary social realities and global human rights standards. The emerging framework of *eco-fiqh* offers a critical and integrative perspective by emphasizing the interconnectedness between human welfare, social justice, and environmental sustainability. Rooted in the higher objectives of Islamic law (*maqāṣid al-sharī'ah*), *eco-fiqh* promotes the protection of essential human interests, including life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), and progeny (*ḥifẓ al-nasl*) (Kamali, 2010).

From this perspective, child marriage contradicts the fundamental ethical principles of Islam, particularly those related to justice (*'adl*), public welfare (*maṣlaḥah*), and the preservation of human dignity. As argued by Richard C. Foltz (2000), Islamic environmental ethics emphasizes the concept of stewardship (*khilāfah*) and the responsibility to maintain balance (*mīzān*) in all aspects of life. Similarly, Seyyed Hossein Nasr (1996) highlights that the disruption of natural and social harmony reflects a deeper moral and spiritual crisis. In this regard, child marriage can be seen as a practice that undermines both social justice and ecological balance.

Given these considerations, there is a pressing need to critically reassess Indonesian Islamic family law through an *eco-fiqh* lens. Such an approach allows for a more holistic understanding of child marriage as both a structural and ecological form of violence. By integrating legal, social, and environmental perspectives, this study seeks to contribute to the development of a more just, sustainable, and context-sensitive legal framework that aligns with both Islamic ethical principles and contemporary global challenges.

RESEARCH METHODOLOGY

This study employs a qualitative normative legal research design to examine child marriage as a form of structural and ecological violence within the framework of Indonesian Islamic family law. This approach is particularly suitable because it focuses on the analysis of legal norms, principles, and doctrines, as well as their broader socio-ethical implications. The research is grounded in an interdisciplinary perspective, combining legal studies, social theory, and Islamic jurisprudence to provide a comprehensive understanding of the issue.

The study adopts a conceptual and theoretical approach by utilizing the concept of structural violence introduced by Johan Galtung, which explains how social structures systematically disadvantage certain groups, particularly women and children. In addition, the *eco-fiqh* framework is applied to explore the interconnectedness between human welfare, social justice, and environmental sustainability within the Islamic legal tradition. This dual framework allows for a critical evaluation of child marriage beyond purely legal dimensions.

This research relies on secondary data sources, which are divided into primary, secondary, and tertiary legal materials. Primary legal materials include statutory regulations such as Law Number 16 of 2019 concerning Marriage in Indonesia and relevant Islamic legal texts. Secondary materials consist of academic books, peer-reviewed journal articles, and reports from international organizations such as UNICEF and United Nations Population Fund, which provide empirical and analytical insights into child marriage and its socio-economic and environmental impacts. Tertiary materials include legal dictionaries and encyclopedias that support conceptual clarification.

Data collection is conducted through a comprehensive literature review and document analysis, involving systematic identification, selection, and examination of relevant legal and academic sources. The data are then analyzed using qualitative content analysis and interpretative (hermeneutic) methods to uncover underlying meanings, values, and assumptions embedded in legal texts and scholarly discourse. This process is further supported by statutory, conceptual, and philosophical approaches to ensure a multidimensional analysis.

To ensure the validity and reliability of the findings, this study applies source triangulation by comparing various legal documents, scholarly works, and institutional reports. Analytical consistency is

maintained by aligning interpretations with established theoretical frameworks and authoritative references in Islamic jurisprudence. Through this methodological approach, the study aims to produce a rigorous and holistic analysis of child marriage as a complex socio-legal and ecological issue.

RESULTS AND DISCUSSION

This study finds that child marriage in Indonesia persists not merely as a cultural practice but as a complex socio-legal phenomenon deeply rooted in structural inequalities and ecological vulnerabilities. Despite the enactment of Law Number 16 of 2019, which standardizes the minimum legal age for marriage at 19 years, the continued rise in marriage dispensation cases indicates that legal reform has not fully addressed the underlying causes of early marriage. This suggests that the persistence of child marriage is strongly influenced by systemic factors, including poverty, gender inequality, and socio-cultural norms that legitimize early unions.

From the perspective of structural violence, as conceptualized by Johan Galtung, child marriage reflects a form of indirect violence embedded within social and legal systems. The findings demonstrate that many families perceive early marriage as a rational response to economic hardship, social pressure, and limited access to education. In this context, the legal system—particularly the provision for marriage dispensation—can inadvertently reinforce structural violence by legitimizing practices that harm children. Empirical data reported by UNICEF (2021) confirm that girls who marry early are significantly more likely to discontinue their education, experience early pregnancies, and face long-term socio-economic disadvantages. These outcomes illustrate how structural violence operates by restricting life opportunities and perpetuating cycles of poverty across generations.

Furthermore, the findings reveal that child marriage also constitutes a form of ecological violence, a concept that extends beyond human-centered harm to include the disruption of socio-ecological systems. Early marriage is closely associated with high fertility rates, particularly in rural and economically disadvantaged communities. According to United Nations Population Fund (2020), child marriage contributes to rapid population growth, which in turn increases pressure on natural resources such as land, water, and food systems. This dynamic is especially evident in regions where environmental resources are already limited, leading to unsustainable patterns of consumption and reduced community resilience. As a result, child marriage not only affects individual well-being but also exacerbates broader ecological imbalances and environmental degradation.

In addition, this study finds that socio-cultural and religious interpretations play a significant role in sustaining child marriage practices. In some communities, early marriage is perceived as a means of preserving family honor, preventing premarital relationships, or fulfilling religious obligations. However, such interpretations often rely on classical understandings of Islamic law that do not fully consider contemporary social realities. This highlights a gap between normative legal provisions and lived social practices, where cultural legitimacy often outweighs legal restrictions. Consequently, efforts to eliminate child marriage require not only legal enforcement but also critical engagement with religious and cultural narratives.

From an eco-fiqh perspective, the practice of child marriage fundamentally contradicts the objectives of Islamic law (*maqāṣid al-sharī'ah*), particularly the protection of life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), and progeny (*ḥifẓ al-naṣl*). Early marriage exposes young girls to significant health risks, including maternal mortality and reproductive complications, thereby threatening the preservation of life. It also limits access to education, undermining intellectual development, and ultimately affects the quality of future generations. As argued by Mohammad Hashim Kamali (2010), *maqāṣid al-sharī'ah* emphasizes the realization of public welfare (*maṣlaḥah*) and the prevention of harm (*maḥsadah*), both of which are compromised by the continuation of child marriage.

Moreover, eco-fiqh expands the scope of Islamic legal analysis by incorporating environmental ethics into legal reasoning. According to Richard C. Foltz (2000), Islamic teachings emphasize the concept of stewardship (*khilāfah*) and the responsibility to maintain ecological balance (*mīzān*). Similarly, Seyyed Hossein Nasr (1996) argues that environmental degradation is closely linked to moral and spiritual crises within human societies. In this context, child marriage can be viewed as a practice that disrupts not only social justice but also the balance between human populations and their environment. The intersection between social injustice and environmental stress highlights the relevance of eco-fiqh as a critical framework for re-evaluating Islamic family law.

The findings also indicate that legal reform in Indonesia has not been fully effective due to the gap between formal law and its implementation. While the law sets a clear minimum age for marriage, the widespread use of judicial dispensations undermines its effectiveness. This reflects a broader issue of legal pluralism, where state law, religious norms, and customary practices interact in complex ways. In many cases, judges grant dispensations based on pragmatic considerations, such as pregnancy or social pressure, rather than prioritizing the long-term welfare of the child. This suggests that legal reform must be accompanied by stricter guidelines, judicial training, and community-level interventions.

In light of these findings, this study argues that addressing child marriage requires a holistic and transformative approach that integrates legal, social, and ecological perspectives. Strengthening legal frameworks alone is insufficient without addressing the structural conditions that sustain the practice. Policies must focus on improving access to education, reducing poverty, and empowering women and girls. At the same time, religious discourse must be reoriented toward interpretations that emphasize justice, welfare, and sustainability in line with eco-fiqh principles.

Ultimately, this study demonstrates that child marriage is not only a legal or cultural issue but also a manifestation of deeper structural and ecological crises. By applying an eco-fiqh framework, this research highlights the need for a more comprehensive understanding of harm that encompasses both human and environmental dimensions. Such an approach provides a strong foundation for rethinking Indonesian Islamic family law in a way that is more just, inclusive, and sustainable.

CONCLUSION AND RECOMMENDATIONS

This study concludes that child marriage in Indonesia is not merely a cultural or legal issue, but a multidimensional problem rooted in structural and ecological violence. It persists due to systemic inequalities such as poverty, gender discrimination, limited access to education, and the continued legitimization of early marriage through legal dispensations. From the perspective of Johan Galtung, these conditions reflect structural violence that restricts individuals' life opportunities. At the same time, child marriage contributes to ecological pressure through increased fertility rates and unsustainable resource use, as highlighted by United Nations Population Fund. Within the eco-fiqh framework, such practices clearly contradict the *maqāṣid al-sharī'ah*, particularly the protection of life, intellect, and progeny, thereby requiring a critical reassessment of Indonesian Islamic family law.

Therefore, this study recommends a comprehensive and integrative approach to addressing child marriage. Legal reforms must be strengthened by limiting the misuse of marriage dispensations and ensuring stricter judicial oversight. At the same time, social interventions such as expanding access to education, promoting gender equality, and improving economic conditions are essential. Furthermore, religious interpretations should be reoriented through an eco-fiqh perspective that emphasizes justice, public welfare, and environmental sustainability. Collaboration between policymakers, religious leaders, and communities is crucial to transforming both legal structures and social norms, ultimately contributing to the elimination of child marriage and the realization of a more just and sustainable society.

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