A Comparative Analysis of the Interpretation of Maturity Under the Law of Marriage across ASEAN Countries

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Abstract

Annually, child marriage endangers the lives and prospects of millions of youngsters. Despite regulations regulating the minimum age for marriage, this practice is prevalent and troublesome in several nations. Child marriage persists in several regions worldwide despite being disapproved upon in some civilizations. The present work aims to analyze the idea of maturity within the context of marital law. This study involves normative legal research utilizing philosophical, statutory, and conceptual approaches. The methods employed for analyzing legal materials are surveying, questioning, reading, reciting/recalling, and reviewing using logical reasoning. The investigation reveals that the idea of maturity in marriage legislation in countries including Indonesia, Malaysia, Brunei Darussalam, and Vietnam is mostly based on setting a minimum age for marriage, despite the fact that age may not accurately reflect a person's maturity level.

Keywords: *adulthood, marriage, law, ASEAN.*

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1. Introduction

Marriage constitutes a significant and pleasurable occasion in people's lives, but it should be conducted in accordance with the preferences of both individuals involved in this social agreement.[5]

Child marriage, which is the act of marrying before the legal age, is a significant issue encountered by many countries annually. According to UNICEF, a formal marriage or intimate connection between two girls under the age of 18 is considered child marriage[6]. The Committee on the Rights of the Child (CRC) defines 'child marriage' as a marriage involving one or both parties who are under 18 years of age[7]. Section 10 of the Law Reform (Marriage and Divorce) Act of 1976 defines child marriage as a marriage involving individuals under the age of 18, making any ceremonies involving individuals under 18 null and invalid.

Child marriage, while frequently performed to ensure the physical well-being of young females[8], presents an array of risks to their existence, health, and future opportunities. Child marriage

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[6] Y. Efevbera and J. Bhabha, 'Defining and Deconstructing Girl Child Marriage and Applications to Global Public Health', *BMC Public Health* 20, 1547 (2020). https://doi.org/10.1186/s12889-020-09545-020.
[7] C Gaston, C. Misunas and C Cappa, 'Child Marriage Among Boys: A Global Overview of Available Data.' (2019) *Vulnerable Children and Youth Studies*, 14(3), 219–228. https://doi.org/10.1080/17450128.2019.1566584.
[8] M. Greene and E. Stiefvater, 'Social and Gender Norms and Child Marriage' (2019) 1 *Journal Align*, https://www.alignplatform.org/resources/2019/04/social-gender-norms-and-child-marriage.

has been widely recognized to have detrimental consequences for young women. These include a heightened vulnerability to intimate partner violence, elevated rates of maternal mortality, and reduced educational attainment[9].

Child marriage, commonly referred to as early marriage, is prevalent in ASEAN countries. Child marriage is prevalent in Indonesia. In 2021, Komnas Perempuan reported 59,709 incidents of early marriage approved by the courts. The legislation allows either the man's parents or the woman's parents to request permission from the court for urgent grounds with adequate supporting proof. Early marriage can be caused by urgent situations such as pregnancy, the child being at risk, sexual relations, mutual love between the child and their partner, parental concerns about violating religious and social norms, or to prevent adultery. Children exposed to gadgets may quickly respond to information about sexual activity without fully understanding the consequences, leading to unwanted pregnancies and the need for marriage dispensation. Insufficient programs addressing sexual rights and comprehensive reproductive health for teenagers in Indonesia contribute to this issue[10].

The Malaysian Statistics Department reported that in neighboring countries, the mean age of prospective bachelors remained unchanged at 28 years, while the mean age of wives rose from 26 to 27 years. Despite the existence of a minimum age requirement for matrimony, the occurrence of minor marriages in Malaysia remains on the rise year after year. A comparable occurrence developed in Brunei Darussalam, where the absence of a clearly defined minimum age requirement for matrimony in Brunei Law Chapter 217 contributed to the prevalence of child marriages[11].

Child marriage remains a persistent concern in Vietnam. A prior 2014 study revealed that among Vietnamese women aged 20–24, one in ten had entered into matrimony or cohabitation prior to reaching the age of eighteen. No substantial decline in the occurrence of juvenile marriage was observed. Child marriages are susceptible to females from all social classes and regions of Vietnam, despite regional variations in prevalence. Child marriage manifests in various ways and is perpetrated for diverse motivations within the country of Vietnam. Interventions must be tailored to local conditions in order to effectively eradicate this detrimental practice. Accordingly, the practice of child marriage is condemned as unlawful, perilous, and a violation of the rights of children in Vietnam. Prohibited and penalized under the Marriage and Family Law, the Children's Law, and the Criminal Code are juvenile and early marriages.

Referring to the aforementioned data description, it is evident that child marriage continues to be a prevalent practice in several ASEAN countries, despite the detrimental consequences it has been observed to inflict on couples, particularly women. For a marriageal union that results in advantageous outcomes, a well-defined notion of maturity is imperative. Maturity is characterized by complete accountability for one's own development, destiny, and self-preparation[12]. In addition to physical maturity, mentality and intellect are the most crucial aspects of household management. Respect and a sense of accountability will develop between a spouse and wife as they mature. Prosperous families generate offspring who embody the qualities of intelligence and nobility, thereby equipping the nation with future leaders. Consequently, this study will examine the notion of maturity as it pertains to the legal framework governing matrimony in a number of ASEAN countries.

2. Methodology

This study is classified as normative legal research due to the fact that the majority of the legal materials that inform policies on marriage issues are derived from statutory regulations and expert opinions published in a variety of journals, references, and research outcomes. This research subsequently employs philosophical, statutory, and conceptual approaches. A variety of interpretation

[9] A. Erulkar, 'Early Marriage, Marital Relations and Intimate Partner Violence in Ethiopia' (2013), vol. 39, issue 1, *International Perspectives on Sexual and Reproductive Health,* p. 6-13.
[10] I. Harruma, 'Kasus Pernikahan Dini Di Indonesia', *Kompas.com,* 2022.
[11] L. Faizal and A. Qohar, 'The Age Limit for Marriage in Brunei Darussalam in Maslahah and Legal Politics Perspectives' (2021) 6 (1) J*urnal Mahkamah: Kajian Ilmu Hukum dan Hukum Islam,* p. 65–80. https://doi.org/10.25217/jm.v6i1.1334.
[12] Kartini Kartono, *Psikologi Wanita Mengenal Gadis Remaja Dan Wanita Dewasa*, Mandar Maju, 2006, p. 70.

techniques are utilized in the analysis of legal materials, including grammatical, systematic, historical, and futuristic interpretation. When examining legal documents, scholars employ deductive reasoning. For the purpose of conducting this interpretation, the researcher employed the SQ-3 method of analyzing legal materials: survey, question, read, recite/recall, and reviews.

3. Result and Discussion

3.1. Indonesia

The age limit of maturity determines the legal and regulatory definition of maturity in Indonesia. The process of establishing the age limit for maturity across multiple laws may appear disorganized, as there is no discernible correlation between them. However, if one were to connect the various purposes of determining the age limit for maturity through a common thread, it would be to ensure that an individual's actions can be held legally accountable.

The following are some provisions of the law concerning the age of maturity:

a) In accordance with Law Number 1 of 1974 on Marriage, Article 50, Paragraph (1) specifies that children under 18 years old or unmarried, and not under parental authority, are under the guardianship of a guardian. The age restriction for entering into marriage is specified in Article 6, Paragraph (2), which requires those under the age of 21 to acquire consent from both parents. Marriage is allowed only when the male is 19 years old and the woman is 16 years old, as stated in Article 7 Paragraph (1).

b) In accordance with Presidential Instruction Number 1 of 1991, Article 98 Paragraph (1) of the Compilation of Islamic Law (KHI) specifies that individuals who are capable of self-sufficiency are considered children until they reach the age of 21, unless they are physically or mentally impaired or have been married before.

c) In accordance with Civil Code (KUH Pdt), Article 330 Paragraph (1) defines immature as individuals under the age of twenty-one who have never been married. Paragraph (2) clarifies that if a marriage ends before they turn twenty-one, they will not regain their status as minors.

d) In accordance with Article 171 of the Criminal Procedure Code (KUHAP) specifies that those who can provide information without taking an oath include minors under the age of fifteen who have never been married. Individuals with memory impairments or psychiatric disorders may experience fluctuations in their memory function. Article 153, Paragraph (5) specifies that the presiding judge has the authority to decide that those under the age of seventeen are not allowed to be present during the trial.

e) In accordance with Law Number 23 of 2002 on Child Protection Article 1 number 1, a child is defined as an individual who is under 18 years old, including those who are still in the womb.

f) In accordance with the Criminal Code (KUHP), Article 45 stipulates, 'When a minor is charged with a criminal offense for an act committed prior to the age of sixteen, the judge has the authority to either render one of the following decisions: return the guilty individual to his parents, guardian, or custodian without imposing any criminal penalty; or transfer the guilty individual to the government without imposing any punishment, should the action in question be classified as a crime or a violation of the following articles (492, 490, 490, 496, 497, 503–505, 514, 517–519, 526, 531, 532, 536, and 540), and the verdict has been rendered permanently after two years, or impose a penalty on the accountable party.'

g) In accordance with Article 39, Paragraph (1) of Law No. 30 of 2004 on the Position of Notary stipulates: 'The individual in question must satisfy the subsequent criteria: a) be a minimum of eighteen years old or married; b) possess the necessary expertise to execute legal documents.'

h) In accordance with Article 1, Number 1 of Law Number 3 of 1997 pertaining to Children's Courts, 'A child' is defined as an individual who, with the exception of a misbehaving child, is at least eight years old but not older than eighteen years at the time of this definition and has never been wed. In addition, Article 4, Paragraph (2) states that if a child commits a crime before reaching a certain age limit and is brought to court after surpassing that age but still being under 21 years old,

they will be tried in a juvenile court.

i) In accordance with Law No. 12 of 2006, which refers to Indonesian citizenship for those who are 18 years old or married. As such, this statute does not explicitly define individuals who are 18 years old or married as adults, nevertheless, many provisions within the law suggest this interpretation. These can be observed in articles 4c, 4d, 4h, and 4l. A child born to parents of different nationalities, whether married legally or not, is entitled to dual citizenship until the age of 18. Individuals under the age of 18 are under parental supervision and do not have the autonomy to decide their nationality. Upon reaching the age of 18, an individual is deemed competent to decide their nationality, as stated in Article 6. An 18-year-old child or a married individual is regarded as an adult and can independently decide their nationality, notwithstanding the lack of a convincing explanation. Additionally, 18 years old is the minimum age requirement for a foreign national to petition for Indonesian citizenship. Minors are not permitted to apply for a change of citizenship. Hence, the citizenship law establishes adulthood based on reaching the age of 18 or being married.

j) In accordance with Article 63 Paragraph (1) of Law Number 23 of 2006 on Population, 'Indonesian Citizens and Foreigners with a Permanent Residence Permit who are seventeen years old or older, married, or have been married in the past, are mandatory to have a KTP.'

k) In accordance with Law Number 22 of 2009 on Road Traffic and Transportation, Article 81, Paragraph (2) specifies the minimum age requirements mentioned in Paragraph (1). a. Minimum age for obtaining Driving License A, Driving License C, and Driving License D are 17 years; b. Minimum age for BI Driving License is 20 years; c. Minimum age for Driving License B II is 21 years.

l) In accordance with Article 13 of Law No. 12 of 2003 on General Elections, Indonesian citizens who are 17 years old on the day of voting or are/have been married are eligible to vote.

Accordingly, marriage plays a crucial role in establishing a content family structure. Islam establishes rules and practices to enhance family relationships due to their significant and sacred nature. Certain rules and actions should be put into place prior to the start of the relationship. After the marriage contract is completed, it is important to take care of others, which can facilitate the process of establishing a household for the couple[13].

In enforcing the marriage age provisions outlined in Marriage Law No. 1 of 1974, religious teachings-based legal considerations should be applied in light of the religious nature of Indonesian society and the preservation of the sanctity of matrimony. The sociological jurisprudence school's legal theory, which accords equal weight to the social and legal determinants of law's formation and implementation, provides insight into these underlying considerations.

The majority of indigenous peoples consider a person to be an adult if they are capable of managing their own affairs. Several authorities on customary law proposed this definition, including the following: Ter Haar, which states that adults are capable (*volwassen*), married, and reside apart from their parents; Soepomo, which defines an adult as robust and capable of managing his own property; and Djojodigoeno, which asserts that adulthood is a natural state, *mentas*, *kuwat gawe*, and looking upon one's own property.[14]

According to conventional wisdom, maturity is in fact not contingent upon age criteria; thus, no uniformity exists. In reality, the determination of when an individual is considered an adult is contingent upon the specific circumstances of that person, albeit it remains linked to the psychological scientific definition of maturity. From a psychological standpoint, maturation is a life stage characterized by the development of coherent thought processes and behavior in both speech and action. A person who can earn a living through work (*kuwat gawe*) demonstrates that he is capable of independent thought and responsibility for his own requirements, despite the fact that early social maturation does not fall under this category.

Maturity thinking emphasizes the development of mature cognitive processes. The adult mindset encompasses various crucial aspects, including subjectivity. Subjectivity is a type of mistake

[13] T. Chuzaimah, *Problems of Contemporary Islamic Law*, Pustaka Firdaus 2001, p. 43.

[14] Sugiyem, *Penerapan Pendewasaan Dengan Keluarnya Undang-Undang Nomor 30 Tahun 2004 Tentang Undang-Undang Jabatan Notaris Dalam Pembuatan Akta Kuasa Menjual Hak Atas Tanah Di Samarinda* [2010] Tesis Universitas Diponegoro, p. 54.

in the development of thought. Subjectivity is the act of deriving a definitive truth from a singular perspective. Subjectivity mistake lies in the perspective from which a problem is viewed, restricting the knowledge gathered and shared to a single viewpoint[15].

Examining maturity in marriage from a philosophical perspective is crucial for the bride and groom to develop into well-rounded persons capable of navigating the various problems of married life. Furthermore, it is anticipated that the insight gained through adulthood can shed light on and transform every aspect of life into a valuable lesson for all future decisions. Regarding marriage, there is a common understanding of how the connection should be established and sustained. The mindset and behavior of an individual are crucial factors in guiding their home towards a positive direction and fostering happiness. Resolving life's challenges, particularly inside the home, necessitates not just physical resources, but also a mature mindset and persistent effort in addressing issues until positive outcomes are achieved.

3.2. Malaysia

Malaysian states created and enforced individual regulations concerning Islamic family law. Topics such as marriage, divorce, dowry, spousal and child support obligations, forbidden types of marriage, marriage processes, *talāq*, *fasakh*, *khulū'*, *ta'liq*, *'iddah*, additional rights, guardianship, and child custody are included. Islamic family law issues are governed by multiple regulations. Two examples are the Islamic Family Law (Federal Territory) Act 1984 (Act 303) and its 2006 Amendment. Implementation of the 12 Islamic Family Laws of 2002 in the State of Melaka the Islamic Family Law was established in 2002, encompassing: The Kelantan Islamic Family Law was enacted in 2002, followed by the Negeri Sembilan Islamic Family Law in 2003, and the Perak Law in 2004. Enforcement of Islamic Family Law in Kedah; (Penang State) Administration Enforcement of Islamic Family Law 2004, 12 of 1985 Islamic Family Law is implemented in Terengganu under the Islamic Family Law in 1990, in Selangor under Law No. 5 of 2003, and in Johor under Law No. 5 of 1991. Islamic Family Law Regulations 1991, also known as 4 of 1992 Islamic Family Law Administration in 1991 in Perlis; and Regulation number. 8 of the Islamic Family Law in Sabah in 2004

The minimum age for matrimony in Malaysia is sixteen years for women and eighteen years for males. These provisions adhere to all Malaysian state statutes and regulations. According to Article 8 of the Islamic Family Law (Federal Territory) in 2006, under specific conditions, matrimony is prohibited for individuals under the age of eighteen or sixteen, unless written permission is granted by a *Syariah* Judge. For specific reasons, such as prospective brides and grooms discontinuing their education, requiring financial assistance or family support, engaging in prohibited sexual activities, or becoming pregnant outside of matrimony, Sharia judges are bestowed with the jurisdiction to grant permission for individuals to marry who have not yet attained the minimum age[16].

The Children's Law of 2001, in contrast to the Islamic Family Law, provides a definition of a child as an individual who is not older than 18 years. Thus, in accordance with the Children's Law of 2001, females who reach the age of 16 prior to matrimony are deemed to be immature. This regulation depicts a discrepancy between the minimal ages for minors as stipulated in two Malaysian laws. In contrast, the minimal age requirement for matrimony varies across the states and territories of Malaysia in comparison to that established in other Muslim nations. For instance, the minimum age of marriage in Bangladesh is 21 years for males and 18 years for females. The legal age of matrimony in Egypt is sixteen years for women and eighteen years for males. The legal age of matrimony for both sexes in Indonesia is 19 years.

Under certain conditions, Islamic literature permits matrimony prior to the age of eighteen. In addition to failing to fulfil the right to happiness, the proposed outright prohibition on child marriage will undermine the principles of justice and humanity accorded to couples who wish to wed in order

[15] Yvonne Sherrat, *Adorno's Positive Dialectic*, Cambridge University Press, 2002, p. 27.
[16] N Azizah, 'The Regulation of Marital Registration in Indonesia and Muslim Countries' (2019) 5(2) *Jurnal Fitrah Jurnal Kajian Ilmu-Ilmu Keislaman*, p. 301-312, DOI: 10.24952/fitrah.v5i2.1927.

to avoid the stigma and negative aspects of adultery. Conversely, despite being below the age of 18, they have attained sufficient maturity to undertake the obligations associated with matrimony.

3.3. Vietnam

Throughout history, Vietnamese society has placed significant emphasis on the institution of marriage, a sentiment that is deeply ingrained in Vietnamese culture and spirituality due to the influence of Buddhism and Confucianism. The notions of 'luan hối' (samsara) and 'đầu thai' (reincarnation), which are fundamental to Buddhism and have a significant impact on Vietnamese society, are the primary sources of spiritual beliefs[17]. There is a prevailing belief that the union of a man and a woman is predetermined, or 'nhan duyên vỏ chạng,' such that their marriageal union is predetermined by the 'duyên and nou' (the fate and debts of the husband and wife) that have been carried over from prior life.

According to Confucian thought, marriage enables individuals to fulfil filial piety, encompassing a child's respect, responsibility, and obligation to their parents[18]. Regarding marriage, filial piety involves ensuring parents' happiness and pride and preserving the family bloodline. If a man or woman does not marry after attaining marriageable age, they are deemed irresponsible and unfaithful to their parents. As such, being single can harm one's reputation, social standing, and the family's symbolic capital.

Regarding family continuity, filial devotion involves a man's duty to marry and have sons as they are the only ones acknowledged as legitimate heirs to the family's inheritance. In contrast, women and daughters are viewed as individuals who become part of their husband's family upon marriage[19]. Hence, it is logical to infer that men will exhibit a greater desire for male offspring post-marriage compared to women. However, through interviews with twelve participants, it was discovered that women preferred having sons over daughters due to concerns that their status within their husband's family could be significantly jeopardized if they failed to meet their reproductive responsibilities adequately. In this scenario, women are often tasked with fulfilling filial piety on behalf of males, and may face condemnation and belittlement from in-laws, relatives, husbands, and society if they are unable to bear sons. Vietnamese women paradoxically use the 'son preference' system to enhance their status inside their in-laws' households. Gender inequality in Vietnamese society has resulted in women relying on their spouses and sometimes their in-laws for financial assistance. As women mature, they pass on their dependency to their boys, which is why they tend to prefer sons over daughters. Women are conscious of their subordinate role in the family and societal prejudices against them and their daughters. However, they often do not proactively work to alter their inferior position in the family and instead uphold these disparities.

The institution of marriage is the only acceptable setting for reproduction in conservative societies such as Vietnam, where married couples face social stigma. In the meantime, childbearing is also regarded as a natural or even obligatory form of gender performance. To begin with, a prevalent sentiment among IDI respondents is that childbirth is 'thiên chỵc của phụ nệ' (the innate vocation of women) and the fundamental purpose of both genders in order to ensure human survival. Particularly,[20] a recent research on the attitudes of Vietnamese society toward matrimony mentions this response.

Elaborating further, according to[21] the marriage age requirements for Vietnamese males and women are 35 and 30 years old, respectively. Marriage after that age is therefore deemed inappropriate and untimely for childbearing. Moreover, both men and women may experience a sense

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[17] R. Jayakody and T. Vu, 'Social Change and Marriage in Vietnam: From Social State to Market Reform' (2012) 1 *International Family Change: Ideational Perspectives,* pp. 199-222, https://doi.org/10.4324/9780203809648.
[18] K. Sung, 'Measures and Dimensions of Filial Piety in Korea' (1995) 35(2) *The Gerentologist*: 240-7, DOI: 10.1093/geront/35.2.240.
[19] L. Williams, 'Attitudes toward Marriage in Northern Vietnam: What Qualitative Data Reveal about Variations across Gender, Generation, and Geography' (2009) 26, *Journal of Population Research,* p. 285-304.
[20] Ibid, p. 290 et seq.
[21] Bélanger, Danièle (2004) 'Single and Childless Women of Vietnam: Contesting and Negotiating Female Identity?', in Lisa Drummond & Helle Rydstrøm (eds.) *Gender Practices in Contemporary Vietnam, Singapore*: Singapore University Press, pp. 96-116.

of social conformity through marriage.[22] Demonstrates in Single and Childless Women in Vietnam: Contesting and Negotiating Women's Identities that Vietnamese society does not acknowledge women as 'adults' until they enter into matrimony and subsequently have children.

3.4. Brunei Darussalam

Brunei Darussalam's government follows an absolute monarchy system based on Islamic law. The Sultan serves as both the Heads of State and Government. In addition, the sultan, aided by the Sultanate Advisory Council and several Ministers, also serves as the Prime Minister and Minister of Defense. Since the 15th century AD, the Sultanate of Brunei has been founded with a structure where power decreases from one sultan to another, who serves as both head of government and head of state.

The minimum age requirement for matrimony is not expressly delineated in Chapter 17 of Brunei's Law on Islamic Family Law. In Chapter 17 of Brunei Law pertaining to Islamic Family Law, the phrase 'in an effort to prevent a man or woman from attaining the age of 18' appears only in Part IV Article 35 letters (b) of the Marriage Intervention. If sixteen married individuals are convicted of an offense, they may be subject to a maximum fine of $2,000, imprisonment for no more than six months, or both. Based on the information provided in this article, it can be deduced that the minimum age requirement for matrimony in Brunei Darussalam is sixteen years for women and eighteen years for men. This aligns with research by Hooker, indicating that Brunei Darussalam's Islamic Family Law is based on Kelantan State's Islamic Family Law with modifications to suit Brunei Darussalam's sociocultural context. The Kelantan state enforces minimum age limitations for same-sex weddings as stated in section 14 of the Kelantan Islamic Family Law Enactment of 1983.

The United Nations Children's Fund (UNICEF) representative for Brunei Darussalam, Marianne Clark-Hattingh, urges the government of Brunei Darussalam to implement measures to eradicate child marriage. Subsequent to the previous recommendation of the United Nations Committee on the Convention on the Rights of the Child, which urged the Brunei Darussalam government to abolish child marriage and increase the minimal age of marriage to 18 years for both boys and girls, he carried out the same course of action. Child marriage is not a viable solution to family social and economic issues, according to Marianne Clark-Hattingh, urging the public to recognize the detrimental consequences of child marriage, including the physical and psychological unpreparedness of children, which further contributes to its negative effects concerning the education of children.

4. Conclusions

In conclusion, our research findings indicate that ASEAN countries including Indonesia, Malaysia, Vietnam, and Brunei Darussalam only enforce regulations on marriage maturity based on age. In this scenario, the minimum age requirement for marriage can be interpreted, or it can be explicitly stated that someone is an adult, despite age not necessarily reflecting a person's level of maturity. Additionally, it is important to take into account an individual's emotional development. The introduction of the maturity concept in marriage legislation aims to decrease the divorce rate and ensure that marriages are beneficial rather than pointless or harmful.

Bibliography

1. Azizah, N., 'The Regulation of Marital Registration in Indonesia and Muslim Countries' (2019) 5(2) *Jurnal Fitrah Jurnal Kajian Ilmu-Ilmu Keislaman,* p. 301-312, DOI: 10.24952/fitrah.v5i2.1927.
2. Bélanger, Danièle (2004) 'Single and Childless Women of Vietnam: Contesting and Negotiating Female Identity?', in Lisa Drummond & Helle Rydstrøm (eds.) *Gender Practices in Contemporary Vietnam, Singapore*: Singapore University Press, pp. 96-116.
3. Chuzaimah, T., *Problems of Contemporary Islamic Law*, Pustaka Firdaus 2001.

[22] Ibid, p. 98.

4. Efevbera, Y. and J. Bhabha, 'Defining and Deconstructing Girl Child Marriage and Applications to Global Public Health', *BMC Public Health* 20, 1547 (2020). https://doi.org/10.1186/s12889-020-09545-020.
5. Erulkar, A., 'Early Marriage, Marital Relations and Intimate Partner Violence in Ethiopia' (2013), vol. 39, issue 1, *International Perspectives on Sexual and Reproductive Health,* p. 6-13.
6. Faizal, L. and A. Qohar, 'The Age Limit for Marriage in Brunei Darussalam in Maslahah and Legal Politics Perspectives' (2021) 6 (1) J*urnal Mahkamah: Kajian Ilmu Hukum dan Hukum Islam,* p. 65–80. https://doi.org/ 10.25217/jm.v6i1.1334.
7. Gaston, C., C. Misunas and C Cappa, 'Child Marriage Among Boys: A Global Overview of Available Data.' (2019) *Vulnerable Children and Youth Studies,* 14(3), 219–228. https://doi.org/10.1080/17450128.2019.1566584.
8. Greene, M. and E. Stiefvater, 'Social and Gender Norms and Child Marriage' (2019) 1 *Journal Align*, https://www.alignplatform.org/ resources/2019/04/social-gender-norms-and-child-marriage.
9. Harruma, I., 'Kasus Pernikahan Dini Di Indonesia', *Kompas.com,* 2022.
10. Jayakody, R. and T. Vu, 'Social Change and Marriage in Vietnam: From Social State to Market Reform' (2012) 1 *International Family Change: Ideational Perspectives,* pp. 199-222, https://doi.org/10.4324/9780203809648.
11. Kartono, Kartini, *Psikologi Wanita Mengenal Gadis Remaja Dan Wanita Dewasa*, Mandar Maju, 2006.
12. Sherrat, Yvonne*, Adorno's Positive Dialectic*, Cambridge University Press, 2002.
13. Sugiyem, *Penerapan Pendewasaan Dengan Keluarnya Undang-Undang Nomor 30 Tahun 2004 Tentang Undang-Undang Jabatan Notaris Dalam Pembuatan Akta Kuasa Menjual Hak Atas Tanah Di Samarinda* [2010] Tesis Universitas Diponegoro, https://core.ac.uk/download/11723409.pdf.
14. Sung, K., 'Measures and Dimensions of Filial Piety in Korea' (1995) 35(2) *The Gerentologist*: 240-7, DOI: 10.1093/geront/35.2.240.
15. Ullah, N., A. Binti and Idressm R., 'Child Marriages: International Laws and Islamic Law's Perspective' (2021) vol. 11, no. 3, *Journal of Educational and Social Research,* p. 60-70, https://doi.org/10.36941/jesr-2021-0051.
16. Williams, L., 'Attitudes toward Marriage in Northern Vietnam: What Qualitative Data Reveal about Variations across Gender, Generation, and Geography' (2009) 26, *Journal of Population Research*, p. 285-304.