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Regulating Innovation: The Role of Law in Shaping Business Transformation

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Abstract

Innovation has become a central driver of business transformation, particularly in sectors such as financial technology (FinTech) and artificial intelligence (AI)-enabled services, where digital tools are rapidly reshaping markets, organisational structures, and value creation processes. Innovation is beneficial because it is associated with efficiency, inclusion and competitiveness, but at the same time, it creates regulatory uncertainty, legal risk, and governance challenges. This article discusses the impact of law to drive innovation-oriented business change, in particular, how legal/regulatory frameworks facilitate and limit the development of new business models in FinTech and AI-intensive service sectors. The article uses a doctrinal research approach to examine statutes, regulatory tools, judicial rulings, and policy frameworks that are involved in the governance of innovation, focusing on the areas of data protection, financial regulation, competition law, intellectual property, and corporate governance. The article concludes that law is not just a limitation of innovation, but rather a pivotal infrastructure that organises markets, regulates risk and develops trust. Regulatory sandboxes, risk-based supervision, and principles-based regulation are adaptive regulatory instruments that are displayed to be decisive in mitigating uncertainty, as well as protecting the interests of the public. This article holds that the success of business transformation is pegged on the compatibility of the legal design with the innovation strategy. It ends by providing some recommendations to regulators and firms to encourage responsible innovation, enhance legal certainty, and make compliance a strategic capability in the transformation of businesses.

Keywords: Innovation Regulation, FinTech law, Artificial Intelligence, Business Transformation, Regulatory Governance

1. Introduction

1.1 Background and Problem Statement

The present-day business change has become more and more characterised by innovation. The emergence of digital technology, data analytics, artificial intelligence, and platform-based business models has significantly changed how companies generate their value, engage with their consumers, and compete in the global market. No other field is more subject to this transformation than financial technology (FinTech) and AI-enabled business

services, where algorithm decision-making, digital platforms, and automated operations have changed the way services have been delivered historically (Bessen, 2018; Zetzsche, Buckley, Arner, & Barberis, 2017a).

The pace and magnitude of innovation have, however, revealed an ongoing conflict between legal regulation and technological change. Laws and regulatory frameworks traditionally created for more stable economic environments, are usually not able to keep up with fast changing technologies. This regulatory delay provides businesses with uncertainty in terms of business innovation, and it also poses a question to regulators when it comes to consumer protection, integrity of the market, and protection of basic rights (Brownsword, 2019; Fenwick, Kaal & Vermeulen, 2017).

In FinTech, such as in the case of digital payment systems, peer-to-peer lending and crypto-assets, current financial regulatory frameworks are being challenged by new financial regulatory structures structured around more traditional banks. In the same regard, AI-enabled services pose intricate legal issues of data privacy, transparency of the algorithms, responsibility, discrimination, and responsibility. Innovation in both industries does not simply bring new products, it is a process of altering the way organisations are governed, the management of risks, compliance frameworks, and strategic decision-making.

It is against this backdrop that law has got an ambivalent role to play. On the one hand, strict or obsolete regulation can prevent experimentation and discourage investment. Conversely, poor or weak legal systems can erode trust, put consumers in harm ways and dislodge markets. This article will start by assuming that law is not only a responsive limitation to innovation, but also a shaping influence which determines the direction, excellence, and sustainability of business change.

1.2 Aim, Objectives, and Research Questions

The main objective of the article is to explore the role of legal and regulatory frameworks in innovation-based business transformation, especially FinTech and AI-enabled service industries.

The main objectives include:

1. Discuss how law can suppress or foster innovation-intensive business.
2. Examine regulatory tools of FinTech and AI-based markets to control uncertainty and risk.
3. Investigate the interplay between fundamental areas of law, such as data protection, financial regulation, competition law, intellectual property and corporate governance and business transformation.
4. Propose legal and regulation design principles that would promote responsible innovation without unduly restraining business dynamism.

The research questions addressed in the article are:

- In what ways will law ensure the future of innovation-driven business change in FinTech and AI-enabled services?
- What regulation methods will maximize the integrity of the market, consumer protection and innovation?
- What can businesses do to make legal compliance a part of their transformation strategies to be a source of resilience and competitive advantage?

1.3 Scope and Significance of the Study

The article adopts a sector-focused approach, concentrating on FinTech and AI-enabled business services due to their high levels of regulatory complexity, societal impact, and economic significance. Although the discussion will rely on the global regulatory developments, the analysis will not be limited to one jurisdiction. Rather it outlines general patterns and principles of regulation that cut across legal systems.

The significance of this article is in the integrative perspective of the study. Much of the existing literature treats innovation regulation, business strategy, and legal compliance as separate domains. This article brings these

strands together by demonstrating how legal frameworks actively structure business transformation processes. For regulators, the study highlights the importance of adaptive and risk-sensitive regulatory design. In the case of businesses, it highlights the importance of viewing law as a strategic element of innovation, and not a compliance burden that comes after an innovation.

1.4 Structure of the Article

After this introduction, Section 2 conducts a literature review on the available literature on the topics of innovation, regulation, and transformation of business with a focus on FinTech and AI-based services. Section 3 elaborates the theoretical and conceptual framework that is used to develop the analysis. Section 4 discusses the methodology used and the justification for it. The findings of the study are provided and discussed in section 5. Section 6 provides policy and strategic recommendations whereas Section 7 is a conclusion to the article.

2. Literature Review

2.1 Innovation and Regulation: Threat or Necessary?

The recent history of scholarly discussion on innovation regulation has long swung along between two rival storeys. The former participants of the debate depict regulation as an obstacle to innovation because, according to them, too much legal controls increase costs, experimentation slows down, and puts off entrepreneurial undertaking. Such a perspective is frequently linked to the notion of “permissionless innovation”, which suggests minimal regulatory interference, especially on digital markets (Thierer, 2016).

Conversely, there is an accumulating literature on why regulation is not necessarily hostile to innovation. Empirical and theoretical research is increasingly indicating that carefully crafted law can be used to facilitate innovation via less uncertainty, reduced investment risk, and consumer trust (Blind, Petersen, & Riillo, 2017; Porter & van der Linde, 1995). Regulatory predictability concerning the field of FinTech through licensing, consumer protection, and prudential standards has been reported to facilitate market entry and growth by legitimate businesses (Arner, Barberis, and Buckley, 2017).

In the context of AI-enabled services, researchers highlight that legal protection to address the issue of data protection, transparency, and accountability is fundamental to maintaining the trust of the population in algorithms. Without such safeguards, innovation risks social backlash, reputational harm, and regulatory intervention that may ultimately be more restrictive (Floridi et al., 2018).

2.2 Business Transformation in FinTech and AI-Enabled Services

The literature on business transformation notes that innovation is manifesting more and more in products and services, as well as organisational structures, governance arrangements, and value chains. FinTech companies are often exist as hybrids of both technological and financial intermediary companies, which requires new compliance models and risk management practices (Zetzsche et al., 2017a).

Equally, AI-driven business services are pegged on predictive analytics, automation, and data-driven decisions. Such technologies transform labour relations, relationships with clients, and control mechanisms and pose legal challenges regarding explainability, bias, and responsibility (Wachter, Mittelstadt, and Floridi, 2017). According to scholars, a legal compliance is no longer an issue confined to business strategy, but is now part of system design, corporate governance, and operational processes (Cath, 2018).

The literature acknowledges that firms that are able to integrate legal requirements within their innovation models are better placed to expand sustainably and survive regulatory emanations.

2.3 Managing Innovation Risk: Regulatory Tools

Some scholars have recently been concerned with the rise of adaptive regulatory instruments aimed at managing technological uncertainty. FinTech Regulatory sandboxes in specific have gained a lot of coverage in FinTech literature. Sandboxes enable companies to pilot innovative products in the regulated environment, minimising uncertainty without harming the consumers (Jenik & Lauer, 2017; Zetzsche, Buckley, Arner & Barberis, 2017b). In addition to sandboxes, researchers pinpoint the increased application of principles-based regulation, soft law tools, and regulatory guidance to AI regulation. These tools are flexible and allow regulators to act in an iterative manner in relation to technological developments (Fenwick et al., 2017). Critics, in turn, caution that when overly relying on soft law, accountability can be undermined and uneven enforcement can emerge (Brownsword, 2019).

2.4 Gaps in the Existing Literature

Although there is a great deal of scholarly work on innovation regulation, there are still significant gaps. First, most studies discuss FinTech or AI regulation separately, without investigating the interaction of various legal domains to influence the transformation of business. Second, the extent to which firms operationalise regulatory compliance as an element of their transformation strategies is given minimal attention. This article addresses these gaps by offering the full legal discourse on the subject of innovation governance of FinTech services and AI-enabled services.

3. Theoretical and Conceptual Framework

3.1 Theoretical Foundations

Understanding the relationship between law, innovation, and business transformation requires an analytical lens that captures both regulatory behaviour and firm-level adaptation. This article draws primarily on **risk-based regulatory theory** and **dynamic capabilities theory**, which together provide a robust framework for explaining how law shapes innovation trajectories in FinTech and AI-enabled business services.

Risk-based regulation has gained prominence as regulators confront technologies characterised by uncertainty, complexity, and asymmetric information. Risk-based regulation does not impose rigid, technology-related rules; rather, it focuses regulatory attention in relation to the magnitude and likelihood of damage an activity could cause (Black and Baldwin, 2010). This is effective in innovative industries where the regulator can differentiate between low-risk testing and high-risk commercial execution, and hence, the marketplace of innovation is preserved without compromising the interests of the people. Researchers believe that risk-based models are especially appropriate to FinTech and AI regulation since they can balance the intensity of regulation with changes in the intensity of the technological and societal risks (Baldwin, Cave & Lodge, 2011).

In tandem with this view of regulation is the dynamic capabilities theory, which is a project of strategic management literature. Dynamic capabilities are defined as how a firm should be able to feel opportunities and threats, get opportunities and reorganise resources as a reaction to the change in the environment (Teece, 2018). When it comes to innovation regulation, legal compliance is not a fixed requirement but an ever-evolving ability firms should constantly seek to achieve. Better placed to scale and compete in a sustainable manner are FinTech firms and AI-based service providers that are able to predict regulatory expectations, design their systems with compliance in mind and align their governance structures to reflect these expectations (Cath, 2018).

These theories combined, help to elucidate a mutual dependence in that regulators create flexible and risk sensitive legal frameworks and firms create adaptive capabilities to make their way through and influence regulatory environments. In this meaning, law becomes a part of business change and not an external limitation.

3.2 Law as a Structuring Force for Innovation Ecosystems

Along with theory, the practical functioning of law in the ecosystem of innovation can be cognized in the context of its structuring functions. In FinTech and AI based services, the legal regulations do not react to the post hoc innovation; instead, they construct markets, shape organisational structure and shape competition.

First, law can operate as an incentive mechanism. The rules on intellectual property, access to data and the rules of financial licencing affect the location of investment in firms, commercialisation of innovation and which business models are feasible. As an illustration, the efficacy of software copyright, patents, and trade secrets influences the readiness of firms to invest in AI creation, whereas data protection regulations influence the architecture of the data-driven services (Cohen, 2019).

Second, law is used as a type of constraint by establishing limits on what is acceptable behaviour. The compliance costs of consumer protection laws, anti-money laundering requirements and algorithmic accountability requirements also decrease the systemic risk. Prudential regulation where risk-taking is capped in FinTech and non-discrimination and transparency established in AI services restrict the use of opaque decision-making systems (Wachter et al., 2017).

Third, law plays a **coordination and trust-building role**. Predictable regulatory frameworks reduce uncertainty for investors, partners, and consumers. In sectors where trust is essential—such as digital finance and automated decision-making—legal assurances regarding data security, fairness, and accountability are critical to market acceptance (Bessen, 2018).

3.3 Conceptual Framework: The Regulatory Stack for Business Transformation

Building on the above, this article proposes a conceptual model described as the **regulatory stack for innovation-led business transformation**. The model describes the process through which a series of layers of law act together to transform business in the FinTech and AI-enabled services.

The first layer is composed of basic legal infrastructure, such as the law of contracts, corporate law, and simple licensing frameworks. These give the legal personality, governance structures and certainty of transactions that any business activity needs.

Innovation-specific regulation is the second level, comprising financial regulation of digital payment systems, data protection laws of processing of personal data, and AI governance systems that deal with algorithmic risk. The regulations directly affect the design and implementation of innovative products and services.

The third level is the market-shaping regulation, especially competition law and platform regulation. In FinTech and AI-driven markets with network effects and concentration of data, competition regulation defines the extent to which the innovation can be challenged or rather controlled by a few powerful players (Khan, 2017).

Adaptive regulatory tools, such as regulatory sandboxes, supervisory guidance and standards, form the last layer. These tools facilitate continuous communication between regulators and innovators, that is, they allow legal frameworks to change with technological innovation (Zetzsche et al., 2017b).

It is at this intersection that business transformation takes place. Companies that identify this regulatory layer and implement their innovation strategies in line with it are more prone to attaining sustainable growth.

4. Methodology: Doctrinal Method

4.1 Nature of the Doctrinal Approach

This methodology used for the study is the doctrinal research, which is traditionally related to the study of law and is concerned with systematic investigation of laws, principles, and legal institutions. Doctrinal research aims to elucidate the nature of the law, its organisation, and functioning in practise, with the main references made to the

sources of law, including legislations, the decisions of the court, regulatory tools, and policy documents (Hutchinson and Duncan, 2012).

The doctrinal approach is especially suitable in terms of this article as the research questions are related to the design, functionality, and dynamics of legal frameworks that regulate innovation. Instead of considering empirical results, the research investigates the role of law in determining the circumstances within which business transformation takes place in the FinTech and AI-enabled service industry.

4.2 Sources and Scope of Analysis

The discussion is based on a broad spectrum of primary and secondary legal resources. Financial regulations, data protection statutes, competition law principles, regulatory guidance and policy frameworks on digital innovation are all considered primary sources. Through these documents, regulatory goals, regulatory requirements and regulatory mechanisms such as sandboxes and principles-based regulations are determined.

The secondary sources used in this work are peer-reviewed journal articles, academic books, and authoritative reports published between 2015 and 2026. Such sources offer doctrinal explanation, theoretical clarity and critical analysis of innovation regulation. Earlier theoretical publications are cited where needed to provide basis for the conceptual framework.

The specificity of FinTech and AI-enabled business services provides analytical depth and the possibility of generalisation of regulatory principles that can be applied to other innovation-intensive industries.

4.3 Analytical Strategy

The doctrinal analysis is carried out in three phases. To begin with, the relevant legal frameworks are characterized and categorized according to their regulatory objectives such as reduction of risk, consumer protection, market integrity, and the promotion of innovation. Second, the interface of these structures is investigated to realise the effects of overlapping spheres of law, working together to bring about transformation of business. Third, the results are generalised to derive normative knowledge and design guidelines to govern innovation effectively.

Such an interpretive and integrative approach allows the study to transcend the sphere of descriptive analysis, and to provide evaluative conclusions as to the role of law in the targeted business transformation via innovation.

4.4 Limitations of the Method

Although doctrinal research is valuable in terms of understanding legal frameworks and the intent behind a particular regulatory intervention, it does not take a practical step in evaluating the economic or social consequences of a particular regulatory action. In such a way, conclusions of this paper can be interpreted as analytically based and not tested empirically. Nevertheless, the analysis of doctrine is critical to comprehending the ways that law presents the prospects and constraints of innovation in practise.

5. Findings and Discussion

This section outlines and comments on the major findings obtained as a result of the doctrinal analysis of legal frameworks that regulate the FinTech and AI-enabled business services. The discussion illustrates the active design of innovation-driven business transformation by law, using a combination of various, and interrelated mechanisms instead of acting as external constraint only.

5.1 Law as Innovation Infrastructure Rather Than Mere Constraint

One of the key conclusions of the research is that law is an innovation infrastructure of FinTech and AI-based services. As opposed to the perception that regulation only slows the innovation process, legal structures give innovative business models the predictability and stability they need in order to develop and grow. This is because in the financial services, licencing regimes, prudential requirements, and consumer protection rules create the baseline of trust that digital financial products are unlikely to pick up in the market (Arner et al., 2017).

In the FinTech industry, such as digital payment services and online lending, the legalisation of electronic payments, enforceability of digital contracts, and the definition of who is liable are crucial factors that these companies cannot do without. These legal bases cut down on the cost of doing business and enable the firms to concentrate on the perfecting of technology and customer experience as opposed to being caught in a legal maze. Likewise, AI-based service providers rely on explicit data governance regulations to justify data collection, processing, and sharing activities, which support machine learning systems (Cohen, 2019).

The analysis indicates that well-articulated legal systems in coherent settings are facilitating innovation by reducing uncertainty and providing regulatory expectations. On the other hand, ineffective regulation or/and ambiguous regulation can result in compliance risk, a lack of incentive towards long-term investment, and an advantage to those who have more legal resources to navigate the system.

5.2 Risk-Based and Adaptive Regulation as Catalysts for Business Transformation

The second significant result is the increased significance of risk-based and adaptive regulation mechanisms in the formation of the outcomes of innovation. The old-fashioned prescriptive regulation with the focus on the set of rules specific to certain technologies has not been suitable to be applied to fast-changing industries like FinTech and AI-enabled services. To counteract it, the regulators have turned to risk-based supervision, principles-based regulation, and adaptive tools aimed at embracing uncertainty (Baldwin et al., 2011).

Regulatory sandboxes represent this change in FinTech. The sandboxes decrease regulatory uncertainty and provide regulators with real-time information about new technologies by ensuring that firms are able to test innovative products in controlled environments. Theoretical work on sandbox models shows that they should be seen as valuable not only because of transitory regulatory facilitation but due to the designed conversation that they establish between innovators and regulators (Zetsche et al., 2017b). The impact of this interaction is on product design, compliance architecture, and long-term business strategy.

Non-binding guidelines, ethical frameworks, and sector-specific standards serve the same purpose in the adaptive governance mechanisms in AI-enabled services. These tools do not entrap innovation in strict legalist terms, but offer guidance on a directional basis. Nonetheless, the discussion also indicates a contradiction, to the extent that flexibility will help enhance innovation, but over-use of soft law may undermine the accountability and legal certainty, especially in cases where AI systems impact society or the economy in a significant manner (Brownsword, 2019).

It does not indicate that flexibility ought to be in place of formal regulation since what is observed here is that adaptive tools need to be incorporated into a larger legal framework that is enforceable, transparent, and publicly monitored.

5.3 Data Protection/Cybersecurity as Enablers of Organisational Change.

A third observation is the revolution of the law of data protection and cybersecurity on the business organisation and strategy. With the FinTech and AI-based services, data is the key material behind the innovation. The legal requirements regarding the processing of personal data, security, and the notification of breaches have thus become the main focus of the system design and distribution of duties at firms.

The data protection regime based on the doctrinal analysis reveals that the contemporary data protection rules are increasingly forcing firms to implement the proactive governance framework that includes data protection impact

assessments, privacy-by-design, and internal accountability systems. The requirements are not just outside compliance costs; they redefine the internal decision-making formations and technology frameworks (Wachter et al., 2017).

The obligations of transparency, fairness and explainability in AI-driven services have a direct implication on algorithm design and deployment. The companies are forced to invest in documentation, auditability, and human oversight systems, which subsequently affect the rate and the trend of innovation. Although the requirements might seem limiting at first, the analysis indicates that they can also minimise the long-term legal and reputational risk, which contributes to the transition to sustainable business (Floridi et al., 2018).

5.4 The Competition Law and the Contestability of the Innovation Markets

The other important finding is connected to the contribution of competition law to the occurrence of innovation-driven transformation of businesses. Much of the FinTech and AI enabled service markets are being described in terms of network effect, data concentration, and platform dominance. Competition law is very vital in these environments in that it is able to define how innovation can be a contestable and accessible or it becomes a monopoly of a limited number of dominant companies.

As shown in the doctrinal analysis, the competition policy thinking has changed, and now more attention is paid to access to data, interoperability, and exclusionary behaviour in digital markets. Competition agencies are becoming more aware that market influence in innovation-driven industries may not be seen in terms of price impacts, yet by manipulation of data, algorithms, and digital infrastructure (Khan, 2017).

This changing competition environment affects business strategic decisions about mergers, partnerships and platform governance. Companies that have been involved in business transformation should consequently consider competition law in their innovation-based plans, especially in the process of scaling AI-based platforms or financial ecosystem.

5.5 Strategy Capabilities Reflected in Corporate Governance and Compliance.

Another implication of this study is the growing importance of corporate governance and compliance as strategic capabilities in sectors where innovation assumes a central role. In FinTech and AI-enabled services, regulatory requirements go beyond the technical compliance with regulation to include organisational responsibility, board governance, and risk management.

The doctrinal analysis indicates that there is a growing pressure of the senior management and the boards to take up the risk of technology, data governance, and the ethical aspect. This change has been influenced by the wider understanding that any risks that are related to innovation cannot be successfully handled at the operational level. In their place, they need to be strategically monitored and incorporated into corporate governance structures (Cath, 2018).

Those firms which consider compliance as dynamic capability as part of the organisational culture and decision-making are more apt to adjust to the regulatory change and public scrutiny. This discovery highlights the larger argument of the article that law does not only influences the external market conditions but the internal organisational change.

5.6 Synthesis of Findings

The combination of these findings demonstrates that law possesses a wide array of overlapping mechanisms that influence innovation-driven business change. In FinTech and AI-sensitive services, the incentives are predetermined by the law, predatory behaviour is restricted, ambiguity is managed, and the markets are organised.

These structures should be compatible with the realities of business, flexible and consistent across various domains to work.

This discussion validates the perception that innovation and regulation are not in a contrastive relationship to each other but rather one that is mutually dependent within a functional innovation ecosystem. Where law is designed and executed wisely, it can aid in guiding business change towards financially viable, morally acceptable, and legally valid results.

6. Recommendations

This article analysis highlights that innovation is best regulated by purposeful coordination of the legal design and business transformation strategies. The following recommendations are offered for both regulators and businesses operating in FinTech and AI-enabled service sectors.

6.1 Recommendations for Regulators

To start with, regulators must proceed towards risk-based and proportionate regulation systems that acknowledge the heterogeneity of innovation. Not every FinTech product or AI application is equally risky and the intensity of regulation should reflect this difference. The comprehensive presence of clear risk-tiering systems can prevent excessive regulation of low-risk innovation and provide a strong level of control over high-impact technologies (Baldwin et al., 2011).

Second, the concept of regulatory sandboxes and innovation hubs is supposed to be institutionalised as a method of learning instead of being regarded as extraordinary or temporary projects. The regulators are to make sure that the experience acquired during sandbox participation is turned into permanent regulatory change, such as new guidance, clearer licensing routes, and new supervisory requirements. Lacking these feedback loops, sandboxes will be symbolic instead of transformative (Zetzsche et al., 2017b).

Third, regulators must focus on inter-agency coordination especially when the innovation cuts across legal jurisdictions. Regulatory fragmentation in FinTech and AI-enabled services may produce unequal obligations and compliance ambiguity due to the incompatibility of financial regulation, data protection, and competition regulation authorities. Synchronized direction and combined supervisory efforts would enhance consistency and lessen the unjustifiable regulatory friction.

Fourth, more attention is to be paid to outcome-oriented and principles-oriented regulation in the field of high technological dynamism. Although rules are still needed to be enforced, the top-level principles associated with fairness, transparency, security, and accountability offer flexibility without compromising the normative clarity. Nevertheless, interpretive guidance and enforcement practice should be adopted to support principles-based approaches to promote predictability.

Lastly, regulators ought to spend on institutional capacity-building in terms of technical expertise and data analytics. The proper regulation of AI systems and intricate digital financial products requires not only law, but also the capacity of the regulators to make sense of and query their technological design decisions.

6.2 Recommendations for Businesses

For businesses, the key recommendation that can be offered is to rethink legal compliance as a strategic resource as opposed to a reactive expense. Legal analysis must be part of the product design and system architecture of a company that is in the process of an innovative change, particularly in the framework of data management, consumer protection, and algorithm responsibility.

Second, firms ought to enhance corporate governance systems to indicate the strategic importance of innovation-related risk. The technology, data, and regulatory compliance board-level oversight is becoming more common in FinTech and AI-intensive companies. Good accountability frameworks promote decision making and project organisational seriousness to the regulators and stakeholders.

Third, businesses need to adopt compliance-by-design policies, integrating legal requirements into technology systems and business processes. This includes explainability, bias minimization, and auditability mechanisms of AI-enabled services. In FinTech, it is customer due diligence, transaction surveillance and cybersecurity. These measures, in addition to reducing the risk of regulation, contribute to greater trust and credibility in the market.

Fourth, business should engage in active interaction with regulators consultations, innovation hubs, and industry forums. Preemptive communication allows businesses to shape regulatory expertise and gain advance information about emerging compliance expectations. This kind of discussion is especially important in fields where the law is just developing.

Lastly, companies must also invest in in-house legal and regulatory strength, including interdisciplinary skill that spans over law, technology, and business strategy. As sectoral boundaries continue to dissolve due to innovation, those organisations that can make sense of and operationalise complex regulatory demands will find it easier to adapt and compete better.

7. Conclusion

In this article, the role of law in influencing innovation-driven business change was discussed, with special attention paid to the fields of FinTech and AI-assisted service-based businesses.

This article has reviewed the contribution of law for the development of innovation-led business transformation focussing on Fin tech and AI enabled service industries. It has shown by analysing doctrine that law is not just an after-the-fact reactive constraint on the engines of innovation, but a force constitutive of markets, managing risk, facilitating trust.

As the findings show, legal frameworks impact on business transformation in several interrelated ways: they provide infrastructure for business change; they regulate uncertainty by establishing adaptive regulation; they define data governance and competition; they redefine expectations in corporate governance. Where regulation is coherent, risk sensitive and adaptive, this can provide support for innovation, which is both economically viable as well as socially responsible. On the other hand, fragmented or inflexible legal frameworks may work against transformation and/or lock in market power.

The article argues that sustainable innovation depends on the alignment between regulatory design and business strategy. For regulators, this requires embracing learning-oriented, coordinated, and proportionate approaches to governance. For businesses, it demands the integration of legal compliance into the core of transformation initiatives, rather than treating it as an afterthought.

Finally, innovation regulation is not a question of control or creativity. It is concerned with creating legal structures that facilitate change in a manner that maintains trust, safeguards public interests, and facilitates the creation of value in the long term. With the continued transformation of the world economy by FinTech and AI-enabled services, the role of law in defining their direction shall be both essential and disputed.

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The Role of Laws in the Fight against Galamsey in Ghana: An Exploratory Study

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Abstract

Illegal and artisanal/small-scale mining, known as galamsey in the Ghanaian context, has remained an environmental, social, and governance concern in Ghana, despite the fact that there are robust laws governing mining and environmental issues in the country. This paper provides an exploration of the role of the law in dealing with the issue of galamsey. The study employed the qualitative-exploratory design. Data was gathered through in-depth interviewing and Focus Group Discussion methods. The thematic analysis of the data showed that though there is the existence of a legal framework on small-scale mining in Ghana, its efficiency in dealing with galamsey was limited by lack of knowledge about the legal provisions, inconsistent and selective enforcement, lack of institutional support and resources, corruption and political meddling, reliance on galamsey for income and deeply rooted social and cultural practices. It was observed that legal measures had the effect of bringing about mainly temporary changes in behavior rather than a reduction in illegal mining across the board. The research concludes that the existence of laws alone is not enough to put an end to illegal mining unless there is proper implementation, community participation, building up the institutions, and addressing the root causes of the problem through economic interventions. The study adds to the existing literature by revealing empirical community-level insights into the role of mining laws. The findings highlight the need for a combination of legal and socio-economic approaches to successfully tackle the problem of illegal mining in Ghana.

Keywords: Artisanal/Small-Scale Mining, Galamsey, Illegal mining, Laws, Role of laws

1. Introduction

Small-scale mining (SSM) remains a crucial segment for managing natural resources and driving economic development in tropical countries, such as Ghana, due to its positive impact (Hilson & Maconachie, 2020). In 2024, SSM directly contributed US\$5.5 billion to the economy of Ghana through procurement, social investments, and revenue payments (Ghana Gold Board, 2025). SSM has an indirect role in ensuring that human fundamental necessities can be provided because it creates job opportunities, helps the residents gain income, and thus develops local spending and trade. As explained by Musah (2025), it develops infrastructure for the local communities regarding roads and schools. Notwithstanding the advantages of SSM, the illegal activities of SSM may have

detrimental effects. Illegal mining is any mining activity in prohibited areas, which may include, but are not limited to, forest reserves, game reserves, or areas around water bodies, regardless of whether a permit has been acquired or not (Hilson and Potter, 2005). Illegal mining in Ghana is referred to as “Galamsey.” Galamsey might also involve large mining companies operating illegally. Tuffuor and Takora (2024) stated that galamsey operations have dramatically increased over the years. The emergence of galamsey activities is attributed to factors such as poverty, unemployment, and high profitability of gold mining activities (Tuffuor and Takora, 2024). The dire effects of galamsey cannot be overemphasized. The activities of galamsey have adversely affected the forest cover and destroyed the ecosystem due to mining (Atta and Tinashe, 2022). Operations of the galamsey miners have contributed to massive land degradation, deforestation, the pollution of major water bodies like the Pra River, Ankobra, and Offin River, as well as the destruction of farmlands, which pose threats to livelihoods, health, and water security in the country. (Tuffuor and Takora, 2024). The adverse effects of galamsey have made the government and other actors in development, such as civil society organizations and NGOs, create and implement responses to this improper mining.

There are several laws and policies that have been formulated by the Ghanaian government in a bid to govern mining and stop illegal mining activities. These laws include the Minerals and Mining Act, 2006 (Act 703), Minerals and Mining (Amendment) Act, 2015 (Act 900), “Environmental Protection Agency Act, 1994 (Act 490)”, among others (Ayelazuno and Aziabah, 2025; Mensah-Odum et al., 2025; Asumda et al., 2024). Moreover, there are several legislative instruments that govern small-scale mining in Ghana. These instruments include all the necessary regulations needed by small-scale miners in terms of licensing and environmental protection (Ayelazuno and Aziabah, 2025). Moreover, there have been several enforcement policies initiated by successive administrations in order to enforce compliance. For example, the Inter-Ministerial Committee on Illegal Mining (IMCIM) was established in 2017 to enhance the enforcement of mining laws in the country. The government introduced a permit regime for the importation of excavators in 2025 to control the importation of heavy earth-moving equipment (MyJoyonline, 2025). The National Anti-Illegal Mining Operations Secretariat (NAIMOS) has enhanced sharing and coordination to address challenges associated with illegal mining (Ali, 2025). The government also conducts military operations against persons engaging in illegal mining activities (Ghanaian Times, 2025). The Parliament of Ghana formed the Gold Board of Ghana (GoldBod) as a regulatory body for the control of gold, to engage in artisanal gold trade, and to eliminate smuggling by serving as the solitary legal buyer and exporter (GoldBod, 2025). The government has undertaken initiatives to reclaim environmental degradation, such as the Tree for Life Reforestation Program and the Blue Water Program, alongside the regulatory initiative by the government. The imposition of a ban on mining within forest reserves has been estimated to preserve forest and wildlife as well as prevent the extinction of nature and animals (Reuters, 2025). Yet despite all measures taken by the government of Ghana to govern small-scale mining through legislation and enforcement policies, there are still cases of galamsey in various areas of Ghana.

In this regard, laws should act as essential tools of environmental protection, governance of natural resources, and social order. Good legal frameworks would ensure that illegal mining is deterred by the clarity of regulations, the credibility of sanctions, and consistent enforcement, while offering ways for legal small-scale mining to be supportive of livelihoods and sustainable development. However, the continued prevalence of galamsey insinuates that the challenge goes beyond the mere existence of laws into issues of implementation, enforcement, and coordination at the institutional level. This huge disparity between the provisions of the law and practical realities on the ground calls for a critical analysis of the role of laws in the fight against galamsey in Ghana. The reviewed empirical studies (Stærfeldt and Stacey, 2025; Arthur-Holmes et al., 2025; Bikunati, 2024; Teschner, 2012) have shown that researchers have looked into the regulatory environment, the role of institutional enforcement, and politics associated with the challenge of galamsey in Ghana. However, there is a gap in empirical research that looks into the role and effect that laws as a proactive instrument have in curbing the problem associated with illegal mining. This study maintains that it is significant to explore the application, effect, and enforcement of the law, rather than looking into the challenges associated with governance, politics, capacity, or the economic context in which illegal mining is embedded. This study, therefore, fills the gap in the literature by exploring the role of laws in the fight against illegal mining in Ghana.

2. Literature Review

2.1. Deterrence theory

Deterrence theory has its roots in classical criminology, specifically from the writings of Cesare Beccaria (1764) and Jeremy Bentham (1789), who proposed that people act reasonably and can calculate the costs and benefits associated with their actions (Bruinsma, 2018). The theory holds that individuals will refrain from a behavior if the potential costs of punishment outweigh the potential benefits (Valasik, 2014). According to the theory, the function of laws is seen not only as punishment but also as a tool of discouragement against illegal acts. At the center of the deterrence theory are three considerations: certainty, severity, and celerity (or swiftness) of punishment (Nagin and Pogarsky, 2001). Certainty pertains to the probability of being caught and punished; severity pertains to the degree of sanctions imposed; and celerity pertains to the time frame between the commission of a crime and its punishment (Nagin and Pogarsky, 2001).

There are two aspects of the theory of deterrence: general and specific. While general deterrence is the general effect of punishment from the general public, specific deterrence is focused on preventing someone who has already served punishment from reassessing their actions (Tomlinson, 2016). When it comes to illegal mining matters, the general theory of punishment should be evidenced by the influence it creates on illegal miners, while the specific deterrence of punishment would be evidenced by whether arrests, trials, and punishment prevent those who overstep the laws of mining from taking action against illegal mining. Nonetheless, there have been criticisms of deterrence theory. Critics argue that the theory presumes that choices and decision-making are done rationally (Zagare, 1996). This would not always be the case since those who are poor and unemployed or have limited alternative sources of livelihood would not always make their choices rationally. Again, economic needs would play a greater role than any fear of legal repercussions, thus making laws ineffective in matters of deterrence.

The deterrence theory is used in this study to explore the role of laws in the fight against galamsey in Ghana. The primary role played by deterrence theory in this research involves evaluating whether sufficient disincentives are used by legal frameworks as deterrents against illegal mining activities. In particular, reference to "deterrence theory" within the framework of this research seeks to outline how effectively "certainty," "severity," and "consistency" in penal practices under existing mining legislation are used to promote compliance and serve as deterrents against galamsey. The deterrence theory provides a robust theoretical base for understanding the role of laws in the fight against illegal mining.

2.2. Galamsey (Illegal mining)

Artisanal and small-scale mining (ASM) is prevalent in several parts of the world, especially in Africa and Latin America (Hilson, 2017). Approximately 30 million people in more than 70 countries are engaged in artisanal and small-scale mining (Owusu et al., 2019). The role and function of Artisanal and Small-scale Mining (ASM) are generally viewed as informal and poor labor-intensive activities involving primitive forms of mineral extraction practices with risky work conditions and low capital requirement (Teschner, 2012). Abandonment by the government and lack of enforcement of mining laws and regulations have led to illegal mining activities being widespread in Africa (Bikunati, 2024).

In Ghana, illegal mining activities are referred to as "galamsey." Galamsey refers to unauthorized artisanal small-scale gold mining in Ghana (Teschner, 2012). This illegal activity involves untrained individuals excavating the earth and filtering soil and water using rudimentary tools to extract gold. In most cases, this is done with inappropriate methods and tools, such as soil excavators and grinding mills (also referred to as 'Chamfi') to cut down trees and destroy soil structure (Teschner, 2012). Other illegal miners excavate alluvium from riverbeds. The excavated soil is washed to reveal nuggets of unrefined gold, causing streams and rivers to become polluted and excessively muddy. In Ghana, over 1 million people are involved in artisanal and small-scale mining activities, and 85% of these miners are involved in illegal mining activities (Hilson and Osei, 2014). Illegal small-scale mining in Ghana is degrading the environment, compromising public health, exacerbating water scarcity, and harming agricultural areas and crops, including cocoa (Tuffuor and Takora, 2024). As a result, extensive measures have been implemented against all related artisanal and small-scale mining activities across the country. A recent

initiative titled #StopGalamsey was initiated by City FM, a local radio station in Accra, with the support of the Ghana Journalists Association (GJA), think tanks, civil society organizations (CSOs), and non-governmental organizations (Hilson, 2017). The government prohibited any ASM operations from March 2017 to December 2018 due to such campaigns (Owusu et al., 2019). The restriction is clearly part of the comprehensive top-down formalization policy enacted by the government to address the socio-environmental challenges associated with artisanal and small-scale mining (ASM) and to ensure that the sector fosters sustainable development (Atta and Tinashe, 2022).

2.3. *Laws in the Fight against Galamsey*

Laws in the fight against galamsey range and refer to the regulatory documents and statutes that have been put in place and formulated, and enforced by the Ghanaian government (Ayelazuno and Aziabah, 2025; Asumda et al., 2024). It also refers to statutes that have been used in the fight against illegal mining activities and that have been enacted and enforced through various documents and regulations that have been established and legislated by the government of Ghana. Among the statutes mentioned are the Minerals and Mining Act, 2006 (Act 703), the Amendment Act, 2015 (Act 900), and the Environmental Protection Agency Act, 1994 (Act 490) (Ayelazuno and Aziabah, 2025; Mensah-Odum et al., 2025; Asumda et al., 2024). These laws are created to establish a governable limit defined by separating legitimate and illegitimate mining operations, which acts as a frame for law enforcement (Asumda et al., 2024). Also, the laws stipulate measures, such as penalties and sanctions consisting of fines, jail terms, and the confiscation of equipment, which operate as a deterrent for illegitimate mining, just like a deterrent law. Thirdly, these laws stipulate licensing procedures for small-scale mining operations, which seek to formalize unofficial miners and ensure responsible mining (Mensah-Odum et al., 2025; Asumda et al., 2024). Conceptually, therefore, the laws in the fight against galamsey are multi-dimensional-regulatory, punitive, and preventive. They exist within a broader socio-economic and governance context in which capacity for enforcement, institutional coordination, and community engagement drive effectiveness.

2.4. *Empirical review*

Stærfeldt and Stacey (2025) studied environmental governance and political contestation in contexts of illegal small-scale gold mining in Ghana. The findings showed that illegal mining activities lead to a systematic degradation of the natural environment. However, the efforts of the Environmental Protection Agency (EPA) in dealing with the galamsey and protection of the environment are shaped by the political compromise among the principal political parties and other governmental bodies. From a political settlement perspective, the authors noted that various state actors reaping short-term benefits from the informalization of natural resource governance, a lack of inclusive consultation and orientation processes aimed at systematically mitigating environmental damage, and the politicization of illegality make it difficult for the Environmental Protection Agency (EPA) to enforce compliance with existing laws. Also, Teschner (2012) examined the small-scale mining system and shows that registered and unregistered actors operate not only in parallel but are actually intertwined and highly dependent on one another. It was revealed that the perceived dichotomy of formal and informal actors in the sector does not actually exist. The sector has instead evolved into a highly intertwined group of semi-formal sectors operating with varying degrees of legal registration. The authors concluded that political leniency and law enforcement corruption have resulted in a booming small-scale gold system under poor government control. Auther-Holmes et al. (2025) also examined whether the small-scale mining licence is a means, an end, or both, given the tilted focus and over-emphasis on the mining licence in ensuring responsible ASM in Ghana. The findings showed that mining licences and environmental protection in ASM are deeply politicised and narrowly discussed. Further, our findings reveal a lack of discourse around the operating permits to improve environmental indicators. The discussion among most policymakers and key stakeholders, including parliamentarians, tends to present the mining licence as an end in itself and view it as sufficient to eliminate informalities in ASM and ensure environmentally sustainable mining practices. On the contrary, we argue that the small-scale mining licence is merely a means, providing a process through which, along with permits such as environmental and water use permits, an operating permit can be secured before any ASM activities begin. The operating permit serves as both a means and an end in itself, providing environmental directives for miners to engage in mine waste management practices and land reclamation activity after mine closure. Bikunati (2024) examined the regulatory framework

within which gold mining activities can take place by focusing on Damongo. The study provided insights into the deficiency in regulatory practices with respect to monitoring and enforcing mining regulations effectively, through which environmental degradation and mining activities continue in an illegal manner despite environmental and mining regulations.

The review has shown that researchers have looked into the regulatory environment, the role of institutional enforcement, and politics associated with the challenge of galamsey in Ghana. However, there is a gap in empirical research that looks into the role and effect that laws as a proactive instrument have in curbing the problem associated with illegal mining. This study maintains that it is significant to explore the application, effect, and enforcement of the law, rather than looking into the challenges associated with governance, politics, capacity, or the economic context in which illegal mining is embedded. Furthermore, the findings from existing studies have criticized mining and environmental permits on the basis that they are politicized and have been inadequately operationalized; however, there is limited evidence on how these environmental laws and permits are actually used as deterrent measures. So, the imbalance is in understanding their immediate utility in regulating mining activities and discouraging illegal mining.

3. Methods and Materials

3.1. Research Design

The study employed an exploratory qualitative research design. An exploratory study design was employed, given that other studies have found that illegal small-scale mining activities are a rather complicated phenomenon that adversely depends on socio-economic, political, as well as institutional variables (Bikunati, 2024; Stærfeldt & Stacey, 2025). An exploratory research design was appropriate because of the nature and focus of the research, which aimed to gain a deeper understanding and insight into the role played by laws within the fight to eliminate galamsey in Ghana from the perspective of stakeholders who interact directly with the processes of implementing laws. In light of the complexities involved in the activity of illegal mining and a lack of empirical research addressing how laws regulating mining and environmental processes actually work on the ground within communities, an exploratory design became relevant for gaining a deeper understanding into meanings, perceptions, and realities that may not be easily quantifiable by research methods and techniques that seek to explore without applying pre-defined interpretations and hypotheses to research subjects and questions. In essence, the design became relevant for helping to investigate perceptions within communities towards the efficiency and effectiveness of laws and law implementation processes without applying preconceived notions and interpretations within research frameworks.

3.2. Study setting

The investigation was carried out in four districts in Ghana that had been heavily impacted by galamsey activities. The districts were Amansie West in the Ashanti region, Prestea Huni Valley in the Western Region, Aowin in the Western North District, and Twifo Atti Morkwa in the Central Region. These districts were picked out due to the extent of illegal mining activity, the number of current intervention operations, and the availability of strong leadership that would provide a conducive environment for assessing the phenomenon under study (Owusu-Nimo et al., 2018). The researchers spent a 12-week field trip to the selected districts in the period from May to September 2025. The researchers dedicated their time to each district to observe the situation of illegal mining, interact with the local leaders, and comprehend the role of the law in the fight against illegal mining. This extended involvement was recommended by Lincoln and Guba (1985), and as a result, it contributed to the data's trustworthiness.

3.3. Participants and sampling technique

The population in this study consisted of key stakeholders who are involved in the regulation, enforcement, or practice of mining in Ghana, especially those who are influenced by or are responsible for responding to the problem of galamsey. In particular, the population consisted of officials from the Minerals Commission, who are in charge of regulating formal small-scale mining; members from the Environmental Protection Agency (EPA),

who are responsible for the enforcement of environmental statutes; law enforcers who are engaged in anti-galamsey campaigns; traditional authority figures as well as individuals from local communities who are major influencers in managing natural resource commodities in these communities; as well as small-scale miners who are both formal and informal/illegal miners. This population was selected since there has been identification in previous research on first-hand knowledge, experience, as well as perception on the efficacy of laws in regulating galamsey and forcing compliance by these groups of stakeholders, respectively by Bikunati (2024), Stærfeldt & Stacey (2025), as well as Arthur-Holmes et al. (2025).

The technique used for selecting the participants was purposive sampling. The purposive sampling technique was used on the rationale that information-rich cases are needed in order to obtain rich insight. Purposive sampling is a technique commonly used in exploratory research inquiry, especially where research targets are qualitative and are neither for precision nor generalizability (Tajik et al., 2025). In particular, using purposive sampling for research participants ensured consideration of both procedural and operational viewpoints as they intersect within government institutions and among miners within formal and informal mining structures and systems.

The sample included 35 participants. This was made up of 12 regulatory and enforcement officials and 8 community leaders and traditional authorities, in addition to 15 small-scale miners. Sample size was determined by the principle of thematic saturation, whereby further interviews were carried out until no new variations on themes emerged. This is in tandem with previous empirical work carried out within the Ghanaian mining industry, which indicates that the sample size should range from 25-40 to ensure that data is collected exhaustively without posing any constraints to fieldwork study (Bikunati, 2024; Hilson et al., 2024)

There were practical considerations that guided the process of recruiting participants. First, contact was made through official means, such as letters to institutions including the Minerals Commission and the EPA offices located in the districts that were chosen. Social contact, including reaching community leaders and miners, was performed through acknowledged approaches such as involving gatekeepers like village chiefs, assembly members, and recognized mines cooperatives; this is followed best practices when one is to conduct their research work among the communities that have been influenced by mines (Stærfeldt and Stacey, 2025). There were considerations to ensure equality among the participants based on gender, age, and the legal status of the mine workers.

3.4. Data collection tool and process

For this research, a combination of semi-structured interviews, FGDs, and document analysis was used. Through this, a wide array of well-rounded information was gathered regarding the role of laws within the anti-galamsey campaign. Semi-structured interviews were the major data collection method for gaining information from the regulatory authority, the police, and community leaders. The interview guide was constructed based on the research aims and the theory of deterrence, covering essential points like the understanding of the mining legislation, the process of enforcement, the problems encountered during the enforcement of legal sanctions, and the sense of the effectiveness of the law to prevent galamsey activities. Semi-structured interviews gave the interviewees the flexibility to talk further about their experiences and facilitated the researchers to ask questions that arose during the interview process. These interviews took approximately 45-60 minutes to conduct and took place in an office, community hall, or other appropriate and secluded sites to make the interviewees comfortable to talk freely.

Focus Group Discussions (FGDs) were carried out among small-scale mine operators to know their views on mining legislation, their knowledge of law enforcement activity, and the role of law penalties as a deterrent. The FGDs were divided into groups of 5 mine operators in a way as to promote active participation as well as allowed each one of them to contribute effectively. A discussion guide assisted in conducting the FGDs using open-ended questions on subjects like knowledge of mine licensing laws, knowledge of law enforcement activities, and the role of law penalties as a deterrent effect on mine operators. The duration of conducting the FGDs was approximately 60-90 minutes.

Analysis of documents was also done for important legal documents involving laws and statutes such as the Minerals and Mining Act (2006; Act 703), the Minerals and Mining Amendment Act (2015; Act 900), as well as environmental laws and policies in reports and documents on enforcement and policies for a comparative measure to determine how effectively or ineffectively these laws serve as deterrents in practice compared with their purposes as determined by opinions from key participants and focus-group discussions.

Data was collected using a sequential and systematic process. Permission was sought from relevant authorities and gatekeepers to collect data from miners and other relevant participants. Interviews were conducted with official invitations extended to relevant persons from official correspondence, such as official letters that were followed up with official mails at the necessary times for research interviews to be conducted. Field participants were requested to participate through relevant approaches that included persons from their local setups such as local chiefs and assembly members to obtain relevant persons to participate in research. Data was collected over a period of six weeks depending on need for revisit interviews where necessary.

3.5. Data analysis

The analysis of the data followed the six stages of thematic analysis as proposed by Braun & Clarke (2021). The researchers began the analysis with data familiarization. At this stage, the researcher listened to the audio recordings of the data over and over to ensure that they were familiar with the data. After this, the researchers transcribed the audio verbatim. The researchers then read through the transcribed data or the transcript a number of times to be familiar with the data. Initial codes were highlighted by identifying significant statements, phrases, or observations from the transcribed data. The researcher searched for connections between these codes in an attempt to begin organizing the extracted information into potential themes. The researcher analyzed the codes derived from the data to determine the accuracy, coherence, and consistency. Similar codes were then combined into themes, and an appropriate name was given to each theme. The researcher ensured that the codes and the themes were a true representation of the collected data. The researcher later refined and redefined the themes to clear ambiguities and maintain clarity among the themes. The researcher finally constructed the report using the results from the analyzed data, as findings were written coherently, along with quotes, as a means of giving a meaningful representation. During the procedure involved in analyzing, care was taken to maintain authenticity in the stories told by the participants.

3.6. Ethical consideration

Ethical clearance was obtained from the relevant institutional review board before proceeding to collect data. Participants were aware of the nature of the research, their voluntary participation, as well as their right to privacy. Data was also anonymized and stored in a secured environment. Another important guideline for this research is that done for conducting research within mining governance that takes into account guidelines for protecting the participant and the researcher from potential dangers, specifically within those regions influenced by galamsey activities (Hilson et al., 2024).

4. Findings

4.1. The role of law in the fight against galamsey in Ghana

The themes under this objective are grouped into knowledge and awareness of laws, perceived deterrent of legal sanctions, consistency of law enforcement, impact on mining activities, and community engagement in the implementation of the law.

4.1.1. Knowledge and Awareness of Laws

A major theme that emerged from the study pertains to the knowledge, understanding, and awareness of the mining and environmental laws of the miners as well as the community members. This study showed that the participants

had different levels of knowledge and understanding of the laws that govern the activities of small-scale miners in Ghana. This is evident, for example, when this miner remarked:

"I know that we, too, are not allowed to mine without a permit, but we do not really know what the law says regarding penalties for mining and imprisonment. We just heard that it is not allowed." [Miner, 03]

In fact, community leaders indicated weaknesses in public awareness as well. The following is an account by a traditional leader:

"Many do not understand the rules that exist in the community. For them, mining is a means of survival, and the law is something very distant from their reality." [Community Leader 02]

Regulatory officials, however, emphasized ongoing education and sensitization, criticizing a few challenges in making sure that all stakeholders were correctly informed. As one official indicated:

"We do awareness campaigns, but even among the miners, there is still a low level of understanding, especially in the remote areas. Some think that it is only a law if you get caught." [Regulatory Official 01].

This theme suggests that the limited legal literacy, knowledge, and understanding among miners reduces compliance and undermines the perceived deterrent impact of laws.

4.1.2. Perceived Deterrent of Legal Sanctions

Another major theme was the role of deterrence offered by sanctions against galamseyers (individuals who engage in galamsey). There were divergent views about what should be used as sanctions: fines, imprisonment, or seizing equipment. Many of the miners also agreed that even if sanctions had been imposed, they had no actual efficacy due to the poor implementation, as well as the fact that mining is highly lucrative. One of the miners said;

"We know that if we get caught, we can get fines or prison, but sometimes the police or the officials don't come for months. So it doesn't really stop us from mining." [Miner 07]

In an FGD, a group of miners spoke about how short-term gains always seemed to outweigh the fear of punishment:

"Even if they say that the law is strict, we make money daily. It is worth the risk because sometimes some of our people who get caught later get away scot-free; nothing happens to them." [FGD-Miner 05]

Additionally, community leaders took into consideration the deterrent effect that the matter had on them:

"People know that the law exists, but they feel it is selectively enforced. Some miners are persecuted while some are ignored." [Community Leader 04]

Regulatory authorities recognized the problems that might arise in promoting the effectiveness of the sanctions as genuine deterrents:

"We have defined legal punishment, but it's hard to enforce. A lack of resources, corruption, and political considerations may impair the deterrent effect." [Regulatory Official 03]

As made clear in this theme, even though the legal penalties exist, the deterrence effect is affected by the lack of consistency in punishing offenders and the effects of socio-economic factors. In addition, miners also consider, apart from the presence of the law, the odds of getting arrested and the gains that can be derived from ignoring the law. The results show that greater effectiveness can be attained by making the law more consistent and ensuring the certainty of the law to prevent galamsey activities.

4.1.3. Consistency of Law Enforcement

The participants raised concerns about the consistency in enforcing the laws in dealing with galamsey. The participants expressed that the effectiveness of the mining and environmental protection laws not only relied on

their formulation and enactment, which had been done, but also on the consistency of their enforcement. However, several individuals believed that the enforcement of the law lacked consistency. During the interview, one of the miners had this to say;

“Occasionally, they come and hold us back, smash the machines, and then arrests occur. However, after some time passes, all goes well again since no one comes back again. [Miner, 9]

Such an attitude was reinforced during the focus group interview, during which miners analyzed the patterns of law enforcement:

“There is no consistency. Today they say stop, tomorrow nobody is there. So people feel the law is not serious.” [FGD-Miner 03].

Community leaders also raised their concerns about selective law application and what this might imply for the legal system. One of them stated;

"When you enforce the law one day and then disregard it the next, people begin to lose respect for it. They think it is who you know that matters." [Community Leader 05]

Inconsistent application from a regulatory authority viewpoint was rationalized in terms of the following logistical and institutional factors:

“We are trying to impose the law, but because of resource constraints and the human element, it is difficult to have continued vigilance in all the mines.” [Regulatory Official 04].

This theme illustrates how the irregular application of the law affects the role of law in regulating and deterring activity, as illegal miners often behave in ways that are shaped by experiences with law enforcement rather than by the law itself.

4.1.4. Impact on Mining Activities

Another major theme that emerged from the data was the impact of mining and environmental laws on the realities of mining, particularly the effect of these factors on the reduction of galamsey activities. The participants reported that, to some degree, the impact of the laws had influenced the changes in the way mining was carried out. Some miners admitted that the enforcement actions have changed them. One of them said:

"They come and grab the machines or arrest people, and we stop for a while. But after a while, people find a way to go on." [Miner 09].

This notion was echoed in another focus group discussion in which adaptive approaches to enforcement were mentioned in response to questions in a discussion among miners:

“Now, people mine at night or go to hidden places. The legislation has affected how we mine, without completely ceasing our mining activities.” [FGD-Miner 06].

What was noticed by community leaders was that the legal intervention led to short-term disturbances but did not result in any long-term modifications because:

"The operations reduce galamsey for a short period, but it comes back again. The law has not taken the practice of galamsey out of the community." [Community Leader 01].

Regulatory officials similarly acknowledged that enforcement usually led to the displacement, rather than eradication, of illegal mining operations:

"What we see is that miners relocate when enforcement increases. The laws have some impact but do not stop galamsey." [Regulatory Official 06].

This theme shows that even though regulations exist in respect of galamsey activities, there has been less success in quitting these activities totally. It seems that this policy serves as a regulating force in influencing these activities, acting as a behavior change but not a definitive policy in stopping illegal mining. The observations revealed that a policy may not be adequate on its own in influencing a decrease in the activities of galamsey.

4.1.5. Community Engagement in the Implementation of the Law

The study also found that community participation in law implementation has an important impact on law effectiveness in addressing the problem of galamsey. The respondents indicated that the degree of community participation in law implementation had been an important determinant of how community members regard the law.

In an interview, a community leader was quoted:

“When the community is not involved, people see the law as something that comes from Accra. They don’t feel responsible for enforcing it or obeying it.” [Community Leader 06].

Miners also revealed that the lack of consultation and participation made them less committed to the compliance efforts. A miner said:

"Nobody talks to us before the operations. They just arrive with soldiers and machines. Therefore, after they are finished, everyone goes back to mining." [Miner 04].

This view was reinforced by a focus group where miners talked about the lack of local communication as follows:

"If the chiefs and opinion leaders are involved, people will listen. But when it is only the government people, the law does not work." [FGD-Miner 04].

The regulatory body acknowledged that public participation was important, and it pointed to the following difficulties that it faces in maintaining public participation:

"We try to involve community leaders, but sometimes there is resistance or fear of backlash. Still, without community support, enforcement becomes difficult." [Regulatory Official 05].

This illustrates that a mediating role of community participation exists within laws, as it affects both law compliance and the law enforcement process.

4.2. *The challenges faced in enforcing these laws and ensuring compliance among small-scale miners*

4.2.1. Institutional and Resource Limitations within the Enforcement of Law

A dominant theme that emerged under this objective was institutional and resource constraints faced by enforcement agencies in implementing mining and environmental laws. Participants widely acknowledged that although legal frameworks existed, the capacity of state institutions to enforce them effectively was significantly limited by inadequate resources, logistics, and personnel.

Regulatory officials have highlighted that, indeed, the enforcement agencies did not have the needed tools to sustain operations against galamsey. According to one official:

"We do not have enough vehicles, equipment, or personnel to monitor all mining areas. When the law is even clear, it becomes hard to enforce without resources." [Regulatory Official 05].

The concerns expressed by these stakeholders were echoed by law enforcement officers, who pointed out that their capabilities had been hampered by a lack of logistics:

“Sometimes we may wish to undertake an action, but it is impossible to act due to the lack of fuel, vehicles, or allowances for the officers. Hence, enforcement is carried out from time to time but not as regularly as expected.” [Law Enforcement Officer 02].

These issues have also been identified by miners during the focus group discussion, as they ponder upon the enforcement deficit as follows:

"It is because the officers cannot be present everywhere that people engage in galamsey. We know that they don't have sufficient resources to go after everyone to be everywhere at the same time." [FGD-Miner 07]

The interviews in the communities also brought out how the lack of institutional presence weakened the force of the law in the following ways:

"When the enforcement agents appear occasionally, people do not take the law seriously. They feel the government is not serious about it." [Community Leader 08].

This shows how the institutional capacity aspect is very crucial with regard to the efficiency of legal enforcement as an effective method of deterrence.

4.2.2. Corruption and Political Interference in Law Enforcement

According to the participants, corruption and political interference significantly influence the effectiveness of the law in dealing with galamsey. Across all groups, participants reported that bribery, political influence, and favoritism greatly undermined the application of the law in an impartial manner and weakened the role it can play in helping to address galamsey activities.

Several miners spoke openly about how bribery affected enforcement outcomes. One miner explained in an interview:

"Sometimes when the officers come, money is exchanged, and they go. Then after that, mining goes on as if nothing happened." [Miner 14].

This view was reinforced in a focus group discussion, in which the galamseyers collectively recognized the significance of informal payments:

"This practice of informal payments has been around for many years. The most important thing is to have a little money; if you know the right person, the problem is solved. Therefore, people are not afraid of the law." [FGD-Miner 06].

The community leaders also highlighted the impact of political influence that safeguards the illegal miners against punishment:

"Some people are protected because they are connected to politicians. When that happens, the law becomes selective." [Community Leader 09].

The officials from the regulatory authority confirmed the influence of politics, which impeded the regulatory officials from enforcing the law effectively in the following way:

"There are occasions when we are advised to tone down or disengage from certain operations, depending on political reasons," he said. [Regulatory Official 01].

The emergence of this theme reveals that corruption and politics can impair the credibility and legitimacy of legal enforcement and cause laws to be transformed from an impartial regulatory mechanism into a selectively applied one.

4.2.3. Economic dependence on galamsey

Another overwhelming theme arising from the data was livelihood dependence on galamsey, which greatly compelled most of the decisions of illegal miners to violate mining laws in spite of being aware of their illegality. Illegal mining, according to participants, was described as a form of survival, particularly among most communities with minimal employment opportunities.

During an interview, one miner explained:

"We are aware the law says we are not supposed to mine here, but if we just stop, there is no alternative work. This is how we feed our families." [Miner, 11].

This is supported by a focus group discussion among miners reflecting on the reality that drives a lack of compliance:

"If you don't mind, you don't eat. The law cannot replace our livelihood, so people will continue mining." [FGD – Miner 10].

The leaders in the communities realized the conflict between legal obligations and the need to survive economically:

"Everybody knows the law, but poverty is greater than fear. Until there are alternatives, galamsey will remain." [Community Leader 10].

The regulatory officials also identified livelihood pressures affecting enforcement as follows:

"Arresting miners will not solve the problem if there are no alternative job sources. Many return to mining after serving their punishment." [Regulatory Official 10].

These narratives emphasize that economic necessity can impair the deterrent effect of the laws, since economic necessities can be more significant than the fear of punishment. Despite the existence of legal awareness, it is difficult to comply with the laws if mining is the main source of economic sustenance.

4.2.4. Social and Cultural Norms Influencing Compliance

The findings indicated that attitudes regarding galamsey activities and pressures towards mining regulation in mining communities were determined by social and cultural conventions. The respondents indicated that group influence and acceptance by their communities and mining groups make some individuals engage in illegal mining. One miner described how peer influence affected decision-making in an interview:

"When everyone around you is mining, it becomes normal. If you stop, people ask why you are behaving differently." [Miner 02].

This perspective was further reinforced in the discussion during one of the focus groups, in which miners described galamsey as an activity socially embedded:

"In this community, mining is what people do. It is not seen as a crime here; it is part of our life." [FGD-Miner 13]

Additionally, the leaders reportedly recognized the regularization of illegal mining as a practice within the local social structures.

"Some families have been mining there for many years. It's part of the culture, so it's hard to alter through legislation." [Community Leader 11].

Officials from the regulatory body mentioned the challenges that informal mining structures presented:

"Miners work in organized groups. The miners give each other a warning if teams of law enforcement officials are approaching them, making it difficult for law and order officials to enforce." [Regulatory Official 12].

This theme highlights the significance of the fact that community norms and the natural social networks are capable of overcoming legal rules, and therefore, the strength of the legal systems in bringing modifications to behavior has decreased.

4.2.5. Coordination and Gaps among Policies of Enforcement Agencies

It was also discovered that there was a lack of coordination and inconsistencies in the policies of the agencies involved in the enforcement of the mining and environmental laws. The respondents identified that several agencies were engaged to help fight galamsey, but their activities lacked coordination and were driven by various mandates.

The regulatory authorities expressed that institutional duplication of efforts and a lack of coordination presented significant challenges. One of them said;

"A lot of agencies are involved, and sometimes we are not all working together. Each institution has its own mandate, and that causes confusion on the ground." (Regulatory Official 13)

This was echoed by law enforcement agents, who highlighted the following challenges in such operations:

"There are times when we move in without the other agencies being notified. Without coordination, enforcement becomes weak." [Law Enforcement Officer 05]

During one of the focus group discussions, miners described how these institutional gaps were exploited:

"The moment one agency comes, then we know which rules they can actually enforce. When another agency is not there, people take advantage of that." [FGD-Miner 15].

Community leaders also commented that unclear responsibilities reduced accountability:

"When enforcement fails, nobody knows which institution to blame. That makes the law look weak." [Community Leader 12].

This theme established that institutional fragmentation and policy incoherence weaken the operational strength of laws, thus galamsey activities persisted notwithstanding their prohibition by law.

5. Discussion

The study explored the role of laws in the fight against illegal mining in Ghana. The findings indicated that knowledge and awareness about existing legislation among both miners and communities were very minimal. The findings show that the majority of the individuals are aware that galamsey is an illegal activity; however, they did not know much about mining requirements, rules, and consequences. The limited understanding of the illegal miners of the existing laws that impede the ability of the law to deter galamseyers from continuing their activities. Furthermore, those who were aware of the laws and understood the dictates of the law noted that the capability of the law to deter illegal mining is minimal. Many respondents indicated that fines, prison sentences, and confiscation of mining equipment only work for a short while and cannot deter illegal mining in the long run. The majority of the illegal miners find solutions to the security operations by finding new locations to mine while law enforcement is not constant. The impact on respondents about their experience with law enforcement on the interpretation and enforcement of mining rules indicated that enforcement is inconsistent and uneven, which gives room for illegal miners to operate. The findings of the study resonate with those of existing studies on galamsey in the Ghanaian context in that the legal frameworks do not effectively contribute to the fight against illegal mining. Previous studies, such as Ampaw et al. (2023) and Kessey et al. (2013), have identified that even though the Minerals and Mining Act and the environmental laws regulate the phenomenon, the lack of effective application obstructs the effective management of the phenomenon of galamsey in the country. The lack of effective application of the regulations in managing the phenomenon of galamsey in the country is vindicated in the study on the lack of effective application of the regulations.

The findings of this study showed that in some cases, there was selective enforcement that affected the impartialness of the law and thus its efficacy. The implementation of the law led to a change in the behavior of illegal miners, but it was not able to lead to a change in galamsey activities. Osei-Kojo et al. (2016) showed that the exclusion of stakeholders in the implementation of laws on illegal mining diminishes legitimacy and compliance. In this study, community involvement in the implementation of laws was observed to affect compliance. It is clear that when communities are educated and taken into consideration in implementing laws, there tends to be better compliance in that community. Similarly, there is less compliance when communities are not involved or considered, or educated in the existing laws on illegal mining. It was observed that community members felt that laws actually came from outside, and hence, there is no compliance with them. The narratives by the participants indicated that the involvement of community leaders and traditional leaders leads to greater compliance among local illegal miners. Thus, the lack of involvement of local community members and local authority figures in the enforcement of the ban on galamsey limits compliance among miners.

The study further observed some challenges encountered during the enforcement of mining legislation and environmental law with regard to compliance by small-scale miners. The results showed that the institutions tasked with the enforcement of laws banning galamsey are faced with major challenges. These challenges include inadequate personnel, a lack of equipment, as well as logistical support, which made it difficult for them to monitor mining without hitches. Corruption was also mentioned as an aspect that hinders the entire process of law enforcement. The findings reveal that most of the officers responsible for field patrol receive money from illegal miners and turn a blind eye to their activities. Further, some of these galamseyers have affiliations with influential politicians who intervened and shielded illegal miners from the law. The existence of bribery, nepotism, and political affiliation was regarded as a negative factor affecting the credibility and effective application of the law. Further, the economic reliance on galamsey for living made the situation more complex. Many miners were still participating in illegal mining activities since it provided them with the main income, and the hardships of living often outweighed their fear of law punishment. Besides, the social and cultural aspects influenced the entire scenario of legal compliance. Illegal mining was among the people's accepted practices, and the peer pressure and informal network influence made the law opposing galamsey less powerful. The result has also reiterated the literature (Aziabah et al., 2024; Asori et al., 2022), which has cited political meddling, corruption, and protection racketing as major factors that impede the efforts of the government in dealing with galamsey activities. Also, Afriyie et al. (2016) and Andrews et al. (2015) indicated that the economic dependence caused by the lack of alternative means of living due to poverty has been an important driving factor despite the existing ban and awareness of illegality. Also, a lack of coordination and policies in the regulatory institutions acted as an obstacle in the enforcement process. The respondents mentioned that there are gaps in policies and interactions between institutions, which allow loopholes for exploitation by miners.

Overall, these results highlight the complexity involved in the enforceability process, taking into consideration factors in an institutional, political, economic, and social context. These findings support the past findings, considering the notion that corruption, lack of resources, and poor governance structure impede laws in successful compliance in relation to small-scale mining (Bikunati, 2024; Stærfeldt and Stacey, 2025; Auther-Holmes et al., 2025). The findings of the study closely relate to the principles of the Deterrence Theory. This theory suggests that individuals are more likely to obey the law if there is a clear possibility of severe punishment. In this research, it was indicated that while punishment for an offense against the law of illegal mining involves fines, prison terms, and confiscation of working equipment, its effectiveness in serving as a deterrent is low because of the lack of uniform punishment. This notion has been contradicted by the assertions made by the respondents, indicating that galamseyers can avoid prison terms because of the intervention of politicians. The results of the study indicated that, in most cases, the enforcement measures resulted in mere temporary changes in behavior rather than a complete shutdown of galamsey. Thus, the ascribed severity of sanctions proved to be less strong than the economic incentives. Furthermore, the presence of illegal mining as a part of everyday life in the communities resulted in the social perception of the law being considerably reduced, which is a prerequisite for effective deterrence. Wherever the communities were not involved in the enforcement processes, legal sanctions were regarded as imposed from outside and unjust, which further reduced their deterrent effect. To sum up, the findings suggest that the basic conditions that are necessary for effective deterrence are largely missing in the control of galamsey in Ghana, and hence, the power of mining and environmental laws to alter conduct in an enduring way is very much limited.

6. Conclusion

The study explored the role of mining and environmental laws in dealing with galamsey in Ghana. The results obtained from the study show that, although there is an effective legal framework in place for supervising and regulating small-scale mining, the effectiveness in regulating and controlling illegal mining activities is limited. The lack of knowledge of existing laws on the part of the mining community, selective enforcement, limited institutional capacities, and poor cooperation between institutions affect the ability of the law to ensure and sustain control and regulation in mining operations. The study showed that factors including corruption, political power, financial dependency on galamsey, and societal and cultural norms impede the effectiveness of the law against illegal mining. In addition to the above-mentioned, the research demonstrated that the legal measures only led to the miners changing their behavior for a short time and not quitting galamsey. Furthermore, the factor "community

participation" was highlighted as the most significant factor affecting compliance, and it was found that more adherence was observed where local actors were informed and engaged in law enforcement.

The present study adds to the literature by demonstrating with empirical evidence from communities how mining and environmental laws work in practice and not just theoretically. Thus, the study deepens the understanding of the gap between legal frameworks and the realities of enforcement in Ghana's struggle against illegal small-scale mining. What distinguishes the research is the thorough exploration of legal effectiveness, enforcement issues, and socio-economic and community relations, which provides a full picture that is not limited to policy analysis and demonstrates the actual law practice. The common findings indicated that the ability of the laws to curb the problem of galamsey is affected by factors not only contained in the laws but also by the environment within which the laws are enforced. The study concludes that the laws alone are unable to end illegal mining in Ghana unless supplemented by interventions.

7. Recommendations

Based on the findings, the study suggests that the fight against galamsey in Ghana should transition from the mere existence of legal provisions to substantial practical implementation. There should be continuous education and awareness creation to increase the knowledge and understanding of the miners and local communities on environmental law and the obligation it imposes. The law enforcement agencies should be well-equipped in terms of personnel, logistics, and operational support to truly provide consistent and even-handed enforcement throughout the mining areas. The anti-corruption and anti-political interference measures should be fortified in order to make law enforcement more credible and legitimate. It is necessary to encourage greater community participation in the enforcement of mining laws, especially by the participation of traditional rulers and local community leaders in the decision-making and overseeing the processes. Furthermore, the changes in the policy should focus on making the granting of licenses easier and improving the communication between the different agencies in order to close the gap in the regulations. Lastly, the programs for providing alternative sources of income should be broadened to cover the economic reliance on galamsey because tackling the root socio-economic factors is vital for the enhancement of compliance and the strengthening of the role of the law in the fight against illegal mining in Ghana.

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Child Marriage (Girls) in Bangladesh and its Remedies from Islamic Perspective

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Abstract

Child marriage under the age of 18 is considered as a criminal offence and a violation of the state's constitutional law. Most of the time child marriage occurs in Bangladesh due to poverty and lack of awareness of its consequence. In Islam, it is strongly discouraged to arrange the marriage of girls without taking their full consent. However, this paper explores the present scenario of cultural practices of child marriage occurring in Bangladesh. The study will also focus on highlighting the major causes that led to child marriage under the age of puberty. The paper will also highlight the states' constitutional law on child marriage and their jurisdiction over the issue. The current study adopts qualitative methods to meet its objectives through investigating existing available literature related to the issue concerned. The study finds that child marriage often occurs due to high-rate poverty, normative thoughts about the position of girls, high rate of uneducated parents and lack of strict implementation of constitutional law on those who are involved such kind of act in the family and in society. The study also finds through its discussion that due to early marriage young couples go through certain serious issues which affect their life crucially, i.e., psychological trauma, reproductive health issues, increasing domestic violence and increasing illiteracy rates in the family and in society. Finally, the present study will analyze how to prevent child marriage based on the Islamic teachings set by the Qur'an and Sunnah.

Keywords: Child Marriage, Bangladesh, Remedies, Islamic Perspective

1. Introduction

Islam is a comprehensive way of life. It has encompassed every domain of human survival on this earth. However, marriage is considered one of the most sacred and universal unions in human life (Haque & Osmani, 2017, p. 34). It is also the only foundation that enhances the model family and society. In this 21st century, child marriage is a common practice in certain rural areas of Bangladesh, without realizing the consequences that the new bride goes through after the marriage. Often this kind of marriage leads to serious issues in their marital life, i.e., body effects,

respect, maturity, mutual understanding between couples. Islam does not support any misconduct and normative socio-cultural practices that cause human exploitation in terms of respect, dignity in the family and in society. Nevertheless, Islam has provided clear guidance in the Qur'an and Sunnah regarding this important event and its role in human perseverance. Thus, the primary aim of this paper is to identify the basic barriers that, in turn, lead to people's involvement in this important affair. This study also focuses on Islamic provisions regarding the aforesaid notion and how they address this vital aspect for the betterment of human sustainability on earth.

2. Literature Review

In the globe, the current position of women in the family and in society is still insignificant in general and in the Muslim world in particular. It is due to one of the most misrepresented and misunderstood Islamic injunctions regarding women's advancement (Kausar, 2008, p.1). Women in society are portrayed as persons whose entire lives are confined within the four walls of the house, and whose main responsibilities are to take care of the kitchen and to bear and rear children (Kausar, 2008, p. 1; Haque, 2022, p. 58). Whereas Islam secures everyone's rights in accordance with the guidance of the Qur'an and Prophetic traditions. Mumtaz Ali says, Islam instructs all areas of human life, and it also treats both men and women fairly, spiritually, morally and ethically (Ali, 2016). Child marriage is a common practice across the Muslim majority countries across the world (Salenda, 2016). However, In Bangladesh, despite progress in recent decades in terms of education and knowledge of income, child marriage remains widespread. Approximately 59% of young women are marrying before they turn 18 (UNICEF, 2014; Islam, et. all., 2016; Amin, et. all., 2018). And 22% of young women are married at the age of 15 (Khatun, 2023). Bangladesh Demographic and Health Survey data (BDHS), almost 77% of women between the ages of 20-49 were married before turning 18. (Kamal & Hassan, 2015). Various studies have been conducted that most of the time child marriage is practiced due to protect the social and physical security of girls in the family and in society. On the other hand, other scholars assert that marriage at the early age can bear numerous threats to young girls' lives, health, and future prospects (UNFPA, 2009; WHO, 2015; Hossain & Akter, 2023). According to the UNICEF report, in Bangladesh every year 12 million of women get married at their early age of childhood (Staff Report, 2018). The country has the highest prevalence of child marriage in South Asia and the eighth highest prevalence in the world (Staff Report, 2018; Sumon, 2025).

3. Research Methodologies

This paper is based on qualitative methods. To explore the research objectives, this paper employs analytical methods to examine this significant subject. Under this analytical method, this research has collected all the relevant data on child marriage from the secondary sources, e.g., books, articles, reports, newspapers and relevant websites. This present study also collected the pertinent information relevance to the child marriage from books of Tafsir (Qur'anic Exegesis) and ahādīth (books of ahādīth). Finally, this research employs some Jurisprudential views for the purpose of providing solutions to resolve the problems related to the afore-mentioned issue.

4. Major barriers led to Child Marriage

4.1. Lack of Religious and Conventional Knowledge

People often portray girls as second-class citizens across the world (Madu & Cecilia, 2014). It is due to various reasons, most importantly a lack of attaining religious and worldly knowledge which are very crucial for human beings to fulfill the ultimate purpose of their life on earth. Due to child marriage often, women are deprived from getting their basic education (Patoari, 2020). In Islamic literature it is highly recommended to give better religious education to girls and raise them in an appropriate manner. And it is mandatory for parents to fulfill this responsibility (Sūrah al-Baqarah, 233). As the Prophet Muhammad (s.a.w) said in this regard: "Anyone who is tested with daughters and treats them kindly, they will be a shield for him against the Fire." (Sahih Muslim, 2007, hadith, 2629).

However, it is very unfortunate that even in this 21st century, across the globe in general and in particular in the Muslim world women are still struggling to get equal rights in getting education. In Bangladesh, girls' education

receives less attention than the boys (Joya, 2017). Though scholars have asserted that proper education can change the individual's position in the family and society. As Farzaneh Roudi and others state, "Education is a key part of strategies to improve individuals' well-being and societies' economic and social development." (Fahimi & Moghadam, 2003, p. 1).

4.2. Poverty

It is a fact that most of the time in Muslim-populated countries, socio-economic and cultural circumstances, i.e., poverty and cultural practices led to child marriages globally (Shawki, 2015). From the several studies, it is noted that in Bangladesh, due to the condition of financial stability particularly in the rural area, it becomes hard for parents to continue girls' education and their advancement in the society (Islam & Ahmed, 1998; Kamal, 2011; Kamal et al., 2014; UNICEF, 2023). It is also noticed in society that still in this 21st century in the rural areas, underprivileged people often consider spending financial means on girl's upbringing and education is total waste (Šābir Ṭa'īmāh, 2005, p. 95). In addition, uneducated parents in urban and rural areas often arrange marriages for their children at a young age due to financial constraints. Hence, the parents arrange marital ritual for girls at the age of under 18 which often cause serious injuries to the bride's health even sometimes it leads to death (UNICEF, 2023). Furthermore, according to the report of HDRC (2011), it is noticed that a higher occurrence of civil fight and lower levels of progress in the fields of education, health care and employment in the job market according to their skills lead to a higher occurrence of child marriage in Bangladesh.

4.3. Normative Thought About Girls

Disregarding women's rights in the family as well as in society is a common practice in the globe and Muslim world is not far from this notion. In developing countries, society often has negative attitudes toward girls' child rearing and their advancement compared to their sons (Haque, 2022). Girls are given less importance than the boys are having in the family and in society (Joya, 2017). It is due to the patriarchal social system, where girls are given less preference than boys in terms of education, participation in economic and political spheres, as well as other social domains (Lai et al., 2018; Haque et al., 2025). It is also noticed from several studies that in certain countries like Bangladesh and Pakistan, child marriage is widespread and expected due to social pressures and customs, such as the common practice of giving dowries and smaller dowries for younger females (Hussain, 2023; Islam, n.d). In addition, a perception widely practiced even in conservative Muslim society could not admit women's participation in worldly affairs, like men, i.e., politics, business, and social affairs (Offenhauer & Buchalter, 2005). Women's participation in earlier mentioned affairs considered a shameful act for their family in the society (Khan, 2012). Sometimes such normative and social traditions influence disregard for girls' upbringing in the family and lead child marriages often while they are underage of puberty. We can find numerous examples of the patriarchal social dominance practices in the family and in society. As quoted by one of the victims of herself:

"No one talks about how harmful child marriage is for girls. Whenever a girl reaches puberty people start talking about marriage for that girl. That's what it is like here," she says. "There was a lot of pressure from people in my community for me to get married. They started this as soon as I turned 12 years old. Everyone was telling my parents to marry me off." (UNICEF Bangladesh, 2023).

Due to normative thoughts on women's status and position and patriarchal social structure in the family and in society, parents usually feel relieved when their children get married at a young age. By doing this all the economic and psychological responsibilities are handed over to the young couple regardless of their capabilities and capacities that sometimes cause mental disorder and domestic violence between young bride and groom (Salenda, 2016).

4.4. Patriarchal Social System

According to patriarchal society, power belongs solely to men in family matters and in society (Wadud, 1999; Al-Shawkānī, 1414h, vol. 1, p. 531). It started before the advancement of Islam and is still happening in Muslim world due to misunderstanding of the Islamic discourses (Haque, 2022, p. 306). The Patriarchal social system believes

that boys are the breadwinners thus they should be given more preference than girls in any aspects of their life on earth (Ezzidin, 2017). Because they also believe that boys will bring the name and frame for the family and tribes (Tradoc, 2006, p. 10). In the patriarchal social system across the Muslim populated countries, it is believed that the early marriage of women is the better practice in terms of economic and financial consideration for both the newlywed couple and family (Salenda, 2016). On the other hand, if we study the Islamic literature, we will find that after the advancement of Islam, women were considered the important component as like men in the family and in society. Women were given their due rights as like men in every sphere of their life. In this regard William Montgomery Watt states that in the Islamic social system during the era of the Prophet (s.a.w), women's rights were promoted and improved considerably. Watt explains: "At the time Islam began, the conditions of women were terrible, they had no right to own property, were supposed to be the property of the man, and if the man died everything went to his sons." Muhammad (s.a.w), however, by, instituting rights of property ownership, inheritance, education and divorce, gave women certain basic safeguards." (Khan, 2012, p. 19). In the contemporary world various great leaders of Islam worked hard for the improvement of women's position in the family and in the society. Reformist leaders in the Muslim world, such as Jamāl al-Dīn Afghānī and his student Muhammad 'Abduh, included improving women's position and their invaluable participation in social development in their movements (Al-Faruqi, 1988, p. 14). There is another great leader and activist Qāsim 'Amīn who viewed same as them in women's status from the Qur'ānic context (Al-Faruqi, 1988, p. 14).

4.5. Lack of Social Security

Women's social security is lacking behind across the globe in general and in particular in the Muslim world. In this contemporary world, women are still fighting for their safety and social security in the family and in society, particularly when they go outside the home for good. Every day whenever we intend to read daily newspaper and other electronic media news's often, we observed that women are brutally tortured and sexually harassed globally in general and in particular in certain parts of Bangladesh. Though Bangladesh is a Muslim majority country the social security and safety for women is terrible. There is not a single day in which the newspaper does not contain negative news regarding sexual assault on women and how they are killed by gangsters. Women are raped by relatives, co-workers or college mates (Haque, 2022, p. 64). Social safety and security system in Bangladesh is not well enough. As Patoari (2020) states, "Eve teasing, street harassment to the school going girls by the teenage boys, local hoodlums and local vagrants are common in the society. Even sometimes girls are victims of eve-teasing by rickshaw pullers, bus drivers, street vendors and their classmates by means of uttering indecent comments. Sometimes parents do not protest this heinous offence considering the honour of the family and sometimes they cannot protest as the local political leader gives shelter to the offenders". (Patoari, 2020; Haque, 2022). Several studies have asserted that women who are working with their male partner they often experienced sexual harassment, raped and even murdered by their male coworkers, bosses, supervisors, etc. (Rubya, 2015; Rahman & Rahman, 2017 & Haque, et. all., 2019).

Thus, the researchers feel that there is a vast scope to be worked for the improvement of women's social security in the family and in society. The Government should focus on the concerned issue to create a congenial atmosphere for women where they can participate in social activities alongside men in every domain of human life maintaining their chastity and dignity.

5. Negative Consequences of Child Marriage

Due to child marriage in early age (before they reach into puberty) of boy and girls' numerous problems occur in newlywed life. Some of them are discussed below:

5.1. Increase in Illiteracy among Citizens and Society

Child marriage directly contributes to the persistence of illiteracy in Bangladesh. Once married, children particularly girls are compelled to leave school, which ends their access to structured education and diminishes their opportunities for social and economic empowerment. The intergenerational effect is equally alarming, as

mothers with little or no education are less likely to prioritize schooling for their children. This creates a vicious cycle of illiteracy that weakens human capital, reduces women's participation in the workforce, and slows overall socio-economic development.

Bangladesh has addressed this issue through the Child Marriage Restraint Act, 2017, which criminalizes marriage under the age of 18 for women and 21 for men, imposing penalties on parents, guardians, or officiants who facilitate such unions. However, its "special circumstances" clause allows exceptions with parental and judicial consent, undermining its effectiveness. In comparison, Islamic law emphasizes that education is obligatory for both men and women, as reflected in the Prophet Muhammad (s.a.w) teaching: "Seeking knowledge is obligatory upon every Muslim" (Ibn Majah, Hadith 224). The Qur'an further describes marriage as a solemn covenant (Sūrah An-Nisā, 21) that demands intellectual and emotional preparedness which are absent in children. Thus, statutory law relies on numerical age while Islamic law stresses maturity (*rushd*) and consent, yet both aims to protect minors and uphold education.

Recent case laws illustrate these tensions. In *Suo Moto* Rule No. 21 of 2017, the High Court questioned why local government officials should not be held accountable for failing to prevent child marriage, reinforcing the statutory duty of enforcement. Similarly, in its 2024 observation, the Supreme Court directed the government to close loopholes in the 2017 Act, particularly regarding age verification and misuse of exceptions. These judicial interventions align with Islamic principles of preventing *ḥarm* (ḍarār) and protecting intellect (*hifz al-'aql*), both of which are compromised by child marriage. A strict implementation of both statutory laws and Qur'anic injunctions would therefore ensure children's right to education and help break the cycle of illiteracy.

5.2. Psychological consequences

The psychological impact of child marriage is severe and enduring. Children forced into marriage are denied the chance to experience normal emotional growth and are thrust into adult responsibilities without adequate mental readiness. This often leads to anxiety, depression, and feelings of entrapment. Isolation from peers, lack of autonomy, and the risk of domestic violence or exploitation further compound their trauma. Such experiences undermine self-esteem, disrupt social development, and reduce the individual's capacity to lead a stable life. The Child Marriage Restraint Act, 2017 criminalizes the facilitation of such marriages, yet in practice, children themselves have sometimes been subjected to punitive measures. For instance, in 2021, the High Court ordered the immediate release of two minors convicted by a mobile court in Netrokona under the Act, stressing that minors should be treated as victims rather than offenders. This judgment underscores gaps in enforcement, where protection mechanisms must prioritize children's welfare. By contrast, Islamic law frames marriage as a union based on *sakīnah* (tranquility), *mawaddah* (affection), and *rahmah* (compassion) (Sūrah Ar-Rūm, 21). The Sunnah further emphasizes mutual consent and emotional maturity, principles that safeguard individuals from entering unions that cause psychological distress. Compared with Bangladeshi law, Islamic law emphasizes maturity, consent, and protection from harm whereas Bangladeshi law defines readiness through fixed age limits. In both systems, however, converge on the idea that marriage should never be a source of suffering. The 2024 Supreme Court directive calling for reforms in child marriage prevention resonates with Islamic teachings that reject coercion and harm in marital relations. If strictly implemented, these overlapping frameworks could prevent the psychological damage of premature marriage, ensuring that families in Bangladesh are built on compassion, maturity, and mutual respect.

5.3. Increase domestic violence

Early marriage increases the risk of domestic and intimate partner violence (IPV) for girls because of power and age disparities, loss of independence, and financial dependence. Adolescent females (15–19) who get married have a higher risk of experiencing physical and sexual assault than women who get married as adults, according to studies (Rahman et al., 2024; Hailu & Beyene, 2025). According to a study conducted in rural Bangladesh, child brides frequently experience marital rape, physical abuse, and familial violence as a result of dowry demands and

a lack of decision-making authority ((Md. A. Islam et al., 2025). In addition, Girls are more vulnerable to domestic violence when they marry young individuals, frequently before they turn 18. For instance, UNICEF statistics shows that 74% of Bangladeshi girls marry before the legal age of 18, which might put them in precarious situations where they are more likely to be abused. (*Reproductive Health Practices in Rural Bangladesh*, 2016). Several studies have suggested that due to child marriage there are various negative consequences gone through by young couple, i.e., less personal maturity, less ability to make decisions, and are less able to negotiate. Hence, domestic violence thrives as a result of these inequities. In addition, a research conducted in the rural area of Naogaon discovered that child married females had experienced dowry-related abuse, familial violence, and marital rape. (Md. A. Islam et al., 2025). It is also noticed from another studies conducted by UNICEF, UN Women, that 28% of Bangladeshi teenage females between the ages of 15 and 19 reported having been the victim of physical or sexual abuse at the hands of a partner ((Al-Asad, 2024).

5.4. Increase the reproductive health issues

Child marriage significantly harms girls' reproductive health by limiting their reproductive autonomy, exposing them to gender-based violence, and raising their risk of maternal mortality and pregnancy complications. Addressing child marriage is essential to enhancing the general health and well-being of young females. (Amin et al., 2016). A complex interaction of social, cultural, and economic factors contributes to child marriage in rural Bangladesh, which is a major cause of poor reproductive health outcomes, including increased maternal mortality and restricted access to necessary medical treatment. (*Reproductive Health Practices in Rural Bangladesh*, 2016) Due to child marriage causes young girls give birth while still in their adolescents, and frequently soon after being married. (Lee et al., 2023) in addition, adolescent girls who become pregnant are more likely to experience obstetric complications such as postpartum hemorrhage, obstructed labor, obstetric fistula, and pregnancy-induced hypertension (Ganchimeg et al., 2014; Conde-Agudelo et al., 2005; Melah et al., 2007; De La Calle et al., 2021). Several studies found that in most of the cases the primary cause of death for adolescent girls is the cause of early marriage before they turn into puberty. (Renaud et al., 1975). There are other negative consequences can be extracted because of child marriages, i.e., young bride experience complications like obstructed labor and delivery trauma, which raises the risk of maternal morbidity (Lee et al., 2023) and it also causes Vulnerability to sexually transmitted infections (STIs), which can impact fertility and pregnancy outcomes, is increased by limited agency and irregular condom or contraceptive usage (Shaw et al., 2023). Furthermore, due child marriage also causes both low birth weight and preterm delivery, which is partially mediated by inadequate prenatal care and poor maternal nutrition. Often these problems led to death (Hossain et al., 2024).

6. Remedies from the Qur'an and Sunnah

The Qur'an and the Sunnah are the guidelines of every domain of human life. Hence, if we study the Qur'an and Sunnah, we will find there are many ways to restrain child marriages. Few of them are explained in the below section:

6.1. Girls' Education

In today's world scholars emphasize girls' education and their advancement in the family and in society. As Elizabeth & Anne Hill et. All., (1993) states that education for girls has been recognized as a fundamental element in making strong economic growth and sustainable social development across the globe. In addition, Islam has been very affirming of the establishment of human rights on earth since its inception. Islam does not discriminate between boys and girls in any sphere of their lives in general and in particular in the field of education in the name of gender (Asgar Ali, 1992, p. 145; Haque, 2020; Haque, Sarker & Rahman, 2020). Islam has emphasized that education is the most powerful tool for changing women's status and their position in the family and society (Haque, 2022). Thus, Islam has made it mandatory for men and women to attain education in proper way. In the Islamic literature it is often quoted that girl's education is given highly emphasis subject (Haque, Chowdhury,

Ahmad, & Rakibuddin, 2020). There are various hadith can be extracted from the Prophetic teachings asserting in this regard, the Prophet Muhammad (s.a.w) said in this regard:

It was narrated from Anas Bin Mālik said: Prophet (SAW) said: “Seeking Knowledge is a duty upon every Muslim.” (Sunan Ibn Majah, hadith no 224.).

In another hadith further emphasizes girls’ education and their proper upbringing. As the Prophet said on the concerned issue:

Prophet (SAW) said: “Anyone who is tested with daughters and treats them kindly, they will be a shield for him against the Fire.”(Sahīh Muslim, 2007, hadith, 2629)

Both of these hadiths are clear that girls are entitled to be educated and upbringing properly and getting education is the basic right of women as vicegerents of Allah (s.w.t) on earth.

In fact, without educating girls, it is next to impossible to empower them and change their status and position in the family as well as in society. Many Islamic scholars like al-Ghazālī and Muhammad ‘Abduh have emphasized on girl’s education. Al-Ghazālī defines education as “a process which enables an individual to distinguish between the truth and the false, the good and bad and the right conduct and the evil doing” (Islam, 2016). Al-Ghazālī, Ṭaṇṭāwī and Ḥāshim (1991) further assert that it is important for both husband and wife to be well-mannered, educated and respected. If one of them suddenly lands in a bad condition or goes on the wrong path, the other can help to show the right direction. Muhammad ‘Abduh highlights on girl’s education since in his opinion it is the only medium which would allow a nation to prosper and make the population well-civilized whether at the family level or the society level (Haddad & Esposito, 1997). Therefore, we can say that if we want to move forward and change our individual, familial and societal status maintaining dignity and respect then our women must be given high levels of education regarding worldly affairs, for example, in the fields of literature, poetry, history, geography, psychology and sociology. According to Mawdudi, women also could get military education. He emphasizes that in the event of war, women should be able to guard their chastity, their life and wealth. They should be given higher training in self-defense and the use of weapons. Besides these they should be also trained in those skills for war, if the need arises. All these skills should be leaned within the boundary of Islam (Mawdudi, 1999, p. 30; Kausar, 2008, p. 56).

6.2. Creating Economic Prospect

Islam affirms women’s participation in economic sectors based on their skills and aligned with the principles of Islamic Shariah, i.e., maintaining dignity and chastity (Ali, et. all., 2018). If we study Islamic literature, we will find comprehensive data showing women’s participation in economic prospects. The Qur’an states clearly about the women’s participation in economic sectors. As Allah (s.w.t) says clearly in this regard:

... For men there is a reward for what they have earned, and (likewise) for women there is a reward for what they have earned, and ask Allāh of His bounty. Surely, Allāh is ever all-knower of everything(Surah al-Nisa, 32).

According to the Mufasssrūns, this verse deliberates on the positive approach for women to be involved in the workplace. In this verse, Allāh (SWT) clearly indicates that men should have their dues in whatever they have earned as should women. According to the verse, both men and women must be involved in financial activities for the better meet of their individual and family needs. In certain Muslim societies such as Arabian Peninsula, Africa and South Asian Muslim societies like Bangladesh and Pakistan, women are trapped in narrow boundaries and do not have proper access to public matters because of their cultural barriers. By doing this, societies are destroying women’s potentials and creativity which could be used for their self-growth in education, economics, politics and family betterment. Some of the scholars mention that men and women are equal in terms of getting inheritance that is left by their parents according to the Qur’ānic perspective (Al-Tabari, 2000, vol.8, p. 264; Wahabah, 1983, p. 42). On the other hand, al-Ṭabarī points out in the exegesis of this verse in his *tafsīr* that people in the era of *Jāhiliyyah* did not use to give any inherent wealth to their women and to the children (Ibn Abbas, n.d, vol. 1, p. 65). However, they used to pay those who make the inheritance stints. He (al-Ṭabarī) further explains

the purpose of revealing this verse as both men and women should participate in the workplace to raise the quality of their life (Al-Ṭabarī, 2000, vol.8, p. 265). Rashīd Riḍā' points out in his *tafsīr* that both men and women could participate in the workplace. He further clarifies that in the Arabian renaissance and the Prophetic era, women have participated alongside men in all types of work in the society (Rāshid Riḍā, 1990, vol. 5, p. 48).

6.3. *Changing Normative Thoughts*

It is very unfortunate that, even in the 21st century, in urban, rural villages and remote parts of the Bangladesh still girls and women are considered as the burden of the family and society (Sumon, 2025). Due to these phenomena and normative thoughts often led to early marriage of girls' children. From an Islamic perspective, women should be considered an important component, like men, in the family and society. It is justified by Prophetic teachings. The Prophet (s.a.w) said in this regard: "Women are Indeed the twin halves of men" (Abū Dāūd, 2008, hadīth no: 236, vol. 1, p. 152). The message of this hadīth is clear that women are also equally important, and they are entitled to be part of the social development activities alike men in every domain where they are capable of. If we study the Qur'an, we will also find that in numerous places Allah (s.w.t) mentioned the world man immediately the next word He mentioned about women (Sūrah At-Tawbah, 71; Sūrah al-Ahzāb, 35). It gives a clear message that women also have a greater responsibility towards the development of the family and society in a positive manner along with their male counterpart. Both men and women are entitled to work side by side to create an atmosphere where the human being can survive with enjoying the quality life prescribed by the Shariah guidelines.

Thus, based on the above discussion, it is urged and demanded by society that they should change their normative perception towards women's capability and potentiality. Rather the male dominant society should generate positive environment where women will be welcomed to participate actively all the domain of human survival along with men maintaining their chastity and dignity based on the injunction of Islamic Shariah.

6.4. *Ensure Congenial Environment*

An uncongenial working environment is one of the most challenging elements for women in the workplace to continue their work. It is observed that, most of the time, an unpleasant working environment is present when men and women work together, whether in the public or private sectors. As Jannatul Firdaus, has stated that in Bangladesh even in public service (governmental service) there is lack of adequate facilities like separate washrooms for female staff, pleasant working atmosphere, day care centers for the children of female staff and transportation where they can spend their spare time comfortably. Hence, this uninviting working atmosphere creates a negative impact on women's mind, and they do not feel safe to join the civil service (Ferdous, 2014; Haque, 2022, p. 221).

Researchers feel that an uncongenial environment causes social violence against girls and women in the society and sometimes it destroys their social dignity and position. Thus, researchers point out that a congenial and peaceful environment is the fundamental component of an ideal society where both men and women can live without fear, without losing their social status, and without compromising their chastity. To do that, parents, society and the Government of the People's Republic of Bangladesh must give a special attention to creating and ensuring congenial surroundings where every woman can move easily and fulfill their needs as a citizen of the society. Government agencies also need to ensure safety and security for women's strictly, whether it is in the family or in society.

6.5. *Strict Implementation of Laws*

Child marriage is widely practices in sub-continent countries, i.e., Pakistan, India, Sri Lanka and Bangladesh. According to Maulana Ehtisham ul Haq, he states that child marriage in society may cause some social problems and chaos in the family and in society and they must be solved (Haque & Hussain, 2021). Recently, to prevent the

child marriage in Pakistan, The Pakistan's National Assembly had unanimously passed "The Islamabad Capital Territory Child Marriage Restraint Bill 2025". Under the new law, the minimum legal age for marriage for both men and women in Islamabad is 18. Under the law it is clearly manifested that if anyone facilitate such act under the age of 18 will be considered a criminal offense and for that act, they have to face the consequences according to the law (Shabbir, 2025). To stop child marriage, most of the countries including Arab countries have recognized a standard age of marriage through their national legislation, for example by India through Child Marriage Restraint Act 1929. In addition, contracts of marriage performed below the specified age by the legislations do not render the marriage void rather it imposes a penal punishment to the law breaker (Al Mamun, 2017).

However, in Bangladesh, child marriage, defined as a marriage in which one or both spouses are below the age of 18, remains a pervasive violation of children's rights in Bangladesh. Despite notable progress, the country still has one of the highest rates of child marriage globally, with nearly 51 percent of women married before 18. The persistence of this practice is rooted in entrenched cultural norms, poverty, and gender inequality, yet it is also sustained by weak enforcement of existing legal protections. While Bangladesh has developed a comprehensive legal and policy framework, including domestic legislation and international commitments, strict implementation remains the decisive factor in transforming law into meaningful protection (UNICEF Bangladesh, 8 March 2025).

6.5.1. Constitutional mandates

Though the **Constitution of Bangladesh** does not mention *child marriage* explicitly, but it contains **several provisions that are directly relevant** to preventing the practice. These constitutional principles including the **Directive Principles of State Policy** (Articles 14, 20), (The Constitution of the People's Republic of Bangladesh, 2019) further emphasizes women's emancipation, social justice, and protection of children, reinforcing the constitutional duty to eliminate harmful practices like child marriage.

6.5.2. Statutory and policy frameworks

The primary legislation regarding child marriage is the Child Marriage Restriction Act (CMRA, (2017). It makes it illegal to enter into, permit, or consummate a marriage before the legal marriage age of 18 for women and 21 for men. The Act penalizes guardians, registrars, and others who assist in arranging underage marriages and gives local government and Child Marriage Prevention Committees the authority to step in before a marriage is formally consummated. The Children Act, (2013) provides a comprehensive child protection framework, establishing child welfare boards, probation officers, and child-friendly courts. Domestic Violence (Prevention and Protection) Act, (2010) recognizes children as vulnerable to domestic violence and provides remedies such as protection orders and access to safe shelters. Given that child marriage often entails coercion, sexual exploitation, and violence, the Act strengthens the legal arsenal against the harm that flow from underage unions. Marriage registration statutes, including the Muslim Marriages and Divorces (Registration) Act of (1974) and the Hindu Marriage Registration Act of (2012), require marriages to be officially recorded. Effective enforcement of registration is critical, as registrars serve as gatekeepers who must verify the age of the parties. Bangladesh is a party to the Convention on the Rights of the Child (CRC), (20 November 1989) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Nations, 18 December 1979). Both instruments obligate states to eliminate harmful practices, including child marriage. Furthermore, Bangladesh adopted the National Action Plan to End Child Marriage (2018–2030) which sets policy targets for eliminating marriage under 15 by 2021 and reducing marriage under 18 by one-third by 2025. These commitments frame child marriage as not only a domestic violation but also a breach of international obligations.

6.5.3. Why Strict Implementation Matters?

Strict application of the penal provisions increases the costs of arranging or solemnizing child marriages. Religious leaders, parents, and registrars are less likely to support child marriages if they are seriously threatened with legal action, fines, or imprisonment. However, the legislation has very little deterrent effect if it is not visibly enforced. When properly implemented, marriage registration acts as a preventative measure. Mandatory verification of birth certificates or national identity cards by registrars ensures that underage marriages are intercepted before

solemnization. Communities are deterred from reporting potential child marriages by the CMRA's criminalization of false allegations. Instead, strict enforcement must prioritize safeguarding complainants, maintaining confidentiality, and viewing kids as victims in need of assistance rather than criminals. Prosecution of adult offenders' parents, guardians, registrars, and matchmakers is necessary for effective enforcement, but youngsters must be protected from criminal accountability (Barun, 2018).

7. Discussion and Analyses

Islamic jurisprudence, based on the rulings of the four major Sunni schools of thought—Hanafi, Mālikī, Shāfi'ī, and Hanbalī—emphasizes the age of marriage in relation to the concepts of physical, mental, and intellectual maturity (bulūgh and rushd) (Chui, Abdulrahman & Elsefy, 2025).

However, in this contemporary world, it is noticed that most of the Muslim populated countries i.e., Egypt, Kuwait, Pakistan, Iraq, Jordan, Algeria, Morocco, Oman, Tunisia, Bangladesh and United Arab Emirates unanimously set that the minimum age of marriage for girls and boys should be 18. They considered this age is in line with reaching the physical, mental and intellectual maturity of both boys and girls (bulūgh and rushd). In addition, the registration of the marriage of a person below 18 is prohibited. According to the Deputy Grand Imam of Al-Azhar University, Dr. Saleh Abbas, he issued in 2019, a significant fatwa (religious decree) against child marriage, establishing that the minimum age for marriage for both girls and boys should be 18 years (Ruth Maclean, 2019). A judge may authorise the marriage of females and males below 18 on the ground of benefit or necessity and upon verification of each side's capacity for marriage (Minimum and Equal Age of Marriage, 2025).

However, marital institution is depending on the weather and cultural environment across the World. In some countries girls reach puberty at an early age and the social system allows child marriage in those countries (Haque & Osmani, 2017, p. 32). Islam does not support for human being to participate in such an act that led to any sort of damage for human life. The Prophet Muhammad (s.a.w) said in this regard:

The Messenger of Allah (s.a.w) said: "Do not be harmed or harm others." (Narrated by Aḥmad and Ibn Mājah, hadith, 918)

Scholars have argued in their explanation of this hadith that it is not permissible for people to engage in actions that undermine or cause damage of individual or others' lives in terms of dignity, respect, and social standing of human life within the family and in society at large (Al-Qaradawi, 1997; Kamali, 2008). According to Ibn Manzūr, being involved in any activities that defame human benefits for one another is not permissible (Ibn Manzur, (n.d), vol. 4, p. 482). Imam Mālik and Aḥmad stress that if a person is involved in such a kind of activities that is not aligned with the Islamic Sharīah, in that case he or she must be responsible or face the consequence of it (Madni, & ud Din, 2018; Ibn Rajab, n.d, p. 257-259). Though in the constitution of People's Republic of Bangladesh clearly instructs the age of marriage for girl and boys. According to section 2 of the Child Marriage Restraint Act, 2017 the legal age of marriage for a girl is 18 years and for a boy is 21 years in Bangladesh (Khatun, 2023).

Child marriage rate is increasing over time and in the current situation of cultural phenomenon in Bangladesh (Patoari, 2020). Parents in the rural area and even in the urban area often feel insecure about the life of girl's children due to the patriarchal social system (Lai, et. all., 2018). Islam strictly prohibits the guardians to arrange the marriage forcefully without taking her consent. As the Prophet Muhammad (s.a.w) said in this regard:

It was narrated from Ibn Abbas (r.a) that a virgin girl came to the Prophet Muhammad (s.a.w), and told him that her father had arranged a marriage that she did not like, and the Prophet (s.a.w) gave her the choice (Sunan Ibn Majah: vol. 3, hadith 1875).

Islam has given right to the women to accept or reject the proposal of her marriage. According to Islamic teaching, in the context of marriage girls' consent is the fundamental prerequisite to the validity of the marital contract. As the Prophet Muhammad (s.a.w) says in this regard:

It is narrated by Ibn Abbas (r.a) that the Messenger of Allah (s.a.w) said: The previously married woman has more right concerning herself than her guardian does, and the father of a virgin

should ask her permission, and her permission is her silence." (Sahih Muslim, vol. 4, hadith 1421).

From both Prophetic teachings, it is clear that, in general, in the context of a girl's marriage, her consent is mandatory, and her guardians are required to consult her before arranging her marriage. Islam has given her due rights to accept or reject the marital contract. Most importantly, in the context of young girls' marriage her guardians are required to consult with her and take her consent regarding the issue concerned.

However, the reality of young girls' marriage in society is quite different. In the Patriarchal social system women are considered as degraded elements in the society (Lai, et. all., 2018). Child marriages in the Muslim countries often occurred due to normative understanding of the religious texts. Globally, the majority of the Muslim believe that the child marriage is permissible and justifiable because there is no clear exact text in the Qur'an and Sunnah confining the minimum age of marriage for both girls and boys. They understand and believe that it is merely on physical and biological aspects such as *āqil* baligh (Muzakki, 2007). They also believe that if the girls and boys are reached into puberty, they can get married without considering their age (Salenda, 2016). Such kind of understanding is the real phenomenon all over the Muslim world. But in Islam, it is strictly prohibited to indulge human life in danger without analyzing its positive and negative consequences. As the Prophet (s.a.w) said in this regard: "Do not be harmed or harm others." (Aḥmad and Ibn Mājah, hadith, 918).

It is also argued among the contemporary Islamic scholars across the globe that child marriage does not recognize to the objective of tranquility (*sakīnah*) love and affection (*mawaddah*), and mercy (*rahmah*) as ordained in the Qur'an (Malek, Samuri, & Vargholy, 2024). As such kind of marriage also violet the objective of (Maqasid al-Zawaj) outlined in Islam ((Amran, 2021). Based on this argument, some contemporary scholars express a similar *fatwa* against child marriage, such as Ali Jum'ah (Jum'ah 2016) and Muhammad 'Uqlah ('Uqlah 2002). They emphasize the need to protect children's best interests in their *fatwas*. On the basis, several Muslim majority countries' fatawa (religious edicts) institutions, such as Dār al-Iftā' in Jordan (al-Iftā' al-Urdun, 2012) and Egypt (Dār al-Iftā' al-Misriyya, 2019) have issued fatāwas against child marriage in today's context and considered it as unlawful due to its potential harm to children (Malek, Samuri, & Vargholy 2024)).

Child marriage in the sub-continent area specially in Bangladesh is the fundamental cause of practicing gender inequality in both context of financial means and otherwise. Frequently, in the context of financial hardship parents find child marriage for girls is an easy solution to overcome the financial hardship (Khatun, 2023).

Based on the above discussion, it is evident from Islamic literature and the interpretations of Islamic scholars that Islam is strongly supportive of women's emancipation in the family and society. According to them, women are considered in Islam as an important component of the family and in society.

According to them women are considered in the Islam as an important component of the family and in society. As the Prophet (s.a.w) said in this regard: "Women are Indeed the twin halves of men" (Abū Dāūd, 2008, hadīth no: 236, vol. 1, p. 152). In addition, if we study extensively the Islamic literature and the history during the era of the Prophet (s.a.w) and his companions (r.a), we will find numerous incidents where women's contributions are widely accepted in every sphere of life. Rashid Rida point out that women used to participate in all the domain of human life along-side with man (Rashīd Riḍā, 1990, vol.5, p. 48).

It is noticed from previous studies that child marriage is a phenomenon that led to lifelong negative consequences in their life particularly for girls' health and mind (Amin, et. all., 2018). Several studies find out that ensuring proper education and making them skillful in various disciplines can help them to survive on earth in the family and in society maintaining their chastity and dignity. Education of arm and income knowledge prevent the highest rate of child marriage in Bangladesh and other parts of the World (Amin, et. all., 2018).

If we study the Islamic literature, we will find that Parents and guardians are responsible for the welfare of the children placed in their trust and put emphasis on the importance of this role, are warned that they will be liable to Allah (s.w.t) on the day of resurrection. As the Prophet Muhammad (s.a.w) said in this regard:

“Every one of you (people) is a shepherd. And everyone is responsible for whatever falls under his responsibility. A man is like a shepherd of his own family, and he is responsible for them.” (Sahīh al-Bukhārī, vol 2, hadīth no, 893).

Researchers feel that it is high time for the government, scholars, and private NGOs to come out with an innovative and strategic program that not only prevents child marriage in a greater way but also raises awareness among young women about its negative consequences in their psychological and reproductive health issues. The present scenario and the ongoing practice of child marriage not only violate the rights of individuals but also prevent the next generation of Bangladeshis from taking decisive action to guarantee a more equitable future for all girls and put young people at the forefront of determining the direction of their own lives and liberties (Asadullah, et. all., 2024). It is evident that educating and creating awareness programs are for the young generation. Highlighting the negative consequences of brides' lives is the only key solution to stop child marriage in a massive way within the whole country of Bangladesh, especially in the rural areas of the nation.

8. Findings

Various findings can be drawn from the above-mentioned extensive discussions.

Some of them are listed here:

Most of the time, child marriage occurs in rural and urban areas due to a high poverty rate. It is also found in the study that often child marriage occurs due to parents and society having negative normative thoughts about girls' upbringing and their advancement. Lack of social security and protection is also one of the major causes for the promotion of child marriage before they reach puberty. It also notices throughout the study that lack of education is one of the biggest reasons that influence poor parents organizing child marriage for their young boys and girls. It is also noticed that lack of religious knowledge is also the cause of getting child marriage before they reach into puberty. Lack of strong implementation of constitutional law influence often child marriage in the rural and urban areas of Bangladesh. The study finds that due to child marriage young couples often go through negative psychological consequences in their life. Child marriage often led major reproductive health issues, even sometimes it led to death due to early pregnancy and abortion. The study finds that majority of domestic violence occurred between young couples due to prematurity of decisions in their familial issues. Child marriage often leads to increase high level of illiteracy within the family and in society.

9. Recommendations:

1. The girl's welfare must be a primary consideration in the marriage process.
2. The father's guardianship, or any other form of guardianship over a young girl, is contingent upon ensuring her welfare.
3. To eliminate child marriage government and private sectors should create a congenial working environment where young women can participate and contribute to the country's GDP.
4. The Government has to encourage young entrepreneurs to bring out with new economic idea which can create an opportunity for other men and women, and the government also has to be able to aid them financially to run their business smoothly.
5. Government agencies, Scholars, NGO's and other organizations should organize conferences, seminars, symposium, day-long workshops to aware women about the negative impact of child marriage and its consequences which affects their body, psychological and reproductive health issues.
6. Government should take a crucial initiative to educate (conventional and religious) men and women. Because education is considered as one of the vital ways to stop child marriage.
7. To stop child marriage significantly Government should come up with a strong social security system that influences women to participate in educational activities.

10. Conclusion

Islam considers girls are equally essential component like boy for the family and in society. Islam does not support any sort of discrimination between girls and boys in terms of their proper upbringing whether in the family or in the society. Islam strictly prohibits such kind of act that cause someone's life led into danger. And child marriage often led danger to the young girl's life as well as it also led into serious physical issues which sometimes led to death. Hence, according to the Islamic rulings if the girls get married before they turn into puberty would cause her health issues into death or other physical and mental issues.

Based on the above extensive discussion, it can be stressed that child marriage is considered a serious offence in accordance with the Constitution of the People's Republic of Bangladesh. There are various reasons that led to child marriages in the rural and urban areas of Bangladesh. For example, a) Most of the time, child marriage occurs due to socio-cultural normative thoughts about girls and their position in the family and in society; b) Due to poverty, often poor parents arrange child marriage for their offspring, either boys or girls; c) Fear of the protection of girls, sometimes parents organize child marriage for their girls' children before they reach puberty; d) In addition, patriarchal social structures often led to child marriage in the rural and even in the urban areas of Bangladesh; e) Failure to implement the constitutional rulings strictly, those who are involved in child marriage affairs influence this notion occurred often. The study finds various negative consequences due to child marriage. Because of child marriage, young couples often fail to make perfect decisions related to family affairs, which sometimes leads to domestic violence among them, and sometimes it leads to unexpected divorce between them. Sometimes, early marriage before they reach the age of puberty causes physical and mental issues which often lead to life-threatening. It is also noticed from several studies that child marriage increases the high illiteracy rates among boys and girls in society.

Last but not least, researchers feel that to prevent child marriage, the government must take strong initiative which aware poor and illiterate parents about the negative consequences of child marriage in their lives and society in terms of social growth in the field of education, empowerment, and economic prospect which are very crucial for the country's development in all these sectors. The government should strictly enforce the constitutional law against those involved in such acts within the family and society.

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International Broadcasting and Public Diplomacy: Qatar's Response to International Criticism of the Kafala System Through Al Jazeera

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Abstract

This study analyzes Qatar's public diplomacy through Al Jazeera in responding to international criticism of the Kafala system. Leading up to and during the 2020–2022 labor reform period, Qatar faced global pressure regarding migrant workers and human rights standards. In this context, Al Jazeera, as an international media outlet based in Qatar, played a strategic role in shaping the narrative regarding the reforms carried out by the government. This study uses Nicholas J. Cull's public diplomacy framework, which includes listening, advocacy, cultural diplomacy, exchange diplomacy, and international broadcasting, to identify how public diplomacy practices are carried out through media coverage. Using a qualitative approach and content analysis of Al Jazeera articles and reports, the findings show that the functions of international broadcasting and advocacy are dominant elements in framing the Kafala reform as Qatar's progressive commitment to international standards. This study shows that international media can serve as a strategic instrument in a country's public diplomacy practices, particularly in managing its image and responding to international criticism. This study shows that international media can serve as a strategic instrument in a country's public diplomacy practices, particularly in managing its image and responding to international criticism.

Keywords: Kafala System, Public Diplomacy, Al Jazeera, Qatar

1. Introduction

The surge in labor demand in Qatar ahead of the 2022 World Cup has made Qatar dependent on the Kafala system as a mechanism for recruiting migrant workers, especially from South Asia. This employment system binds workers to their sponsors (kafil) from the recruitment process to the end of their contracts. The Kafala practice, which is also used in various Gulf countries, has come under international scrutiny because it opens the door to exploitation and human rights violations, particularly in World Cup construction projects.

Reports from Amnesty International, Human Rights Watch, and other international media outlets have exposed poor working conditions, delayed or withheld wages, restrictions on mobility, and high rates of accidents and deaths among migrant workers (Amnesty International, 2021). This criticism has put Qatar under significant global

pressure, especially in the run-up to the World Cup. In response, Qatar announced labor reforms, including the abolition of the no-objection certificate (NOC) and the establishment of a minimum wage, as well as cooperation with international organizations such as the International Labor Organization (ILO), whose annual reports are now published.

Amid these dynamics, Al Jazeera, a mass-media outlet founded in 1996 with the support of the Qatari government, has a strategic position in the country's public diplomacy (cite). Although promoted as a symbol of freedom of expression in the Gulf region, Al Jazeera has been used by Qatar as an instrument to spread influence and shape international narratives (Kusuma et. al, 2022). This role was evident during the 2017 diplomatic crisis, when Al Jazeera was used to frame Qatar as a victim of external aggression, while media outlets such as Al Arabiya constructed the opposite narrative (Kusuma et al, 2022).

As a small country with hyperactive diplomacy in the Gulf Cooperation Council (GCC) region, Qatar developed a nation branding strategy through Qatar National Vision 2030, cultural promotion, sports, and conflict mediation (cite). *The 2022 World Cup became an important moment in this strategy, including through strategic communication, national symbols, and image building as a country committed to sustainable development and human rights.* In this context, the issue of kafala reform is not only a domestic labor issue but also part of Qatar's public diplomacy strategy. Mass media acts as a means of global communication to frame responses to international criticism, build legitimacy for reform, and maintain the country's image amidst global scrutiny (Cull, 2009).

This research departs from this context and is closely related to previous works, which are generally divided into three main clusters. First, studies on Qatar's diplomatic strategy within the GCC framework highlight hyperactive diplomacy, nation branding practices, and the implementation of Qatar National Vision 2030 in building an image as a mediator and global center. Second, research on the Kafala system focuses more on the exploitation of migrant workers, criticism from human rights organizations, and the effectiveness of labor reforms ahead of the 2022 World Cup. Third, the study of international media and communication analyzes Al Jazeera's role in the 2017 diplomatic crisis and the contestation of narratives with other media, including the Western media's negative framing of the Kafala issue. However, these three research groups tend to stand separately: the diplomacy study emphasizes state strategy without examining communication practices in depth; the Kafala study focuses on policy dimensions and human rights, while the analysis framing without explicitly linking it to Qatar's public diplomacy framework after the Kafala reform.

This study complements previous research by integrating these three aspects into a single analytical framework. Specifically, this study positions Al Jazeera as an instrument of Qatar's public diplomacy in responding to international criticism of the Kafala system. The contribution of this study lies in its attempt to link state diplomacy strategies, policy reform dynamics, and media communication practices through a unified analysis of how Qatar uses international media to manage its image, legitimacy, and global perceptions.

2. Literature Review

2.1 Qatar's Public Diplomacy Strategy

The first category discusses Qatar's diplomatic strategy within the framework of the Gulf Cooperation Council (GCC). Despite its relatively small territory and a population consisting mainly of migrant workers, Qatar does not position itself as a peripheral actor under the domination of larger countries, such as Saudi Arabia or even the United States. Instead, Qatar is known for its active and progressive diplomacy, often referred to as a country with hyperactive diplomatic practices.

These efforts are manifested through an intensive nation-branding strategy to build an image as a global center for education, sports, and culture, as well as a country that upholds peace, mediation, and conflict resolution. This strategy is in line with the national development vision outlined in the Qatar National Vision 2030, which is based on four pillars: human, social, environmental, and economic development. In its implementation, the Qatari

government involved various stakeholders from the public and private sectors to represent national aspirations and strengthen the country's image as a flexible and constructive actor on the international stage. The adopted diplomatic approach tends to be pragmatic, emphasizing peaceful conflict resolution and avoiding violence.

For example, Putri et.al. (2021) reveal that using media in nation branding is not a new phenomenon in public diplomacy. For example, the South Korean government implements nation-brand advertising by utilizing various media channels to promote its national image (The Imagine Your Korea tourism campaign is broadcast on Arirang TV, an English-language television station based in South Korea with an international reach. Through cultural, historical, and documentary content packaged in a global language, the South Korean government seeks to shape positive international public opinion and enhance the country's image on the global stage. In addition to television, promotions are also carried out through the official website and YouTube channel managed by the Korea Tourism Organization (KTO). This practice shows that mass media is a strategic instrument in building and disseminating national identity in a planned and persuasive manner.

Qatar is capitalizing on the momentum of hosting the 2022 World Cup, organized by FIFA, to further strengthen its global promotional strategy. The event is not only a means of introducing the national culture to the international community but also a strategic communication vehicle through symbols such as logos and stadium designs that represent the country's positive identity. In addition, Qatar is optimizing digital media and the tournament's official platforms to build a narrative that supports the national image, while creating a positive experience for visitors, for example, by providing public transportation access for Hayya Card holders.

Another example of public diplomacy by taking advantage of an event was conducted by Saudi Arabia through its Umrah and Hajj programs. This study explores its role as the guardian of Islam, allowing the kingdom to project soft power, convey a welcoming image, and build goodwill with the millions of Muslims who visit annually. The influx also allows Saudi authorities to highlight development projects (new infrastructure under Arab Saudi's Vision 2030) and demonstrate its capacity to host large-scale events, reinforcing its diplomatic standing (Saripudin & Juned, 2024).

2.2 Kafala System

The second category discusses the Kafala system, criticism of its practices, and its reform in Qatar. The hosting of the first World Cup in an Arab country cannot be separated from the negative dynamics involving migrant workers in Qatar. Since being selected to host the 2022 World Cup, Qatar has received much criticism for the Kafala system, a system that regulates migrant workers from the recruitment process to their employment in Qatar. For example, when migrant workers are recruited by employers (sponsors), they are charged fees ranging from USD 1,000 to 5,000 (equivalent to IDR 16,690,000 to 83,450,000, at an exchange rate of IDR 16,690 per USD in May 2025) to work in Qatar, most of whom are low-skilled migrant workers (Damir-Geilsdorf, 2016). Meanwhile, migrant workers' safety on construction sites is not guaranteed, and some construction workers are not even provided with personal protective equipment, such as helmets. The living conditions of migrant workers also tend to be far from residential areas and exposed to waste, with uncovered septic tanks causing unpleasant odors. According to a report by Amnesty International (2021), thousands of migrant workers have died suddenly, with most deaths attributed to natural causes or heart attacks, without any detailed investigation by the Qatari authorities into the possible link between working conditions and worker safety. The families of migrant workers who have died often do not receive compensation because the cause of death is inconsistent with the facts on the ground. Qatar responded to criticism by allowing site inspections in collaboration with various non-governmental organizations, such as Amnesty International, Human Rights Watch, and Workers Welfare International, which are expected to increase trust and a positive image among the international community towards Qatar and the 2022 World Cup (Al Thani, 2022). Through this prestigious football tournament, Qatar is also promoting sustainable development, in line with the United Nations (UN) commitment, by encouraging positive change through a positive image of a credible country that is aware of human rights (Al Thani, 2022).

2.3 International Mass Media

The third category discusses the use of mass media, in this case, Al Jazeera, as a tool of Qatari diplomacy. Advances in science and technology are factors driving the use of mass media as a tool of public diplomacy. Mass media, including news and social media, makes individual users non-state actors who play a role in international relations in the form of citizen journalism by capturing and uploading events that have the potential to attract global attention (Subagyo, 2017). This is in contrast to the situation before the rise of digital media, when global phenomena were only disseminated through print media, which was slow and image-building (Subagyo, 2017). Al Jazeera, as an online news media, was used by Qatar to 'respond' to statements made by other Arab Gulf countries during the 2017 diplomatic crisis. Both sides published articles in their respective countries' news media. In this case, Al Jazeera portrayed Qatar as the victim of external aggression led by Saudi Arabia and called Saudi Arabia counter-revolutionary for its blockade of Qatar. Meanwhile, Saudi Arabia, through Al Arabiya, portrayed Qatar as a party with close ties to terrorism and the blockade as a response to Qatar's provocations, considering this issue a crisis aimed at political or military confrontation. In its reporting, Al Arabiya used the word terrorism to create a narrative that Qatar had close ties to terrorist groups, at least 61.4% of the time, in its news broadcasts. On the other hand, Qatar also uses the word terrorism to refer to the behavior of Saudi Arabia and several other Gulf Arab countries that are blockading Qatar, calling it an anti-revolutionary movement following the Arab Spring and a violation of journalistic freedom (Ajaoud and Elmasry, 2020). In addition, research by Juned et. al (2013) argues that these three mechanisms; cheap communication, real-time information flow, and reduced operational costs generated "cascades of information" that turned online solidarity into offline street power. Social media strengthened Egyptian politics by providing the tools for mass mobilisation, shared political imagination, and a platform that could out-pace state censorship, thereby reshaping the public sphere during the 2011 revolution in Egypt (Juned, et. al., 2013).

The Kafala system has been widely reported in both local and international media, such as the BBC, The Guardian, and CNN. Through van Dijk's framework, we can see how the media constructs narratives on an issue, in this case, the Kafala system in Western media. This framework helps identify the driving factors in terms of culture, ideology, and power relations that influence the use of words in media reporting. For example, The Guardian describes the Kafala system in a rather negative light, saying that it is a form of modern slavery. From a public diplomacy perspective, the Qatari government built its international image regarding the 2017 diplomatic crisis using communication channels, with Al Jazeera as the media outlet that regularly published numerous news articles and coverage related to the issue to restore the image of the country that Qatar had previously built since the 1990s. Qatar also offers scholarships to students and holds international forums to enhance the country's image in the field of science (Kusuma et al., 2022).

3. Methods

This study uses a descriptive qualitative method to gain an in-depth understanding of Qatar's efforts to mobilize Al Jazeera as an instrument of public diplomacy, emphasizing the analysis of naturalistic social phenomena. Data were collected through documentation studies and interviews. The documents used included Al Jazeera news articles, scientific journals, books, annual reports, official Qatari government documents, and reports from non-governmental organizations related to the reform of the Kafala system. Primary data were obtained through interviews with parties directly involved in Al Jazeera's news production, such as journalists, to determine the factors that influence the news reporting process. Secondary data were sourced from various supporting documents relevant to the issue of migrant workers and Kafala reform. Data analysis techniques used the Pan and Kosicki (1993) framing model, which covers four structural dimensions of news texts— syntax, script, thematic, and rhetorical—to identify narrative patterns and communication strategies used in framing Kafala reform to the international public. Through this approach, the study aims to reveal how Qatar builds and manages its image through Al Jazeera's news coverage.

4. Findings and Discussion

The reform of the Kafala system in Qatar cannot be separated from increasing international pressure ahead of the 2022 FIFA World Cup. Since Qatar won the right to host the event in 2010, global attention to the conditions of migrant workers has increased significantly. The Kafala system, which has long been the main mechanism for regulating labor relations in Gulf countries, creates an unequal power relationship between employers and migrant workers. In practice, this system gives sponsors considerable control over the legal status, work mobility, and even the overseas travel permits of migrant workers. Criticism of this system has intensified as major infrastructure projects have begun, attracting the attention of the international media and human rights organizations.

Western media has played an important role in shaping global perceptions of this issue. Reports by BBC News, The Guardian, and Reuters have highlighted allegations of migrant worker exploitation, including high recruitment fees, passport retention, dangerous working conditions, and high mortality rates among construction workers (Goodwin, 2021; Patisson, 2020). The narrative that has developed in these reports tends to frame Qatar as a country that has failed to protect the rights of migrant workers, even though the Qatari government has expressed its commitment to gradual reforms.

This reputational pressure is significant given that Qatar is a small country with a limited population and a workforce consisting mainly of migrant workers. National branding efforts through Qatar National Vision 2030 aim to project the image of a modern and progressive country with four main pillars of development: human, social, economic, and environmental. However, criticism of the Kafala System has the potential to undermine these efforts (Elyas & Kurdi, 2022).

In response to global pressure, the Qatari government has implemented several labor reforms that the International Labor Organization (ILO) has deemed significant. In its 2020–2022 annual report, the ILO noted the elimination of the no-objection certificate (NOC) requirement, implementation of a non-discriminatory minimum wage, strengthening of the wage protection system (WPS), establishment of a dispute resolution committee, and increased labor inspections (International Labor Organization (ILO), 2021, 2022). In addition, Qatar introduced WBGT index-based occupational safety regulations to protect workers from the risk of heat stress (ILO, 2021). ILO data show an increase in labor mobility and expanded access to complaint mechanisms and social protection. However, evaluations by human rights organizations indicate that the implementation of reforms has not been fully effective. Amnesty International (2021) and Human Rights Watch (2022) assessed that retaliatory practices by employers still occur. Administrative barriers, power imbalances, late payment of wages, and threats of residency permit revocation remain structural problems. Thus, there is a gap between normative reforms and practices in the field.

The difference in evaluation between the ILO and human rights organizations reflects the contestation of the global narrative on Kafala reform. On the one hand, the reform is seen as progressive progress in the regional context of the Gulf (ILO, 2022). On the other hand, the reforms are considered insufficient to bring about substantial structural transformation (Amnesty International, 2021; Human Rights Watch, 2022). This contestation is not only related to the substance of the policy but also to how the reforms are communicated and perceived internationally. In the context of public diplomacy, strategic communication is an important instrument for managing global perceptions. Qatar responds to pressure not only through domestic policies but also through international communication strategies. Al Jazeera plays a significant role in this regard. As an international media network founded in 1996 with state support, Al Jazeera has developed into one of Qatar's instruments of soft power (Elyas & Kurdi, 2022). Through its global reach, Al Jazeera plays a role in conveying narratives about Qatar's commitment to labor reform. Al Jazeera's coverage of Qatar's cooperation with the ILO, the implementation of minimum wages, and the strengthening of work safety regulations often emphasizes the progressive and transformational aspects of these reforms. The narrative underscores that reform is a gradual process that requires time, institutional coordination, and structural adaptation (Saraswathi, 2022). Thus, this media outlet serves as a medium for framing Qatar's response to international criticism as a form of commitment and continuous improvement.

The momentum of the 2022 World Cup further reinforces the urgency of managing this image. As the first Gulf country to host the World Cup, Qatar is using this event to promote its culture, modern infrastructure, and commitment to sustainability. However, the spotlight on migrant worker issues has made kafala reform an integral part of the global narrative on Qatar (Elyas & Kurdi, 2022). Overall, the reform of the kafala system can be understood in two dimensions: as a domestic labor policy and as a public diplomacy strategy. The contestation of narratives between international media, human rights organizations, the ILO, and Al Jazeera shows that this issue is not only about policy implementation but also a battle of meanings in the global arena. Thus, kafala reform is an example of how domestic policy, international pressure, and global communication strategies intertwine in shaping a country's legitimacy and image at the international level.

The *Inside Story* program – *The Plight of Qatar's Migrant Workers*, aired on Al Jazeera's YouTube channel, discussed the conditions of migrant workers in Qatar ahead of the 2022 World Cup. The program opened with an introduction to Al Jazeera as a Qatar-based media outlet and a mention of Qatar as one of the richest countries in the world. The program then highlighted a Human Rights Watch report stating that approximately 1.2 million migrant workers are at risk of human rights violations. The main focus was on construction workers involved in the construction of World Cup stadiums and infrastructure. Field coverage showed the crowded living conditions of workers, with six to sixteen people in one room. Several workers claimed that they had not been paid for two months, and the Qatari government was said to have acknowledged that most worker complaints related to unpaid wages or wages below the minimum standard. Living facilities were described as inadequate, such as squalid kitchens with limited stoves and no dining rooms or refrigerators. One worker said he received a wage of approximately QAR 691 per month to support seven children in his home country. These visuals and testimonies reinforced the picture of the economic and social vulnerability of low-wage migrant workers. The program also quoted a statement from the International Labor Organization (ILO), which assessed that the issue of migrant workers is not only a Qatari issue but also a regional phenomenon in Gulf countries. Data showed that approximately 94 percent of Qatar's population consists of migrant workers, the highest figure in the region, while countries such as Saudi Arabia also have a significant proportion. Thus, this issue is placed in the structural context of Gulf countries' dependence on foreign labor. In the studio discussion, Al Jazeera presented Zahra Babar from Georgetown University and Tim Noonan from the International Trade Union Confederation (ITUC). Zahra Babar explained that the issue of migrant workers has been the subject of research for two decades. She emphasized that the migration experience is not always uniform; some workers reap economic benefits, even though structural vulnerabilities remain high. Babar also highlighted the role of countries of origin and recruitment agencies in creating labor market mechanisms that are prone to exploitation. According to her, reforming the Kafala system cannot be done instantly and requires gradual improvements, such as increased inspections and migration governance. Tim Noonan asserted that the state has the primary responsibility for ensuring worker protection, more so than FIFA or contractors. He cited findings on high worker mortality rates, including hundreds of cases of Nepalese workers in less than a year, as well as inconsistencies in official Qatari government data. Proposed solutions include the effective abolition of the Kafala system, freedom of association, and transparent law enforcement.

Within the framework of Nicholas J. Al Jazeera does not shy away from criticizing Qatar but presents it through visual reports, data from international organizations, and independent sources. This approach allows a global audience to form their own judgments while maintaining Al Jazeera's position as a professional international media outlet. Thus, the program's contribution to Qatar's public diplomacy is not in the form of direct advocacy but rather through credible and open journalistic practices that welcome criticism. Thus, the program's contribution to Qatar's public diplomacy is not in the form of direct advocacy, but rather through credible and open journalistic practices that welcome criticism.

5. Conclusion

Overall, Qatar's public diplomacy strategy through Al Jazeera is carried out not through direct and defensive state communication, but through international broadcasting practices that rely on journalistic credibility, balanced sources, and contextual framing of issues. In *Inside Story* broadcasts and news articles related to the reform of the Kafala system, Al Jazeera consistently presents the reality of migrant workers, from working conditions and wage

delays to high mortality rates, referring to reports from international organizations such as Human Rights Watch and the International Labor Organization, and presenting the voices of migrant workers and independent experts. This pattern is in line with Nicholas J. Cull's (2009) international broadcasting framework, which emphasizes the importance of credibility and overheard messages, where messages are not delivered as explicit defenses of the state, but are allowed to be shaped through facts, testimonies, and legitimate non-state authorities. At the same time, Al Jazeera also systematically included official statements from the Qatari government regarding Kafala reforms, increased labor inspections, and cooperation with the ILO, so that the criticism does not stand as a delegitimization of the state, but rather as a challenge to implementation in the ongoing process of structural reform.

The connection between the coverage of the Kafala reform and Qatar's criticism of Western media ahead of the 2022 World Cup shows how Al Jazeera functions as a space for articulating counter-narratives in the global discourse contest. By raising the Qatari government's claims regarding the distortion of data on migrant worker deaths, double standards, and elements of racism and Islamophobia in some Western news reports, Al Jazeera not only conveys the country's position but also encourages international audiences to reassess the legitimacy of circulating criticism. From Marshall McLuhan's perspective, this condition shows that Al Jazeera operates as cool media situationally because the meaning of the news is not presented in a final and one-way manner, but rather requires the active participation of the audience to negotiate various competing narratives. When linked back to Cull's concept of public diplomacy, Al Jazeera's advocacy and international broadcasting functions appear to work simultaneously: maintaining the credibility of global media while providing space for the state to build legitimacy and maintain its international image. Thus, Al Jazeera's contribution to Qatar's public diplomacy does not lie in the direct promotion of the reform of the Kafala system as a normative achievement, but rather in its ability to frame issues in a complex, layered, and open-to-criticism manner, so that Qatar's public diplomacy strategy is carried out through journalistic practices that appear independent but remain strategic.

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