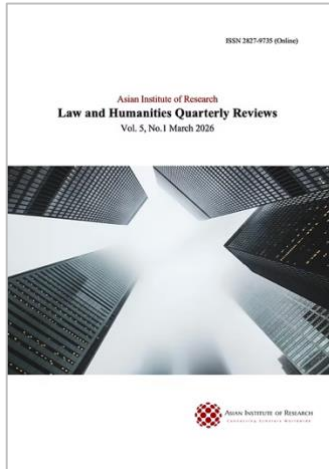




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# Child Marriage (Girls) in Bangladesh and its Remedies from Islamic Perspective

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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 21<sup>st</sup> century, child marriage is a common practice in certain rural areas of Bangladesh, without realizing the consequences that the new bride gone 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 21<sup>st</sup> 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 21<sup>st</sup> 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 *harm* (*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 (Asghar 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, Ṭaṭṭāwī 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-Tabarī 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 21<sup>st</sup> 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." (Ahmad 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, hadith 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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