

## **Early Child Marriage in India: For The Sake Of Tradition Or An ‘Unconscious’ Organized Crime?**

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### **ABSTRACT**

The number of cases occurring in India proves that there has been a cultural shift being a crime case, the marriage of children is similar to a practice who has similarities with slavery. According to UNICEF's State of the World's Children 2009, underage marriage has many negative implications, including the fact that pregnancy at an immature age (women 15-19 years old) leads to death in children. Although the child can survive, there will be many nutritional problems and cognitive abilities. In this study the authors wanted to know what under the circumstances of the marriages that occur in India at this time is still a manifestation of the continuity of cultural values or an organized crime in line with the number of cases with the negative impacts that occur. In addition, the author will link the marriage of minors with the extent to which globalization also contributes to the problem. The author sees that there has been a crime in childhood marriage in India. Globalization makes this issue an international issue so that it can be made to fight it globally

**Keywords:** *Early Child Marriage, India, Tradition, Impact*

### **ABSTRAK**

Jumlah kasus yang terjadi di India membuktikan bahwa telah terjadi pergeseran budaya sebagai kasus kejahatan, pernikahan anak-anak mirip dengan praktik yang memiliki kesamaan dengan perbudakan. Menurut UNICEF (2009), perkawinan di bawah umur memiliki banyak implikasi negatif, termasuk fakta bahwa kehamilan pada usia belum dewasa (wanita 15-19 tahun) menyebabkan kematian pada anak-anak. Meskipun anak dapat bertahan hidup, akan ada banyak masalah nutrisi dan kemampuan kognitif. Dalam penelitian ini penulis ingin mengetahui apa yang dalam situasi perkawinan yang terjadi di India saat ini masih merupakan wujud keberlanjutan nilai-nilai budaya atau kejahatan yang terorganisasi sejalan dengan jumlah kasus dengan dampak negatif yang terjadi. Selain itu, penulis akan menghubungkan pernikahan anak di bawah umur dengan sejauh mana globalisasi juga berkontribusi terhadap masalah. Penulis melihat bahwa telah terjadi kejahatan dalam pernikahan masa kecil di India. Globalisasi menjadikan masalah ini sebagai masalah internasional sehingga dapat dibuat untuk melawannya secara global

**Kata kunci:** *Pernikahan Dini, India, Tradisi, Dampak*

Early child marriage in Central and South Central Asia is becoming commonplace, including in India. Under the pretext of being part of the tradition, it became a common and legal social phenomenon. Nevertheless, this situation changes when the world becomes borderless in line with globalization. India, as one of the countries with high marriage rates of minors began to receive attention from various parties with the many cases that occurred. Globalization makes early child marriage not stop being a state internal problem but rather a global issue. In this study the authors wanted to know whether underage marriages that occurred in India at this time is still a manifestation of the continuity of cultural values or an organized crime in line with the number of cases with negative impacts that occur. In addition, the author will link the marriage of minors with the extent to which globalization also contributes to the problem. The author sees that there has been a shift in the principle of implementation of traditional values in relation to early childhood marriage in India being a crime. Globalization makes this issue an international issue so that efforts can be made to fight it globally. Thus, globalization becomes a solution to this emerging interational issue.

### ***Early Child Marriage in India***

Early marriage in India is believed to have taken place since the Middle Ages. The Sultan of Delhi, with its absolute monarchy government, became the beginning of this age-old marriage tradition. The Sultan of Delhi spread the doctrine to his people that unmarried women will cause disaster. In addition the strong socio-cultural-religious element (Hinduism and Islam) became a powerful supporting factor so that this practice of marriage is continuously done to date in many parts of India. According to Thukral (nd) the marriage of minors mostly occurred in Bihar area (46 percent), West Bengal (41 percent), Rajasthan (40 percent), Jharkhand (36 percent), Uttar Pradesh (33 percent), Madhya Pradesh, Dadra and Nagar Haveli and Andhra Pradesh (29 percent). Dabi, as quoted from Thomas (2012), that

not only limited to underage marriage that happened but can be many cases as happened in rural areas of Punjab. Polyandry customs in which one woman is often 'bought' from a poorer or lower-caste area, they are forced to become wives not only for their husbands, but also for their brothers and even male-in-law. Another case in Northern Gujarat is an imbalance between the number of boys and girls (with a ratio of 798 girls per 1000 boys). This triggers the occurrence of trafficking, especially in girls both from within and outside the country as a bride.

### **From tradition to an 'unconscious' organized crime**

The number of cases occurring in India proves that there has indeed been a cultural shift being a crime case, the marriage of children at an early age is considered a practice who has similarities with slavery "Any institution or practice whereby a child or young person under the age of 18 years, is submitted by either person or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or the person of his labor. "

According to UNICEF's State of the World's Children 2009, underage marriage has many negative implications, including the fact that pregnancy at an immature age (women 15-19 years old) leads to death in children. Although the born child can survive, there will usually be many nutritional problems and cognitive abilities. In addition, minors who are underage marriage will also often experience abuse, harassment and exploitation. Children will often lose ties with their family and friends and the freedom to participate in other activities that ultimately bring a great impact on the child's psychic factors. Dabi, quoted from Thomas (2012) explains "The girl is married then moves in with her husband 's family, she' s not going to publish she 's expected to have children.

In UN Children's Fund (UNICEF). Early Marriage: A Harmful Traditional Practice, UNICEF: Florence (2005), p.22 "Domestic violence is more common among women who

have been married as children. India has the highest rate of domestic violence among women by 18 per cent of 67 per cent."

Is it against the cultural background that the problems that occur can be said to be a form of accidental or unconscious 'unconsciousness'? Of course it can not be absolutely justified, even though underage marriage as a criminal offense is also unjustifiable. In this case then must be reviewed, is there any normative law that governs?

In fact, India has enacted a law on childhood marriage restrictions since 1929, the Child Marriage Restraint Act (CMRA) commonly known as the Sharda Act in which the law prohibits marriage of children under the age of 15 (for girls ) and 18 years (for boys). In 1978, the regulation was amended to be more effective, the age limit changed to a minimum of 18 years for girls and 21 years for boys. This rule is known as the Child Marriage Restraint Act, 1929.

The rules that are made certainly can not be a strong guarantee, proved the number of underage marriages that remain in India due to external and internal factors. Deb (2012) states, "Many factors are responsible for this practice, the lack of awareness about adverse health consequences another big problem is the lack of awareness of law and also inadequate implementation of the existing laws. "

Dabi said, "The parents always lie about the child's age, families know what they are doing is not right but because of culture and facts, the parents will marry their children off at a young age." Thus, underage marriage that does not just happen and by itself and there are parties that are connected, another problem: organized crime. The disclosure of the cases that occur of course becomes a positive form of the world without limit. Globalization, especially in technological advances into bridges and lifting of marriage cases into an international issue. The emergence of many movements and organizations that contribute to the rights of children and women is also a parameter that globalization provides a solution. Not only

concerns on the issue of underage marriage alone, the case is also the number of other problems that occur in India, such as the high number of poverty.

## **Conclusion**

Underage marriages occurring in different parts of the world, in India in particular, were originally part of a tradition that began long ago. However, this has changed over time. Changes in social, cultural, economic, political, and technological conditions have triggered a shift and violations, especially concerning human rights to children. This inevitably makes marriages of minors regarded as a problem, not limited to the internal state alone but rather an international issue. Globalization, on the one hand is indeed one of the factors that support the occurrence of violations in the case of marriage of minors, although it can not be denied that globalization is also then open the eyes of the world and make this issue into a common concentration and have a high urgency to get a solution.

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