

## Developing a New Model of Underage Marriage Governance for Muslims in Malaysia

<sup>1</sup>Rafeah Saidon, <sup>2</sup>Mohamed Azam Mohamed Adil, <sup>3</sup>Noorul Huda Sahari,  
<sup>3</sup>Mardhiyyah Sahri, <sup>3</sup>Baterah Alias, <sup>4</sup>Norzaidi Mohd Daud and <sup>5</sup>Khairudin Murad

<sup>1</sup>Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA, Malaysia

<sup>2</sup>International Institute of Advanced Islamic Studies (IAIS) Malaysia/Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA, Malaysia

<sup>3</sup>Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA, Malaysia

<sup>4</sup>Community of Research (Humanities and Quality of Life)/

Arshad Ayub Graduate Business School, Universiti Teknologi MARA, Malaysia

<sup>5</sup>Faculty of Communication and Media Studies, Universiti Teknologi MARA, Malaysia

---

**Abstract:** The current study attempts to develop a new model of underage marriage governance for Muslims in Malaysia. Qualitative method is used, in which Islamic Family Law Federal Territories Act 1984 and other related laws as well as administrative procedures and formalities are studied and analysed. This research also employed a semi structured interviews conducted on several respondents from the related institutions. This study is perhaps one of the first to develop a new model of governance for underage marriage by investigating the loopholes of the existing system. Findings of this research show some significant weaknesses in the present governance of underage marriage and propose a new model for the betterment of Muslim families in Malaysia. The findings provide on how the legal and administrative mechanism relating to underage marriage can be improved and subsequently aid the relevant authorities or institutions involved in policy making pertaining to family matters and its implementation.

**Key words:** Model Governance • Legal • Administrative Mechanism • Underage Marriage

---

### INTRODUCTION

The underage or child marriage is defined by UNICEF as a formal marriage or informal union before 18 years old age [1]. Even though Malaysia has ratified Convention of the Rights of child (CRC), child marriage is still legally being practiced. Studies proved that underage marriage has serious consequences especially on the medical and psychosocial aspect [1-3]. Health problems that usually associated with underage marriage are pre-mature pregnancies, maternal mortality, infant mortality, pre-mature childbirth, complications during delivery, low birth-weight, HIV/AIDS and abuse along with violence [1, 4, 5]. Similarly, from the Islamic perspective, the *maqasid* (objectives) of marriage in Islam is not only to fulfill one's physical needs as Islam seeks to find equilibrium in balancing this need with other essential objectives,

namely the welfare of the family, societal needs and spiritual commitments. The question is, does the underage marriage could achieve those *maqasid*?

Underage marriage is very important issue to address, unfortunately, very few studies to date have investigated this matter especially in the Malaysian context. This study attempts to develop a new model of underage marriage governance for Muslims in Malaysia with particular reference to the legal and administrative mechanism.

For that, understanding on the issue of underage marriage from both the Islamic and international laws perspective and also its effect necessitates the formulation of such model. Hence, this study offers important insight into underage marriage in Malaysia with particular reference to existing legal and administrative aspect. The aims are to identify weaknesses in the

governance of such marriage from both mechanism and the most important is to develop a new model of governance that is essential to preserve the institution of marriage.

**Literature Review:** A number of writers have discussed the issue of underage marriage but this area of governance that focus on the legal and administrative aspect in the Malaysia's context has never been critically examined. In Islamic law, the classical writings on the underage marriage for example, focus on the issue of minimum age limit for marriage. This writing can be found in Baghawi [6], al-Kasani [7] and Abdul-al-Rahman al-Jaziri [8].

Interestingly, most of the view says that there is no minimum age limit for marriage since there is no prescription from the *Qur'an* and *Sunnah* relating to it. Their argument is based on, among others, the Qur'anic provision relating to *iddah* (waiting period for divorced woman) (Quran, al-Talaq (55): 4) and the *Sunnah* of the Prophet (s.a.w) that is, his marriage to Aishah reputed to have taken place when she was six or seven years old [9].

However, there is another argument saying that even though the minimum age of marriage is not mentioned in both *Qur'an* and *Sunnah*, it is not accurate to say that there is no reference relating to it. Referring to *Qur'an*, al-Nisa' (4): 6, Abdullah Yusuf Ali [10] for example, views that the age of marriage is the age when they reach their adulthood, while al-Qurtubi, [11] defines the marriageable age as the age of maturity. Al-Qurtubi [11] further suggests that to ensure the maturity of the minors, they have to be tested. It is to be noted that in this study, review of classical literature in Islamic law is essential in order to determine whether their classical views would be applicable in the present context of Malaysia.

Other writings relating to underage marriage mostly focus on the medical and psychosocial of the impact of the marriage. Nour, N. M. [4], Santhya, K. G. *et al.* [5] and UNICEF, [1] for example, highlight health problems that usually associated with child marriage and pregnancies such as pre-mature pregnancies, maternal mortality, infant mortality, pre-mature childbirth, complications during delivery, low birth-weight, HIV/AIDS and abuse along with violence. Studies also show those who married before the age of 16 were at about double the risk of developing chronic diseases and experiencing miscarriage, still and births infant deaths [3, 12]. Writings on the profound psychosocial and emotional

consequences of early marriage can be found among others in Abd Majid, H. S. [2], Almihdar, Z. [13] and Chowdhury, F. D. [14]. It is worth to note that literatures in these areas are very important for this research as it will guide the researcher in developing a new model of governance for underage marriage.

In the Malaysian context of governance for underage marriage, a few researches have been done but none of them has touched in detail on the governance particularly from the aspect of legal and administrative mechanism. Al Bakri, Z. M. [15] for example proposes that the state should strictly apply the principle of *maqasid al-shariah* (objectives of Islamic law), *maslahah* (public interest) and the doctrine of *siyash shariyyah* oriented policy) to discourage and restrict the marriage of minors. On the other hand, Md Nor, S. Z. [16] suggests that the present educational system in Malaysia should be taken into consideration in regulating underage marriage. This is to ensure that the child should have at least attained a certain level of education before getting married. Similarly, Anwar, Z. and Rumminger, J. S. [17], have outlined key discriminatory within Islamic Family Law (Federal Territories) 1984, in which one of them is relating to the difference minimum age of marriage between man and woman.

Other than writings relating to the underage marriage, international laws and conventions are referred as they provide significant information that can guide the writer in developing governance for underage marriage. Analysis on the several related international laws and convention proved that child marriage involves breach of a number of international human rights norms. The related laws are among others, the Universal Declaration of Human Rights (UDHR) [18], International Convention on Economic, Social and Cultural Rights (ICESCR) [19], International Covenant on Civil and Political Rights (ICCPR) [20], Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) [21]etc.

**Methodology:** This research focuses on the laws and administrative procedures of Federal Territories of Malaysia relating to underage marriage. The main reason for selecting the Federal Territories is because they are directly administered by the federal government compared to other territories which are under states government. Furthermore, with regard to Islamic Family laws in Malaysia, Federal Territories laws are the example and reference for all the states in Malaysia. This study is a

qualitative research, in which Islamic Family Law of Federal Territories Act 1984 and other related laws as well as administrative procedures and formalities are studied and analysed. Since the aim of the study is to develop a model of governance of underage marriage, specifically for Muslim, library research is used to find data relating to it from both Islamic perspective and the modern approaches.

This research also employs a semi-structured interview in which several related institutions are selected. Those are States Islamic Religious Department (hereinafter called JAIN), Family, Social and Community Division of the Department of Islamic Development Malaysia (hereinafter called JAKIM) and several Shariah Courts. Among the respondents involved are Shariah Court's judges, Shariah Court's Registrars, Registrars of JAIN and several officers of the Family and Legal Division of JAKIM.

For the legal discussion, legalistic and textual approaches are used in which the classical texts as well as the current legislations are analysed. This is to identify whether the existing laws, procedures and formalities relating to issues discussed are adequate to meet the contemporary challenges confronting the family institution. The writing then determines the feasibility of a reform. This research also involves a comparative study with the laws and practices of other Muslim countries. An analysis of legislation from these countries is necessary to determine whether their practices are applicable in Malaysia.

## RESULTS AND DISCUSSION

**Weaknesses of the Existing Governance:** This study examines the laws and administrative procedures relating to underage marriage for the Federal Territories. To show the recent rate of application of marriage from the underage couples in Malaysia, statistic in Table 1 is referred. From the table, it reveals an increasing number of applications for marriage from the underage couple from 2007-2010.

Study on the present governance of underage marriage revealed the following loopholes or weaknesses:

**The Absence of Pre-Marital Counselling:** This research found that there is no strict requirement or procedure of marriage for the underage person. After getting approval from the Shariah court, the applicant can immediately

Table 1: The Number of Applications for Underage Marriage

Underage Marriage Application		
No.	Year	Application
1.	2007	920
2.	2008	1127
3.	2009	1079
4.	2010	1090
Total		4216

Source: Shariah Judiciary Department Malaysia

contract his/her marriage. There is no proper pre-marital counselling provided for the underage couples and their parents (Adib Asmungi, personal communication, 21 Feb. 2012). Since there is much research confirming the negative impacts of underage marriage both from the medical and psychosocial aspects; underage persons/couples should be given proper guidance and information. In this regard, proper counselling is very important to disseminate knowledge and to strengthen the couples' awareness, especially regarding the medical and psychosocial impact of an underage marriage.

**Loopholes in Islamic Family Act/Enactments:** With regard to the age of marriage, the most related provision is section 8 of the IFLA 1984 which provide that "*no marriage shall be solemnised under this Act where either the man is under the age of eighteen or the woman is under the age of sixteen except where the Shariah judge has granted his permission in writing in certain circumstances.*" However, this research have identified some important weaknesses relating to the provisions of underage marriage, those are:

- The minimum age provided which is sixteen, is not practical in the present day context. This is due to recent medical evidences showing that early marriage could have adverse effects on a child's mental and physical health. It could also adversely affect the child's education and thus have negative effects on society as a whole [1, 3, 5]. In addition, the researcher opines that maturity is the most important and practicable aspect in determining the marriageable age. This is based on the view of al-Qurtubi as being discussed earlier.

As a comparison, under the modern law, the age of majority is not attained on puberty. In most states, the age prescribed is eighteen. For example, in Malaysia, it is provided in section 2 of the Age of Majority Act 1971

(Act 21) and section 2 of the Child Act 2001 (Act 611), which define the child as the person under the age of 18, in the United States and Canada for example, the age of majority is determined by each province and territory and can vary by several years i.e., 18, 19 and 21 [22]. Moreover, Article I of the Convention on Children Rights (CRC) defines a child as a person less than 18 years old. At this age, a person acquires all the rights and responsibilities of being an adult. As in other civil contracts, the legal age prescribed is eighteen and according to criminal law, a person younger than eighteen years would be considered a juvenile if prosecuted for committing a crime. For example, in section 11 of the Malaysian Contract Act 1950, (Act 136), it is stated that the person can enter into the contract by the age of 18. Thus, it can be argued that by allowing child marriage, family law treats people differently according to their age; it allows people at a very young age to become involved in matters that carry responsibilities equal or greater to those in any other civil contract. It is further argued that, since marriage is a contract, it should be contracted at the age of maturity. In this case, the view of al-Qurtubi in determining the maturity should be taken into consideration [11].

In addition, child marriage, which is usually associated with forced marriage, involves breach of a number of international human rights norms. The most central of these rights is the right to marry. The Universal Declaration of Human Rights (UDHR) [18] for example, provides in Article 16 that person must be at "full age" when married and that marriage should be entered into "freely" and with "full consent". Even though the UDHR does not suggest an appropriate minimum age of marriage, it clearly states that the bride and bridegroom must give their full consent. Thus, the absence of "full consent" in most of child marriages is in contradiction with such provision. The same requirement is stated in Article 10 of the International Convention on Economic, Social and Cultural Rights (ICESCR) [19], Article 23 of the International Covenant on Civil and Political Rights (ICCPR), [20] and Article 1 of the Convention of Consent to Marriage, Minimum Age of Marriage and Registration of Marriage 1962 [23] in which the "free consent" of the intending spouse is given emphasis.

In addition, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) [21] provides in Article 16 (1) (a), (b) and (c) that men and women are entitled to equal rights and responsibilities in entering into a marriage, during a marriage and upon the dissolution of marriage. It further specifically states that women shall have the same right of freedom to choose the

spouse and to only enter into a marriage with free and full consent. CEDAW does not suggest a minimum age of marriage, however, in Article 16 (2) it holds that child marriage shall have no legal effect and the state should take all necessary action including legislation to set a minimum age of marriage.

The Convention on Children Rights (CRC) [24] and other instruments on children's rights are silent on the matter of child marriage, however, Article 1 of CRC defines a child as a person less than 18 years old and Article 34 and 37 (a) of the Convention stipulates that children should be free from sexual exploitation and cruel, inhuman or degrading treatment. Since the children do not have the capacity to give consent, child marriage is considered against the above provision. In contrast, the OIC Covenant on the Rights of the Child in Islam (CRCI) [25] defines the child "as a human being who, according to the law applicable to him/her, has not attained maturity." (Article 1) In this issue, Islamic law considers every person who has not reached puberty to be a child for all purposes of religious and legal responsibilities. Thus, childhood in Islamic law is defined by puberty and not by age.

Furthermore, the right is also recognised by the Universal Islamic Declaration of Human rights (UIDHR) [26] and Cairo Declaration of Human Right (CDHR) [27], as both Conventions required the consent of children for their marriage (article 19 (a) of UIDHR; article 5 of the CDHR). Therefore, the doctrine of *ijbar* under Islamic law that allows a girl's guardian to marry her off at any age without her consent is obviously contradicted to the above convention.

The most important point to be observed is that child marriage violates human rights to which a child is entitled, such as the right of education, the right of equality, liberty and security of person, the right of health and the right to marry (UDHR 1948). It is an under-recognised mode of human rights abuse, the parental abuse of power, mainly affecting girls [18]. For this, several international bodies and conventions have called for a minimum age of marriage to be established by law (Article 16 (2) of the CEDAW, article 2 of the Convention of Consent to Marriage, Minimum Age of Marriage and Registration of Marriage, 1962; Article 6(3) of the CEDAW; Chapter 4 (b) of the International Conference on Development and Population (ICDP) [28]; Article 274 (e) of Beijing Platform for Action, [29]). Thus, the researcher opines that state responsibility is incurred for the failure to prevent internationally recognised human rights from being violated.

In this regard, the practice of other Muslim countries should be taken as an example. The Tunisian Code [30], for example, set a minimum age for marriage, 17 for woman and man over the age of 20; only in exceptional cases can a young woman marry before 17 or man before 20 on the authorisation of the judge. This age limit prevents early marriages. The Algerian Code [31] stipulates 19 years for man and woman. Iraq, Morocco and Jordan [32-34] provide the same minimum age i.e., 18 years for both man and woman, whereas, in Syria [35] the legal marriage age for man is 18 years and seventeen for woman. Libya [36] set the highest minimum age of marriage i.e., 20 years old for both man and woman.

- The second issue is the different age of marriage between a man and a woman which is considered as inappropriate. It is clear from the legal provision for the minimum age of marriage (also in the various countries), that the law still assumes that a woman should contract a marriage earlier than a man. The two-year difference is based on a traditional and socially entrenched concept that a woman more than a man is ready for the responsibility of family life at a much younger age [37]. The question is, in the context of present day, does such a distinction is relevant made by the law run counter to the aims of national development which is also dependent upon women's active participation in the political, social and economic mainstreams of society?
- The other issue with regard to marriageable age is sections 11 and 12 (2) of the IFLA. Section 11 requires that for the marriage to be valid, it must satisfy all the necessary conditions according to *Hukum Syara'*. Section 12 (2) also provides that if the marriage is solemnised contrary to any provision of the Act, but is valid according to the *Hukum Syara'*, the marriage is still considered valid and may be registered under the Act with an order from the court. From both provisions, it can be argued that if the underage marriage is solemnised contrary to any provision of the IFLA, but is valid under *Hukum Syara'*, the marriage is still considered valid and can be registered. Hence, in this case, both sections can be used as excuses to validate the marriage, which is contracted not in accordance with the Act.
- Another confusing provision related to underage marriage for Muslims family in Malaysia is section 52 (1) (g). It provides that a woman shall be entitled to obtain an order for the dissolution of marriage or *fasakh* on the ground that she having been given in marriage by her *wali mujbir* before she attained the

age of *baligh* (puberty), repudiated the marriage before attaining the age of 18 years and before consummation. This provision seems to contradict section 13, which requires the consent of both husband and wife and also the *wali* (guardian) for the validity of marriage. Furthermore, the provision allowing a girl to be married off before the age of puberty is impractical in the present day context. Another issue is allowing a minor girl to repudiate the marriage before it has been consummated is difficult, as there is no mechanism provided to prevent the marriage from being consummated.

**The Absence of Guidelines on Giving Permission to Marry:** Section 8 of the IFLA 1984 grants the Shariah Court's judges discretionary powers in giving permission to marry the underage persons based on "certain circumstances" that they think fit. This is based on a provision stated in IFLA, which states that: "... except where the Shariah judge has granted his permission in writing in certain circumstances"

This research found that there is no legal definition on the terms "certain circumstances" and there is no statutory guideline available for the judges in giving permission to marry the underage applicants. Judges have full freedom and discretion in deciding the case.

However, from the interviews, different responses were given by the respondents. Some respondents did not agree with having specific guidelines as the judge should have freedom in using his own judgment in making decisions, (Alwan, personal communication, 3 May 2012; Syamsudin Ismail, personal communication, 3 May 2012) while some respondents agreed on such guidelines (Shaharudin Selamat, personal communication, 15 June 2012; Muhamad Adib Hussein, personal communication, 3<sup>rd</sup> of May 2012).

In this regard, Family Laws from other countries can be referred to as an example. The Lebanese Personal Status Law 1948 for example, stated that the scope for judicial discretion is on the basis of physical maturity and *wali's* permission for seventh teen years for males and nine for females. Algeria, Iraq, Tunisia and Libya, give an almost identical reasons in permitting the underage marriage, in which the reason of benefit or a pressing necessity is greatly emphasized and it must be established that the two parties are fit for marriage (Article 7 of the Algerian Code of Personal Status, [31]; Article 8 (1) of the Iraqi Personal Status Law, [32]; Article 5 of the Tunisian Personal Status [30]; Article 6 (c) of the Libyan Code of Personal Status, 1984). The granting of permission is also conditional on the party having reached legal puberty,

having the physical capacity, (Section 8 (1) and 8 (2) of the Personal Status Law of Iraq [32]) and after the consent of the guardian (Section 6 (c) of the Personal Status of Libya [36]).

The Moroccan Family Code [33] provides more detail on the requirements of underage marriage. Article 20 of the Code stated that the judge may permit the marriage of persons below the age of capacity in a well-substantiated decision explaining the interest and reason justifying the marriage, after having heard the parents of that minor or his/her legal tutor (Shariah representative), with the assistance of medical expertise or social investigation. Thus, all guidelines given by other countries in giving permission for the underage person to marry can be taken as examples and followed by Malaysia.

**The Absence of a Support System:** This research found that there is no specific public assistance program or public policy support which could assist the underage couples, especially relating to the economic, psychological and emotional support to meet their needs (Adib Asmungi, personal communication, 21 Feb. 2012). As there are serious consequences of underage marriage, a strong support system is greatly needed and it could be in many forms such as family members, close friends and public assistance.

**Lack of Research and Development (R and D) on Marriage:** This study found that research and development (R and D) activities relating to underage marriage is not actively done by the relevant authorities such as JAKIM or JAIN. These authorities are lack of facilities, staff and an R and D division. In fact, in JAIN the post of researcher is not available in its Family Department and sometimes the officer will act as an ad-hoc research committee when needed (Adib Asmungi, personal communication, 21 Feb. 2012). On the other hand, in the Family Division and Legal Department of JAKIM however, even though there are persons in charge of the research on family matters, the number is not adequate and there are insufficient available facilities (Sabariah Salleh, personal communication, 2 Mac 2012; Khairuljannah Abdullah, personal communication 2012).

## CONCLUSION AND PRACTICAL IMPLEMENTATION

From the discussion it can be concluded that the governance of the underage marriage in Malaysia particularly in terms legal and administrative aspect should be reformed. A new model of governance should be developed based on the following recommendations.

- The minimum age of marriage should be increased to 18 years for both Muslim boys and girls due to the negative effects not only on a child's mental emotional and physical health but the adverse effects of the child's education. One of the most important aims of marriage is to achieve *maqasid al-syariah* (objectives of Islamic law) and marriage in early age will not achieve this *maqasid*. The minimum age of 18 years is in line with the present social system in Malaysia, which requires teenage boys and girl to complete PMR and SPM.

The suggestion to increase to marriageable age is based on the views of some jurists in interpreting the verse al Nisa (4): 6. Jurists opined that the marriageable age is based on his/her maturity which should be viewed from the aspect of intellect, religion and the knowledge on how to develop property. In this regard, the practice of other Muslim countries in increasing the age of marriage should be taken as an example. Countries, such as Tunisia, Algeria, Iraq, Morocco, Jordan, Syria and Libya have set an age above 16 as the minimum age of marriage. There should not be any difference in the age of marriage between boys and girls because such a distinction has no justification in the present day context as both male and female are required to actively participate in the political, social and economic arena.

- Certain provisions in Islamic Family Laws Act/Enactments should be revised to avoid early marriage. The most relevant is section 8 i.e., the minimum age of marriage, should be increased from 16 to 18. Another section that should be revised is sections 11 and 12 (2) of the IFLA. These sections recognize underage marriage which is solemnized contrary to any provision of the IFLA, but is valid under *Hukum Syarak*. According to these sections, the marriage is considered valid and can be registered. Hence, both sections can be used as excuses to validate the marriage which is contracted not in accordance with the Act/Enactments.

Section 52 (1) (g) of the IFLA should be repealed as it is irrelevant in the present day context. This provision allowing a girl to be married off before the age of puberty is not only impracticable, but also contradicts section 13 of the IFLA which requires the consent of both husband and wife and also the *wali* (guardian) for the validity of marriage. The provision also allows a minor girl to repudiate the marriage before it has been consummated. This requirement is difficult and unfeasible as there is no mechanism provided to prevent the marriage from being consummated.

- The term “certain circumstances” i.e. the justification given by the court in allowing early marriage as stated in section 8 of IFLA provision should be clearly and legally defined. This is important in providing standard guidelines to Shariah judges in allowing early marriage. The guidelines for allowing child marriage should be strict. It should be based on certain criteria and the judge should ensure that the underage couple have met the criteria before allowing them to marry. The criteria suggested depending on the maturity which is based on the *maqasid* of marriage. The required criteria should include aspects of religion, intellect, physical fitness and (for a husband) the knowledge on how to earn a living to maintain the family.
- Proper pre-marital counselling should be provided to the underage couples and their parents. This counselling is important to disseminate knowledge and to heighten the couples’ awareness on the impact of the underage marriage, especially on the medical, psychosocial, mental and emotional impact on the child bride and bridegroom. Counselling is the best way for individuals and couples to understand and change attitudes as one-on-one support helps parents develop positive thinking and differentiate between good and bad.
- A strong support system is critically needed especially in the form of public assistance. This public assistance or public policy support should assist the underage couples, especially relating to the economic, psychological and emotional support to meet their needs. The most important is the moral support due to the lack of knowledge and experience relating to marriage. Financial assistance is also crucial as some are very young to earn their living. In this regard, family support and other agencies are needed to ensure the stability of underage marriage. The following are the important matters that the underage parents need from the supporting program/policy.
- Completing at least up to SPM (Malaysian Certificate of Education) level of education. Education is very important and without proper education, the future life of underage bride/bridegroom would be disastrous and detrimental. Having a good education enables a person to earn a better living. In the Malaysian context, SPM is considered a basic job requirement. That is why the support system is needed to ensure that the underage couple will proceed their education at least up to SPM.
- Regular visits to hospitals for physically and psychologically check-up, especially during or after pregnancy. Since there are medical evidences showing that early marriage could have bad effects on a child’s mental and physical health, it should be made compulsory for the child, especially a girl to access medical care services throughout their productive life. This is important to ensure their physical, mental and emotional fitness throughout their marriage life.
- Regular visits by the Welfare Department to observe the need of the couple. This is to ensure better welfare for them. Since the underage bride/bridegroom is still young, they are not fit to face the challenges and endure all the difficulties in married life. This is the reason why they need to be guided and monitored.
- Financial assistance for underage couples as they normally will experience financial problems. For this, a good example can be seen from the Temporary Assistance for Needy Families (TANF) programme for underage parents which is held by the American government. TANF provides monthly cash for underage parents below 18 on the condition that they must be living with their parents or adult relatives or legal guardians. Another good condition is to be entitled with this TANF fund, the underage parents must be in high school or participating in educational activities (standard high school or approved alternatives including training programme) and meeting its satisfactory attendance requirements [38, 39].

## REFERENCES

1. UNICEF., 2001. Early Marriage, Child Spouses, Innocenti Digest, no. 7, <http://www.unicef-irc.org/publications/pdf/digest7e.pdf>.
2. Abdul Majid, H.S., 2011. Pernikahan Di Bawah Umur Dari Perspektif Psiko-Seminar Kebangsaan Undang-Undang Keluarga Islam, ”Nikah Bawah Umur: Patut atau Tidak, organised by Persatuan Pegawai Syariah Malaysia. Hotel Putra, Jln Tun Razak, 29 January 2011.
3. Siraj, H.H., 2011. Pernikahan Di Bawah Umur dari Perspektif Perubatan, Seminar Kebangsaan Undang-Undang Keluarga Islam, Nikah Bawah Umur: Patut atau Tidak, organised by Persatuan Pegawai Syariah Malaysia. Hotel Putra, Jln Tun Razak, 29 January 2011.

4. Nour, N.M., 2006. Health Consequences of Child Marriage in Africa. *Emerging Infectious Diseases*, 12(11): 1644-1647.
5. Santhya, K.G. *et al.*, 2010. Associations between Early Marriage and Young Women's Marital and Reproductive Health Outcomes: Evidence from India, *International Perspectives on Sexual and Reproductive Health*, 36(3): 136.
6. Al-Baghawi, 1997. *Ma'alim al-Tanzil, Dar-Tayyibah li-al\_Nashr wa al-Ta'uzi'*, vol. 8.
7. Al-Kasani, 1982. *Al-Bada'i al-Sana'i*, Beirut: Dar al-Kitab al-Arabi, 7: 172.
8. Abd al-Rahman al-Jazairi, 1986. *Kitab al-Fiqh 'ala al-Mazhib al-Arba'ah*. Beirut: Dar al-Fikr, vol. 4.
9. Abdul Hamid Siddiqui, (n.d). English Translation of *Sahih Muslim*, (kitab al-nikah). <http://>
10. Abdullah Yusuf Ali, 2006. *The Meaning of Holy Qur'an*. Brentwood, Maryland: Amana Corporation.
11. Qurtubi, (n.d.) *Tafsir Qurtubi*, 5: 34.
12. Ertem, M., *et al.*, 2008. The Factors Associated with Adolescent Marriages and Outcomes of Adolescent Pregnancies in Mardin Turkey. *Journal of Comparative Family Studies*, 39(2): 229-239.
13. Almihdar, Z., 2008. Human Rights of Woman and Children under the Islamic Law of Personal Status and Its Application in Saudi Arabia, *Muslim World Journal of Human Rights*, 5(1): 10.
14. Chowdhury, F.D., 2004. The Socio-Cultural Context of Child Marriage in a Bangladeshi Village, *International Journal of Society Welfare*, 13: 244-253.
15. Al-Bakri, Z.M., 2011. *Pernikahan Di bawah Umur Dari Perspektif Syarak*. Seminar Kebangsaan Undang-Undang Keluarga Islam, "Nikah Bawah Umur: Patut atau Tidak", organised by Persatuan Pegawai Syariah Malaysia. Hotel Putra, Jln Tun Razak. 29 January 2011.
16. Md Nor, S.Z., 1998. *Undang-Undang Perkahwinan dan Perceraian Dari Aspek Hukum*", in *Undang-Undang Islam Di Mahkamah-Mahkamah Syariah Di Malaysia*, edited by Ahmad Hidayat Buang (Petaling Jaya: Akademi Pengajian Islam, Universiti Malaya, 1998), pp: 64-69.
17. Anwar, Z. and J.S. Rumminger, 2007. Justice and Equality in Muslim Family Laws: Challenges, Possibilities and Strategies for Reform. *Washington and Lee Law Review*, 1(2): 1.
18. Universal Declaration of Human Right (UDHR), <http://www.un.org/en/documents/udhr/>. Retrieved 12 October 2012.
19. International Convention on Economic, Social and Cultural Rights, (ICESCR). [http://www.unesco.org/education/information/nfsunesco/pdf/SOCIAL\\_E.PDF](http://www.unesco.org/education/information/nfsunesco/pdf/SOCIAL_E.PDF). Retrieved 12 October 2012.
20. International Covenant on Civil and Political Rights (ICCPR). <http://www2.ohchr.org/english/law/ccp>. Retrieved 12 October 2012.
21. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). (1979), <http://www.un.org/womenwatch/daw/cedaw/>. Retrieved 12 October 2012.
22. <http://contests.about.com/od/sweepstakes101/a/agmajoristate.htm>.
23. Convention of Consent to Marriage, Minimum Age of Marriage and Registration of Marriage 1962. <http://www2.ohchr.org/english/law/convention.htm>, (retrieved 11 March 2011).
24. Convention on Children Rights. (CRC). <http://www2.ohchr.org/english/law/crc.htm>. Retrieved 12 October 2012.
25. Covenant on the Rights of the Child in Islam (CRCI). <http://www.oicun.org/uploads/files/convention/Rights%20of%20the%20Child%20In%20Islam%20E.pdf>. Retrieved 10 of March 2011.
26. Universal Islamic Declaration of Human Right, (UIDHR) <http://www.alhewar.com/ISLAMDECL.html>, 10 of March 2011.
27. Cairo Declaration of Human Rights. 1990. <http://www1.umn.edu/humanrts/instreet/cairodeclaration.html>. Retrieved 10 March 2011.
28. International Conference on Development and Population (ICDP) 1994. Programme of Action. <http://www.un.org/ecosocdev/geninfo/populatin/icpd.htm>. Retrieved 11 March 2011.
29. Beijing Platform for Action, 1995. <http://www.un.org/womenwatch/daw/beijing/platform/index.htm>. Retrieved 11 March 2011.
30. Tunisian Code of Personal Status, 1956 (amended in 1993).
31. Algerian Code of Personal Status, 1984 (as amended in 2005).
32. Iraqi Personal Status Law, 1959 (as amended in 1978 and 1987).
33. Moroccan Family Code (Moudawana) 2004.
34. Jordanian Code of Personal Status, 1976.
35. Syrian Code of Personal Status, 1975.
36. Libyan Code of Personal Status, 1984.



37. Chung, B.J. and N.S. Meng, 1977. The Status of Women in Law, A Comparison of Four Asian Countries. Institute of Southeast Asian Studies Occasional Paper, 49: 11-12.
38. Acs, G. and H. Koball, 2003. TANF and the Status of Teen Mothers under Age 18, Urban Institute. <http://www.urban.org/url>. Retrieved April 4 2014.
39. Elaine, M., Teen, 2008. Mothers, Marriage, Cohabitation and Education Achievement. Journal of Family Social Work, 11(1): 3-16.