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Doctoral Dissertation

From Protection to Participation:

Rethinking Child Agency in International Child Marriage

Policies from Southern Thailand

2024

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from Southern Thailand

Ruengrin Pratippornkul

Abstract

Challenging the stereotypical labelling of child marriage as a universally "harmful" and "backward" practice as defined by the international human rights agenda, this thesis seeks to answer the question, "Why do children marry?" by examining the case of Muslim communities in Southern Thailand. It argues that children are not merely vulnerable subjects but are capable of exercising agency in the context of marriage. Their voices deserve careful attention and should be actively encouraged in policymaking processes related to child marriage. In the policy recommendations, it is suggested that child marriage and sexual exploitation be considered separately in child protection policies by adapting close-in-age exemptions to the local context to avoid over-criminalising consensual sexual activity among adolescents.

This thesis employs a mixed-methods approach, incorporating both qualitative and quantitative data collected during fieldwork conducted in August 2019 and from May to December 2022 in Pattani, Yala, Narathiwat, and Satun provinces of Thailand.

Keywords: child marriage, southern Thailand, adolescents, Muslim

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Chapter 1:

Introduction

1 Introduction

In 2018, with Ayu's case, the case of an 11-year-old Thai girl marrying a 41-year-old Malaysian man in Thailand's southern province, human rights activists and international organisations condemned the tolerance of this in Islamic cultures and the marriageable age in the Islamic Law of Family and Inheritance B.E. 2489, which applied in Thailand's southern Muslim provinces (Foundation for Women, 2018). Activists have called for setting the minimum age for marriage to 17, a similar age to the marriageable age in Thai Civil Law. This has sparked debate between feminist activists and Islamic scholars in the three southern provinces of the Deep South of Thailand (Pattani, Yala, and Narathiwat Provinces). With some resistance from those Islamic leaders saying that Allah's Law does not consider age in marriage (Yindeeduaykan, 2019), the Central Islamic Council of Thailand have decided to sign the 2018 Announcement calling for imams in the South not to marry anyone under 17 without parental consent (Prachathai, 2018). The phrase "child marriage" in Thai (*karn teng ngan dek*) became well known through this case, and the issue has been recognised as that of a backward culture in the Muslim-majority provinces. Despite the fact that women marrying under 18 in Thailand has been practised most frequently in the northern (Mae Hong Son: 43.1%), central, northeastern, and southern provinces (National Statistic Office of Thailand and UNICEF Thailand, 2021: 14), the discourse on child marriage had already been intertwined with Islamophobia in Thai society due to the reaction to Ayu's case. Thailand's human rights activists have approached setting a minimum age of marriage in Thailand's Muslim provinces to meet the international criteria, without considering that this agenda is similar to the discourse of "White men saving women from brown men," which was written about the British civilising mission in the Global South (Spivak, 1994).

Child marriage is defined as any formal or informal marriage practised under the age of 18, regardless of one or both unions (United Nations Children’s Fund, 2022). Nevertheless, child marriage in international discourse is heavily mentioned as a “women and girls” problem, as quoted below.

“12 million girls are married every year. That’s one girl every three seconds who is robbed of their childhood. She’s at greater risk of violence, trapped in poverty, often pulled out of school, and she can be left with serious health complications or even face death due to early pregnancy.” (Girl Not Brides, 2019)

“Child marriage can lead to a lifetime of suffering. Girls who marry before they turn 18 are less likely to remain in school and more likely to experience domestic violence.” (UNICEF 2019)

International organisations, such as Girls Not Brides and UNICEF, often portray child marriage as an unacceptable practice occurring predominantly in underdeveloped settings. The issue is framed around “girl brides” who, as a result of “marrying too young” and experiencing a “lost childhood,” face severe consequences, including rape and maternal mortality (Bessa, 2019: 1). This portrayal emphasises child marriage as an urgent issue that requires international intervention to support young girls in underdeveloped regions.

While the norms around marriage are fluid and varied, child marriage is often stereotyped in international reports as involving young girls marrying men twice their age. For example, one report describes an 11-year-old girl in Kenya married to a 60-year-old man because her father sought 1 kilo of sugar and 20 goats (ChildFund Alliance, n.d.). Similarly, a report by Save the Children details the case of a 13-year-old Syrian refugee who married a 23-year-old man to avoid sexual harassment in refugee camps (Save the Children, 2014). In these narratives, ‘girl brides’ are depicted as vulnerable objects and victims of harmful ‘traditions’ and ‘cultures’ that pressure them into marriage.

However, when a situation involved a 16-year-old boy marrying a 71-year-old woman in Sumatra, Indonesia, the story was reported with a different tone, presenting it as a more acceptable situation. Explanations included: “The boy decided to get married not for economic or physical reasons but because she gives him attention and love,” “To avoid the sin of adultery,” and “Living together means getting married” (BBC, 2017). The discourse framing child marriage as a harmful cultural practice primarily affecting girls is selectively presented and reveals a bias, as the narrative shifts significantly when the marriage involves a boy.

When it comes to young bride cases, the discourse frames the practice as a “backward culture” and as a form of gender-based violence, suggesting that society “forces” girls into marriage. However, in cases involving young grooms, the narrative shifts away from vulnerability, instead portraying boys as active decision-makers, with no apparent need for intervention or assistance, as seen with young brides. In other words, the child marriage discourse is predominantly monopolised by narratives of “Girl Brides” as powerless subjects needing rescue, without agency in their marital decisions. This thesis argues that this international approach against child marriage is problematic, as it selectively amplifies certain voices while misrepresenting the concept of culture/tradition as an obstacle to human rights.

Culture as a Dichotomy of Human Rights

‘Culture’ is selectively blamed when it comes to non-white culture. In her study *Blaming Culture for Bad Behaviour*, Volpp (2000) examines the contrasting portrayals of underage marriage in white American and immigrant communities. While child marriage among white Americans is often framed as voluntary adolescent unions, similar cases in immigrant communities are labelled as forced marriage. For example, a marriage between a

13-year-old girl and a 29-year-old man in the white American context was viewed by media and lawmakers as deviant sexual behaviour, yet American culture was not blamed (Ibid.). However, when a similar case involved a 14-year-old Mexican immigrant girl and a 22-year-old man in Texas, the media portrayed it as a clash between American and so-called “uncivilized” Mexican cultures (Ibid.). Likewise, Iraqi immigrant child marriages in Nebraska were condemned as conflicts between Muslim customs and U.S. law, exposing the perceived limits of multiculturalism in America (Ibid.). In short, ‘culture’ is selectively used as a critique for practices diverging from white norms.

Why is child marriage understood as a threat to Western culture? Edward Said explains in *Orientalism* that the human condition is divided into a “we” and a “they,” meaning that when one group defines itself as civilised, it “others” the opposing group as less essential and subordinate (Said, 1978). Child marriage cases among immigrants in America were perceived as a racialised threat, positioning ‘other’ cultures in contrast to ‘our’ national American culture (Volpp, 2000: 109). The civilising mission of British colonisers was described as a project to protect native women who were victimised by native men, often carried out without considering the agency of these women (Ibid.: 108). The characterisation of non-white immigrant women’s bodies as embodying deviant behaviour is thus a project that allows the United States to maintain its image as a civilised and progressive culture in the realm of women’s rights by portraying other cultures as backward (Ibid.: 109).

This dominant discourse is not limited to women’s bodies alone. In the United States, when gun shootings are perpetrated by white individuals, the incidents are discussed in terms of what has gone wrong within “our” culture, naming factors like the internet, video games, and unreliable parents. However, when such incidents involve Black individuals or migrants, the questions shift to what is wrong with “their” culture (Ibid.: 98–99).

Nevertheless, the meaning of “culture” in international discourse has been continuously used to refer to “non-white” cultures. When the Convention on the Elimination of All Forms of Discrimination Against Women was adopted in 1981 (CEDAW), and the 1993 Vienna Declaration promoted women’s rights, the committees stereotypically discussed culture, interchangeably with customs, traditions, and old practices, as obstacles to their campaigns (Ibid.: 60–61). The 1995 Platform for Action from the Beijing Fourth World Conference on Women states:

Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society. (Beijing, 1995: 118)

“Condemn violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence Against Women.” (Beijing, 1995: 124(a))

Child marriage discourses are intertwined with neocolonial projects focused on population control and framing Third World *cultures* and *traditions* as incompatible with liberal Western rights and lifestyles (Bessa, 2021). Horii (2020) examined the discourse of “tradition” as constructed and represented in international reports on child marriage and found that “tradition” is frequently portrayed as a primary factor to blame for the practice of child marriage. For example, the United Nations Children’s Fund Innocenti Research Centre (2001) mentions ‘tradition’ 23 times in its 30-page report, noting that “harmful traditional practices persist despite laws prohibiting them” (Ibid.: 19). Similarly, Equality Now (2014), an international organisation advocating for girls’ rights, uses the term ‘tradition’ 16 times in its 52-page report. In ECPAT International’s report, which focuses on the exploitation of

children in child marriage, 'tradition' is referenced more carefully, and is cited 46 times (Chaudhuri, 2015).

Not only is child marriage defined as a backward practice based on the idea that non-white cultures are deviant, but the same discourse is present in the international agenda that fights against female genital mutilation (FGM) as a struggle against African cultures. Issues such as inequality in education, lack of access to clean water, and food insecurity are also significant challenges faced by African women; however, when it comes to FGM, it is framed as a harmful tradition that opposes modernity (Merry, 2003: 58).

The understanding of harmful practices such as child marriage, female genital mutilation (FGM), *sati* (the practice of a widow self-immolating after her husband's death), and the killing of female infants due to son preference is framed as aspects of violent cultures that violate women's rights (Ibid). This illustrates how human rights discourse casts anything related to 'culture' in a negative light.

To understand the meaning of 'culture,' it is necessary to reject the concept of 'culture' in international discourse. The Universal Declaration of Human Rights, established in 1947, represents a new form of imperialism, created in the name of freedom by certain communities in Western Europe and America, which was intended to be applicable to all human beings at a universal level (Merry, 2003: 56). The Declaration states that "man is free only when he lives as his society defines freedom" (1947: 543). Human rights lawyers at conferences held in New York and Geneva defined their own stances as 'culture-free,' perceiving 'culture' as unchanging local rules and harmful practices; however, these views were themselves shaped by cultural contexts under the guise of modernity (Ibid.: 70). Therefore, the concept of 'culture-free' does not really exist.

The idea of universal human rights in dominant discourse, such as that presented in the Universal Declaration of Human Rights, posits that all human beings are the same, and this sameness constitutes the foundation of human rights in international law. It asserts that all human beings are equal “with no distinction given to their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status” (Article 2, UDHR). However, the usage of ‘universality’ has been criticised as problematic. For instance, the American Anthropological Association (1947) expressed concerns that the concept of universality might allow one culture to subordinate other cultures, arguing that this notion resembles ‘A white man’s burden’ used to justify the imposition of rules for controlling people globally (Merry, 2003: 56). Additionally, Lee Kwan Yew, the former Prime Minister of Singapore, highlighted the dangers of cultural imperialism emanating from Western societies, where the individualistic nature of natural rights could undermine communitarian values in Asia. He questioned, “Democracy countered Communism by sponsoring what has been advanced as the axiomatic truths of free society, which include freedom of the press and human rights. But are they universal values? Can you prove their universality?” (Ibid.: 66).

Relativist Culture

While some may argue that tolerance in cultural relativism has no limits, others contend that recognising cultural differences is essential (Ibid.). Cultures function as the webs that connect individuals to one another and to their communities; thus, no individual exists without a culture (Geertz, 1973). In his essays *Interpretation of Cultures*, Geertz, alongside Max Weber, posits that culture is characterised by the notion that “man is an animal suspended in webs of significance he himself has spun” (Ibid.: 5). Therefore, individuals’ identities are inseparable from their cultural affiliations.

Culture is not fixed or static; rather, it is constantly evolving. It changes over time due to various historical events and influences, rather than through a slow, natural evolution akin to biological traits (Merry, 2003: 67). This indicates that culture is shaped by factors such as social movements, technological advancements, interactions between different societies, and historical circumstances, rather than adhering to a predictable or linear path of development.

In the French Enlightenment era, historians conveyed the idea that, while the external circumstances of people – such as their culture, clothing, or time period – may change, their inner desires and passions remain constant, leading to similar outcomes throughout history (Geertz, 1973: 34–35). However, Enlightenment philosophers expanded on this idea by suggesting that anything specific to a particular group, including beliefs, cultures, or historical context, holds little significance when attempting to understand human nature in general (Ibid.). They argued that these differences were merely surface-level details that do not impact the deeper, universal aspects of humanity (Ibid.). Universalists have misunderstood ‘culture’ as unchangeable and beyond contestation. However, the concept of humanity posits that human nature is never independent of culture, and generalisations about humanity cannot be made because mankind is diverse (Geertz, 1973: 40–49). Therefore, the individualistic concept of human rights, which is predicated on the idea that humans are free from cultural influences, is fundamentally flawed.

Instead of viewing culture as merely a set of behaviours, customs, or traditions, it should be understood as a system of control mechanisms, similar to how computers operate on software (Geertz, 1973). These ‘programs’ guide and regulate human behaviour, shaping how individuals act and make decisions (Ibid.). Furthermore, humans are unique in that we depend on these external cultural ‘programs’ to organise our behaviour (Ibid.). Unlike other animals, which primarily rely on genetic instincts, humans require culture to shape how we live and interact with the world.

Vernacularisation of Human Rights

The concept of human rights defined in the Universal Declaration, which celebrates the sameness of humanity, has established universal rules for human behaviour and prohibits others from behaving differently (Goodale & Merry, 2007: 13). The abstract notion of universal human rights has misrepresented the belief that human rights practices operate, or should operate, on a larger scale than they actually do. In practice, there is a significant difference between the universal concept of human rights and how they are applied locally (Ibid.). Human rights are not just about international law or institutions like the Universal Declaration (Goodale & Merry, 2007). Instead, they are seen as dynamic, flexible ideas that emerge from social practices and relationships. This ‘discursive approach’ to human rights itself is diverse, and it treats them as part of a larger conversation or discourse rather than as fixed legal principles. This approach focuses on how human rights norms are shaped, communicated, and understood across societies (Ibid.). Essentially, it examines human rights as a product of ongoing social discussions and power dynamics, rather than as a rigid legal concept.

Jack Donnelly (2003) presents human rights as inherent to all humans simply because they are human, regardless of whether they are formally recognised in legal systems. He emphasised that human rights are applied to all human beings, and they are equal, inalienable, and universal, existing independently of laws or institutions (Ibid.). Human rights are not just about individual rights in a legal sense; they are about how human rights define individuals as part of broader political systems (Ibid.). Legal positivism views human rights as only existing if they are written into law. However, moving beyond legal positivism, human rights exist even without legal recognition (Ibid.). This broadens the category of ‘human rights’ to include not just norms and laws that govern them but also the ways in which individuals and their political identities are shaped by these rights (Ibid.). In this thesis,

I use this approach to study the local human rights norms regarding child marriage in Southern Thailand, to explore how the local norms are shaped and how they are related to agency in marriage (see Chapters 2 and 4).

Levitt and Merry (2016) observed that human rights are shaped by diverse social movements worldwide and formalised into universal laws under the oversight of the UN and other human rights organisations. These laws are then adapted by civil society organisations to fit local and societal contexts, a process known as ‘vernacularization’ (Ibid.). Their study empirically found that the discourse of human women’s rights in the Global North and South is not equal in the studied regions. For instance, in abortion debates, human rights discourse can be shaped into conflicting narratives, such as framing the issue as a clash between the right to life and the right to choose (Ibid.: 32–34). However, it is *not a clash between universal projects and cultural relativist views of difference*; rather, it is *a practical process of negotiation and adaptation* (Ibid.). Based on this approach, human rights are flexible and can be reshaped to fit local contexts while still engaging with global norms. In this thesis (Chapter 4), I use this approach to examine the local youths’ perceptions of the policy that aims to raise the minimum age of marriage in Muslim society in Southern Thailand, with the purpose not of expanding the Eurocentric culture of human rights to the local context, but of exploring how the rights of children are shaped in local contexts.

Relational Autonomy

Children under 18 are recognised as immature and cannot freely and fully consent to marriage (UNICEF Innocenti Research Centre, 2001). Therefore, even if children under 18 consent to marriage, this choice is considered wrong and invalid because of their immature minds and the notion that children cannot be *autonomous*. This principle reflects the liberal value of the protection of autonomy and individual rights. Human rights are made from the

idea that human beings are individual and can self-sustain (Santos, 2015: 7), and this approach focuses on a ‘full autonomy’ which refers to the idea that humans can make decisions completely without the effects of social relationships (Horii 2020: 142). However, the concept of ‘full autonomy’ does not exist, as demonstrated in the previous section’s explanation that an individual is an individual in the context of a society.

International human rights actors advocate for ending child marriage by promoting the ideals of modernity, asserting that child marriage is a form of discrimination against women because young girls cannot freely choose to marry. However, the concept of ‘modernity’ should not be understood as a conflict against ‘cultures,’ ‘traditions,’ ‘customs,’ or ‘backward practices,’ as found in the international discourse on child marriage and women’s rights. The concept of ‘full autonomy’ is rooted in the ideals of modernity and the liberal notion that individuals should have the freedom to make decisions about their own lives, free from social context.

Relational autonomy, on the other hand, critiques this perspective, asserting that the notion of independent agency is unrealistic (Horii, 2020: 9). Based on the relativist idea of autonomy, individuals are inherently situated within social networks and relationships, and these connections fundamentally influence both our sense of self and our capacity to make decisions. Thus, *autonomy* is not entirely individualistic and is not exercised completely freely. The concept of autonomy, as found in the dominant feminist agenda, needs to be reconsidered in the context of traditions in which individual freedom is shaped and guided by ethical and social norms.

Modernity

I use the concept of modernity from Giddens’ theory to understand child marriage in this thesis. Modern social life is marked by deep transformations in how time and space are

organised, driven by disembedding mechanisms that lift social relations out of specific local contexts and enable their recombination across vast distances (Giddens, 1991: 2).

I use Giddens' theory of modernity – referring to the new form of lifestyle in which self-identity is reflexively organised, meaning individuals continuously shape and adapt their sense of self in response to ever-changing social contexts (Ibid.: 5). This theory does not define modernity as a fixed idea of 'freedom' and 'full autonomy', as claimed by liberal values, but emphasises that in modern society, identity is an ongoing project shaped by a reflexive concept of self and multiple choices (Ibid.). A lifestyle is not only a series of choices made by those with abundant resources but also decisions made under significant material constraints. In such cases, a lifestyle may involve a conscious rejection of mainstream behaviours and consumption patterns, forming an alternative path that reflects personal or group agency within limited means.

In this thesis, I observe that today's child marriage in Southern Thailand is a result of what Giddens calls a 'transformation of intimacy,' which brings about a 'pure relationship' – a relationship sustained only for the satisfaction it provides, without reliance on traditional social obligations. The openness of social life today, emerging in the era of globalisation, has created diverse lifestyle choices that individuals must navigate. This negotiation of lifestyle has brought about a transformation in intimacy, exemplified in phenomena such as child marriage (see Chapters 2 and 3).

Rights of Child, Choice and Agency

The United Nations set a global agenda in their Sustainable Development Goals to end child marriage, because children, primarily focusing on brides under 18, lack the power to say no to marriage. While marrying under 18 is also practised in First World countries, the empowerment programs that "rescue" girls from marriage have been implemented in a biased

way by international bodies in Third World countries (Bessa, 2019). The dominant marriage intervention heavily invests in Third World girls, encouraging them to be brave enough to make a “correct” choice by saying no to marriage at a young age. However, the approach to understanding agency within the liberal framework that focuses on completely independent action actually reduces choice and offers options unavailable for women in other societies (Mahmood, 2005). The problem with this framework is that when women and girls exercise their agency which causes a negative result or one that is opposite to liberal values, they are perceived as powerless, and the capacity that enables these decisions is underestimated and blamed as oppression or resistance by the local culture.

For example, Mahmood’s study (2005) argues that women’s agency deserves greater emphasis, particularly given that Western popular media often portrays Muslim women as being trapped in unbreakable chains of religious and patriarchal oppression (2005: 7). When women’s actions appear to reinforce what might seem like “instruments of their own oppression,” social analysts can identify moments of disruption and expressions of opposition to male authority (Ibid.: 8).

Moreover, the reasons Egyptian women chose to wear the hijab were often interpreted as resistance to the dominance of Western values (Mahmood, 2005: 16). However, less attention was paid to the Islamic virtues of modesty and piety, even though many women who adopt the hijab describe their decisions in precisely those terms (Ibid.). *Agency*, in this sense, is not always about rebellion but can also reflect the capacity to embrace norms and practices willingly, even those that may seem oppressive from a liberal viewpoint (Ibid.).

Women exhibited a form of autonomy rooted in their adherence to religious practices and moral codes, which they regarded as essential to their self-realisation and identity (Mahmood, 2005: 12). Their actions were not passive submissions but intentional choices that reflected their understanding of virtue and devotion. This perspective challenges the

assumption that conforming to religious or patriarchal norms inherently indicates a lack of agency.

In the field of children's agency studies, Hanson (2016) criticised Article 12 of the Convention on the Rights of the Child (CRC), arguing that while it emphasises listening to children's voices carefully, this is only selectively related to rights that may seem to have a positive effect on children. (2016: 471). For instance, the political right to vote, school life, or the right to be heard in court proceedings are recognised as rights for which "the lower the age limit to act or to exercise a right, the better" (Ibid.). However, when it comes to practices that are related to negative connotations, such as marriage, work, or involvement in armed conflict, the voices of children are no longer empowered (Ibid.). Thus, the idea that 'women and children' are vulnerable is selectively chosen to promote a campaign in the international agenda, instead of listening to the voices and understanding why and how children make their choices. In other words, this vulnerability discourse suggests that children do not have the capacity to make a decision.

This protectionist approach is shaped by the core idea in human rights discourse that individual choice must be made independently (Horii, 2020: 20). Collective rights were not included in the foundational human rights framework, resulting in a continued emphasis on individual rights over collective rights in contemporary discussions (Santos, 2015).

However, in this thesis, I do not discuss agency in child marriage in terms of which children have the capacity to make their choices independently in marriage, as this concept of agency is based on the liberalist idea of an independent individual, which is flawed. Based on the concept of relational autonomy, I examine how children exercise agency – how they make decisions to marry, negotiate the circumstances they face, and how they relate to others when making these decisions. Unlike the liberal concept, which emphasises freedom from external control, *relativist autonomy* recognises that individuals can achieve autonomy by embracing

and operating within collective norms. Building on this perspective, *agency* in a relativist context refers to the capacity to navigate, negotiate, or act within the boundaries of social and cultural norms – whether by conforming, adapting, or subtly transforming them (Kabeer, 1999; Mahmood, 2005). It emphasises how individuals operate within these structures.

I use the concept of agency, which posits that agency can be manifested through collective actions regardless of any social context (Ibid.). I aim to reframe the understanding of child marriage by moving beyond viewing children as merely vulnerable objects. Instead, I approach children as individuals with the capacity to make choices, emphasising a child rights-based perspective that values and ensures their voices are heard (see Chapters 2 and 4).

2 Research Questions

The main research questions in this thesis are:

(1) Why do children marry? Why do some Muslim children in Southern Thailand marry under 18, and why do some not?

(2) What are the local perceptions of child marriage, and what norms surrounding this practice vary by place and time?

As norms around marriage are various, it is essential to look at child marriage from different times and places. I examine child marriage not as a fluid practice but as a phenomenon that is changing together with the norms that shape it.

To answer the question of why children marry, I will address the sub-questions below.

Chapter 2:

- When and why did the age of 18 become the rule for what humans can do and cannot do?

- What are the trends in child marriage and non-child marriage recently in Southern Thailand? To what extent is child marriage practised between young girls and old men?
- How do children who married under 18 exercise agency in marriage?

Chapter 3:

- How did the religious make-up, wealth status, urbanity, and year of marriage influence the age that women got married in Yala Province?
- Do they similarly affect those who got married before 15, before 18, and above 18?

Chapter 4:

- What are the local youth perceptions about child marriage and the international agenda that is attempting to fix a minimum age of marriage in Satun and Yala Provinces? How have the local norms in different settings shaped these local youth perceptions?
- Can the voices from under-18-year-old children be heard in the child marriage policymaking process?

3 Research Area: Southern Thailand

I use the Muslim-majority provinces of Southern Thailand as a case study because child marriage in these regions is often blamed on Thailand's Islamic Family Law, which is applied only in this Buddhist-majority state that is tolerant of marriage at various ages. Islamic cultures are frequently cited as the cause of a dichotomy between women's rights and children's rights, which is perceived as a failure. These regions are the primary focus of international organisations in their "development" projects aimed at rescuing women from what they consider "backward" practices, using a liberal human rights approach.

The development campaigns from international organisations that aim to end all forms of child marriage can be misleading, as they imply that Muslim people are oppressed by their own laws, religions, beliefs, and cultures, while ignoring the diversity of human experiences in different contexts. I aim to shift the lens to study child marriage from various places where Islamic Family Law is applied, arguing that the interpretations of Islamic teachings and human rights norms are diverse and that it is incorrect to claim that one culture is superior to another.

The Muslim-majority southern provinces in Thailand include Pattani, Yala, Narathiwat, and Satun. Pattani, Yala, and Narathiwat share a similar historical background, having once been part of an independent Malay kingdom called Patani, which was annexed to the Kingdom of Siam (now Thailand) in 1909, when the Anglo-Siamese Treaty was signed by the British and the Siamese government (Loos, 2007). The current border zone is connected to the Malay state of Kelantan, which was the brother kingdom of Patani until 1909.

People in these provinces primarily speak Patani-Malay as their first language and Thai as their second language. In contrast, Satun Province was not included in the Patani kingdom. The people of Satun speak a southern Thai dialect as their native language, while only a few districts still speak Malay, which is closely related to the dialects of neighbouring

Malay states such as Perlis and Kedah, and is not similar to Patani-Malay. The majority populations in the four provinces are of Malay descent and Muslim, while the minority consists of Buddhist Thais and Chinese who migrated here decades ago.

I chose to focus my research solely on the Muslim populations in these provinces because the condemnation of child marriage in Thailand is often directed at “Muslim culture” and “Islamic Law” in these regions. This tendency to blame culture for societal issues is an unproductive approach.

4 Summary of Chapters

In all chapters, I reveal the connections and gaps between what is said about child marriage, women’s rights, and children’s rights at the international level and the local perspectives, using different types of data sets.

In Chapter 2, I first conduct a historical investigation into the international conventions on child marriage and the transformation of the meaning of childhood within the international agenda. I examine how the universalisation of this liberal understanding of childhood has become the main discourse at the international level. Emphasising that child marriage, like other practices, is shaped by norms that vary over time, I analyse the trend of child marriage among Muslim women using quantitative data from several districts in Yala Province, as well as analysing the age gap between brides and grooms from the same data set. I then utilise qualitative data from my fieldwork to analyse the trends across two different generations: the parents/grandparents’ generation and the younger generation. The analysis shows how individuals who married before the age of 18 exercise agency in their marriage, in relation to the norms prevailing at the time the marriage took place. The results support the argument that children in this context are capable of making decisions about marriage. The quantitative data sets consist of Islamic Marriage Certificates issued from 1991 to 2020 by the Islamic Council of Yala Province, the organisation responsible for issuing these

certificates in the province (see Figure 1.1). The qualitative data is derived from fieldwork conducted during two periods: in August 2019 for one month, as part of my Master's thesis, in Pattani, Yala, and Narathiwat provinces, and from May to December 2022 in Pattani, Yala, and Satun provinces.

المجلس الإسلامي بولاية جالا
ISLAMIC COUNCIL OF YALA PROVINCE

سوت كتر اغن نكاح

جلید : [redacted]
مخ / د : [redacted]

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برهان : [redacted] / 2562 ب

جم : [redacted]

1. تحت عقد نكاح : [redacted]
نام جورونكاح : [redacted]
مسجد : [redacted]
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2. نام للاكي : [redacted]
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سجیل فرا فركهوين : [redacted]
تحت : [redacted] مقيم : [redacted] دائرة : [redacted] ولاية جالا

3. نام فرمفوان : [redacted]
نام مفكوت كارد فغانان : [redacted]
سجیل فرا فركهوين : [redacted]
تحت : [redacted] مقيم : [redacted] دائرة : [redacted] ولاية جالا

4. سقي (1) : [redacted] علامت : [redacted]
سقي (2) : [redacted] علامت : [redacted]

5. نام والي : [redacted]
علامت : [redacted]

6. أمس كهوين : [redacted] 20/02/2020
كپتان : [redacted]

صیغه تعلیق
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الومپ کپتین، کمبدین مغادر ای کفدا اهلی جواتنکواس اسلام وایله اتو قاجی دغن مبادوا دوا اورغ سقي دان ایلل دایاتک
مک تر طلاقه ای ساتو طلاق دان تیف 2 کالی ساي رجوع اکندی دغن کتادان ریضان مک تر طلاق ای ساتو طلاق فول

تنداتاغن : 1. جورونکاح : [redacted]
2. للاكي : [redacted]
3. فرمفوان : [redacted]
فولیس : [redacted]

4. حالن فاع مقام 5. دائرة مقام وایله جالا سلاتن تایلاند
Phang Muang 5 Road, Muang, Yala, 95000 S.Thailand. TEL : 073-213225,243125 FAX : 073-247064

Figure 1.1: A nikah certificate issued by the Islamic Council of Yala Province in Jawi script.

In Chapter 3, I utilise the same quantitative data set, extended to include a more recent year (1991 to 2021), to identify factors that may affect the age at which women get married. I aim to test hypotheses such as whether women born in rural areas marry earlier than those from urban areas, whether women in homogeneous Muslim communities marry at a younger

age than those living in multi-religious areas, and whether women in poorer areas marry earlier than those in wealthier regions. Recognising that norms are changeable over time and across locations, I divide the analysis into overall periods, earlier periods, and later periods to examine the trends associated with each factor.

The results indicate that the stereotyped notions of “uncivilised” settings – such as those characterised by being rural, impoverished, or Muslim – cannot be simplistically regarded as the causes of child marriage, as highlighted in international reports. To investigate whether marriage can be limited by age, I analyse the trends of these variables in relation to women’s age at marriage, differentiating between overall outcomes for all women married before age 30, women who married before age 18, women who married between ages 15 and 17, and those who married before age 15.

I draw upon Giddens’ theories of modernity and globalisation to explain the phenomenon of child marriage, particularly focusing on why some variables are significant during certain periods while others are not, and why individuals who marry under age 18 cannot simply be categorised as incapable subjects. This chapter provides evidence that child marriage in both past and contemporary contexts differs significantly, suggesting that interventions aimed at addressing child marriage practices require a deeper understanding of these practices rather than a generalised perception of them as harmful.

In Chapter 4, I aim to understand the perspectives of local youths regarding child marriage policies that attempt to prohibit children from marrying. These policies focus on the four southern provinces where the Islamic Family Law, which is tolerant of various ages of marriage, is condemned as failing to protect international human rights for women and girls. The quantitative data set is derived from questionnaire surveys conducted among Muslim youths aged 15–24 in three sub-districts of Satun and Yala provinces. The main question posed was, “Do you agree or disagree with setting a minimum age of marriage?” I analyse

the factors that influence the participants' responses, examining variables such as age, sex, village rules, religious background, and perceptions about an appropriate age for marriage.

Collecting data in three different sub-districts allows for an exploration of how local people interpret Islamic teachings, Islamic Law, and the rights of children in relation to local norms. This chapter seeks to investigate how these norms shape opinions on policies differently, encouraging readers to question whether the voices that agree with or oppose the child marriage policy are being seriously considered. All questionnaire surveys and interviews were collected during an eight-month fieldwork period in 2022.

5 Research Discipline

I position this study within the fields of anthropology, sociology, postcolonial studies, and children's rights studies. This research is interdisciplinary, integrating ideas from various disciplines. I employ the concepts of agency and relational autonomy to analyse the choices that children make regarding marriage, as well as the concept of globalisation to examine how changes in lifestyles in this era shape marriage norms differently across time and place. Additionally, I utilise a socio-legal approach to unpack the intersections between Thailand's Islamic Family Law and human rights norms, exploring how local people perceive and navigate these frameworks in their private lives within a context where informal family law challenges state family law (Harris-Short, 2003).

6 Ethical Research Involving Children

The guidelines for conducting research with children address four primary concerns: 1) harms and benefits, 2) informed consent, 3) privacy and confidentiality, and 4) payment and compensation (Graham et al., 2013).

During the interviews, I carefully selected participants who were willing to discuss their own experiences. This consideration applied not only to those under 18 but to all participants. Even if a participant consented to talk, I remained attentive to any signs that they

were uncomfortable continuing the conversation. For example, when a woman began sharing her traumatic experience with her violent ex-husband and showed signs of distress, I told her that she could choose to stop or continue sharing her story. Although she insisted on continuing because she felt relieved by speaking out, I refrained from asking her to retell the story if it caused her discomfort.

This research involves adolescents, which raises questions about whether children under 18 can provide informed consent to participate (Horii, 2020: 33). However, this assumption has been challenged, with evidence suggesting that children, even those who are very young, can make informed decisions when given appropriate information (Powell et al., 2012). Therefore, by providing clear information and paying careful attention to their needs, researchers can listen to and empower the voices of children rather than hinder their expression with excessive protection.

Chapter 2:

Child-led Marriage in Thailand's Deep South:

Focusing on child agency and social norms among Muslim Youth

Summary

Shifting this lens to the idea that children are not powerless in decision-making, this chapter aims to unpack how the practitioners exercise agency in marriage, and explore the child marriage trends in 1990 to 2020 in the Malay-Muslim community in Thailand. The findings showed that the child marriage rate has declined and since 2006 most of the women who married under 15 married men whose age difference was between 0–4 years. Interview results based on the fieldwork in 2019 and 2022 underlined that social media changed the norms around marriage, which influenced some youths to decide to marry and divorce early. This paper aims to study child marriage as a today's practice, not as the result of traditions.¹

1 Introduction

Studies on child marriage frequently mention that child marriage is a consequence of girls' lack of ability to exercise agency. The question here is: *what is full consent in marriage?* Children under 18 are defined as minors who are immature and not capable of making a choice in marriage autonomously; this must mean that children's agency can neither be promoted to say no nor yes (Horii, 2022). But why does the international agenda problematise children's agency that says yes, and over-celebrate the campaigns against child marriage? The findings that girls have exercised agency in marriages that result from love

¹ Chapter 2 and some parts of Chapter 1 are published in: Pratippornkul, R. 'Child-led Marriage in Thailand's Deep South: Focusing on Child Agency and Social Norms among Muslim Youth,' *The International Journal of Children's Rights* 32, no. 4 (2024a): 945-968, doi: doi.org/10.1163/15718182-32040006.

relationships and as a solution for pregnancy in Indonesia by Grijns and Horii (2018) have challenged the idea of child agency in those international terms. Kenny et al. (2019) also found that adolescents made choices to marry by considering what advantages the couples would get within their social contexts in Somaliland and Puntland. Denying that child marriage is a simply harmful practice, this chapter aims to argue that the practitioners are capable of exercising agency in marriage.

This chapter's findings are based on both quantitative and qualitative data. I collected Muslim marriage certificates in Yala Province to identify the trend of women marrying under 18 from 1991 to 2020, and also to explore the trend in the age gap between young brides and their husbands in order to determine the extent to which child marriage is practised as a stereotyped image. I also use qualitative data to answer the research questions: (1) *why do children marry*, focusing on (2) *how do social norms intersect with child agency in marriage* in the Malay-Muslim community in Thailand's Deep South. I use social norms theory to analyse the qualitative data.

Social norms – the unwritten rules that prescribe what behaviour is expected, allowed, or banned in one's group – can be divided into two types: (1) *descriptive norms* – beliefs about what others do; and (2) *injunctive norms* – beliefs about what others approve and disapprove of (Cialdini et al., 1990).

To answer the questions above, the first section unpacks the concept of childhood and child agency behind the idea of human rights. The following section discusses the development of the modern idea of marriage and seeks to explore why it cannot be generalised in some societies. The main section describes trends in child marriage in the last three decades and the changes in attitudes toward child marriage that have influenced the agency-related decision-making about marriage among Malay-Muslim youths, their families, and their villages. The chapter aims to contribute to the considerations of stakeholders

working in the human rights arena and policymakers, and to encourage them to rethink the rights of children seriously and convince them to stop discriminating against specific cultural contexts.

2 Childhood, Child Agency, and Child Marriage

2.1 The Development of the Modern Idea of Child Marriage

Why are people under 18 too young to wed? Why have age and agency become the backdrop for the abolition of child marriage becoming an agenda item from the human rights perspective? This section cannot begin without mentioning the concept of childhood in Philippe Aries's 1962 work. Aries claimed that in the medieval period, any children under 7 years old were treated as mini-adults because the idea of childhood had not yet been invented at that time (John, 2021: 58). In pre-modern times, the end of childhood was recognised when a child entered the age of puberty, and children younger than this age were seen as lacking in terms of sexual matters (Ibid.). Significant change in the concept of childhood came with industrialisation during the nineteenth century. The end of childhood depended on the timing of children beginning to work and adding their income to their family, or when children got married (Ibid.). Cunningham (2006) also suggested that more years in school increased children's years of dependency.

When the capitalist modern idea of childhood began to exclude marriage, international society started to other early marriage as an "alien" practice in non-Western societies. The 1964 Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriage declared the abolishment of 'ancient practices' that limited 'free and full consent of intending spouses'.² Subsequently, the 1966 International Covenant on Civil and Political Rights required that men and women be of 'marriageable age' in order to marry

² Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 10 December 1962.

(International Covenant on Civil and Political Rights, 1966). The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) introduced child marriage as a violation of human rights, but still held back from instituting a marriageable age (UN, 2007). The 1989 Convention on the Rights of the Child (CRC) initially defined children as ‘every human below age eighteen’, arguing that children’s rights needed special protection despite some disagreements about the specific age by the member states. For instance, the Netherlands expressed that a human may reach the age of majority by ‘satisfying criteria other than age’ while the U.S., Finland, and India claimed that the concept of majority varied from context to context (Ibid.: 311). Childhood in international discourse shifted to marginalise children as vulnerable subjects.

In the twentieth-first century, childhood began to be feminised with a new sense of modern *selfhood*. International organisations depicted all forms of marriage under 18 as ‘forced marriage’ and emphasised that children, especially girls, cannot give full and free consent but may end up unavoidably agreeing to marry under pressure (UNICEF Innocenti Research Centre, 2001). The 1994 CEDAW stated that marriage should not be practised until men and women have reached ‘full maturity and capacity to act’. UNICEF celebrates ‘the independent sense of self’ in modern Europe (Ibid.: 18) while claiming that any states allowing child marriage are violating women’s freedom (de Silva-de-Alwis, 2008: 2). Women-And-Children became a set of phrases while childhood was shifted to ‘girlhood’ in global texts (Bessa, 2019). ‘Girl brides’ were claimed not to have power in decision-making in their new homes because young brides live with their husbands who are twice as old as they are (OXFAM, 2019). Since the 2000s, a development agenda began to work on empowering girls (Bessa, 2019: 1943) ‘to make their own choices’, and to make sure that girls are given the choice to marry later (UNFPA 2012: 52).

Victimising girls, especially in the Third World, as subjects who must be protected and celebrating absolute autonomy in their decision-making form the concept of the new idea of childhood which has been socially constructed in modern Western societies. The next section advances the idea that autonomous agency independent of a social context never exists, regardless of one's age being below or above 18. I will clarify the definition of agency in the decision-making process, to demonstrate that agency is too complex a concept to be simplified through universal criteria.

2.2 Agency

2.2.1 Definition of Agency

The meaning of agency depends on when and where it is talked about, but it is important to clarify the definition used in this chapter. Giddens (1984) describes agency as the capacity to act or to do something, but Thomson (2013) also suggests that the decision not to do something is also an exercise of agency. Kabeer (1999) defined agency as one of terms of three inter-related dimensions of exercising choice; the other two are resources and achievements. Agency is the ability to define one's goals and act upon them (Ibid.). Agency is not simply a decision-making process: it can take other forms such as 'bargaining and negotiation, deception and manipulation, subversion and resistance' (Kabeer, 1999: 438). Kabeer also suggested that agency can be exercised by collectives. Through the lens that agency can be exercised collectively regardless of social contexts, this chapter uses Kabeer's definition of agency to explore how practitioners made their choices related to child marriage.

2.2.2 The Limit of Agency in Women's Empowerment Policy

A problem of the international agenda is that it focuses on the inequalities in women's capacity to make choices, but it is not interested in differences in the choices that women make. In other words, the empowerment agenda generalises policy by creating more access to resources. An act of agency in the liberal notion only includes positive choices, such as

resistance to male-dominant rules. However, those can never be one of the actualised choices that people in some communities make. Kabeer (Ibid.: 457) suggests that individual women can make a decision to act against the norms, but that choice may come at a high price to pay for their autonomy. For instance, in some Tibetan tribes, polyandry – where one woman marries multiple men – is a common practice, while in other societies, it is deemed ‘adultery.’ Likewise, certain European agricultural communities accepted out-of-wedlock pregnancies as a way for men’s families to secure heirs (Giddens, 1989), whereas in other cultures, such pregnancies could result in harsh penalties. In other words, *the resources introduced by an outsider are to be removed or not even considered as one of the choices*. How people are able to make a choice depends on where they live and how they accept norms and values in their society through socialisation, because one’s self is formed by cultural context (Geertz, 1973).

Human beings exercising numerous choices in their daily life may be powerful, but this does not necessarily mean that they are either empowered or disempowered (Kabeer, 1999: 437). Dominant studies about sex workers are similar to those on child marriage from the perspective of women empowerment policymakers, as women are portrayed through the narrative of poverty, resistance to patriarchal rules, and lack of agency. However, sex workers in India have identified their job as a pathway to success, with goals such as being a breadwinner for their family and being proud to be their own boss, rather than as victims of the patriarchy (Karandikar et al., 2022). Refusing the notion that child marriage is a backward practice that disempowers women, the next section attempts to find out what marriage means to some child marriage practitioners and how they exercise agency in an analysis of the current child marriage trend in Thailand’s Deep South.

3 Methodology

The data for quantitative analysis are drawn from Muslim marriage (*nikah*) certificates issued from 1991 to 2020 in 10 sub-districts of Yala Province, which consists of

four urban and six rural areas. I collected these from the Yala Provincial Islamic Council, the only Islamic Council in the three provinces of the Deep South for which all *nikah* certificates were accessible. At the time I went to collect the data from May to July 2022, the ages of marriage listed on the certificates were confirmed to be the real ages, unlike in some countries where underage marriage is illegal, which forces the practitioners to register a fake age. Since no couple can be in a union without the solemnisation of Muslim marriage held by religious leaders where *nikah* certificates are simultaneously issued, my data reliably to represent marriage trends in all the sub-districts that I selected. However, while the women's age of marriage listed on the papers ranged from age 11 to 89, there was no way to identify whether a certificate registered a first marriage versus a remarriage, or even a polygamous marriage. Therefore, because I aim to clarify trends in first marriages involving people under 18, I will select only the data of all women who married before the age of 30 (N=10,357). This approach is based on the local cultural contexts where there is a high possibility that a first marriage was held before this age for women. I will also focus on the age gap between the couples for which the bride's age at marriage was under 15 to determine how many of them might fit the stereotypically assumed case of child marriage.

Qualitative data cannot be overlooked in efforts to understand the quantitative trend. My qualitative data are based on fieldwork in the three provinces in August 2019 and May to December 2022 where I collected data from interviews and daily talks with women who married before the age of 18, from thirty years ago until the recent year of 2022. This also includes their husbands, friends, families, village administrators, religious leaders, NGO staff members, schoolteachers, and also people who married after the age of 18. I mostly communicated with local people directly in Thai, my native tongue, by myself. Sometimes my research assistant, a Malay-Muslim woman, translated the local language of Patani-Malay to Thai for me, especially in conversation with people over age 50 who mainly grew up using

only the local language. I stopped conducting interviews after receiving a good amount of similar information and coming to understand the implications from the data. I used Pivot-Tables in Microsoft Excel to analyse the quantitative data, and the concept of social norms from Ciadini et al. (1990) consisting of concept of agency from Kabeer (1999) to analyse the qualitative data.

4 Results

4.1 Overall Marriage Trends from 1991 to 2020

Figure 2.1 shows the ratio of all women married before age 30, per year from 1991 to 2020, in the following age groups: (a) under 15; (b) 15–17; (c) 18–20; (d) 21–23; (e) 24–26; and (f) 27–29. The trend of women who married under 18 is divided into (a) and (b) in order to determine the proportion of child marriages. In 1991–1995 (N=1554), the marriage age of 15–17 represented 25.03 per cent, but it dropped by more than half to 10.70 per cent in 2016–2020. On the other hand, the percentage of women married under 15 was also dropping, but more gradually with small differences. It was 1.87 per cent in 1991–1995, 2.12 per cent in 2001–2005, and 0.93 per cent in 2016–2020. While the ratio in recent years was twice as low compared to the 1990s, the proportion of women married under 15 remains stable when compared to other groups of marriageable age. Marriage at the age of 18–20 decreased since 1996–2000; in particular, there were two sharp falls from 27.22 per cent in 2006–2010 to 23.07 per cent in 2011–2015 and 17.52 per cent in 2016–2020.

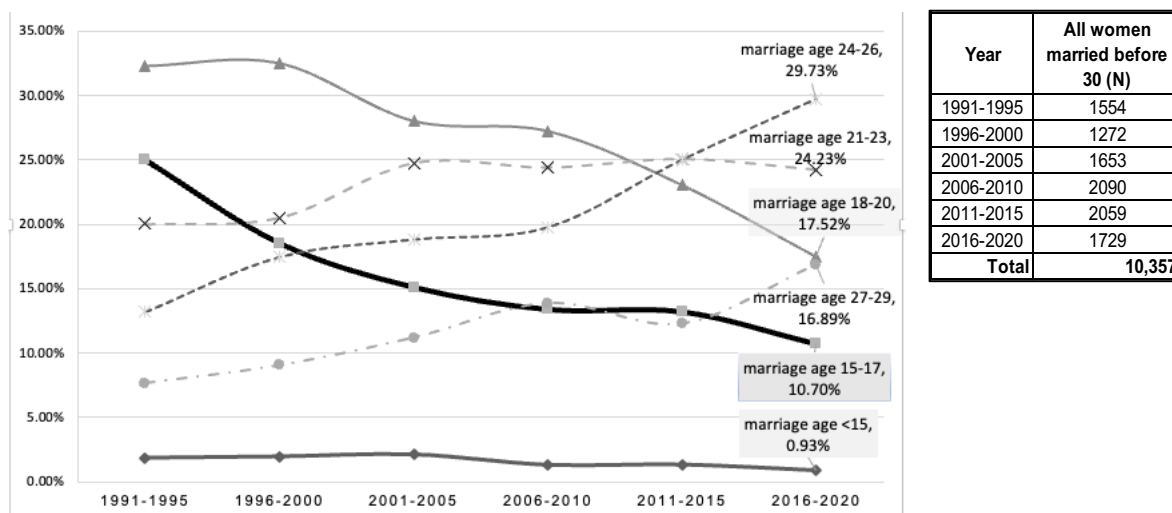


Figure 2.1: Women married before 30 from 1991 to 2020, divided by the year and age of marriage. (N=10,357). Source: Provincial Islamic Council of Yala (2022).

In contrast, the number of women who married after age 20 has increased in the last three decades. The significant change was in the rate of women who married at 24–26 years old, which was only 13.19 per cent in 1991–1995, but reached 29.73 per cent in the most recent years. The number of women married at 15–17 and 18–20 years old were the majority of all women married before 30 in 1991–1995. However, including those whose marriage age was under 15, the number of all women married before age 20 decreased in the recent years of 2016–2020, while the ratio of women married at 20–29 increased; in particular, the ratio of those whose marriage age was 21–23 doubled when compared to the earliest years examined in the study.

4.2 The Spousal Age Differences between under 15-year-old Brides and Their Grooms

Figure 2.2 shows that in the period when parents arranging marriage for their children was a normal practice, the age gaps between under-15-year-old brides and their grooms varied widely: from men who were 1–5 years younger to those who were 35–39 years older than the brides.

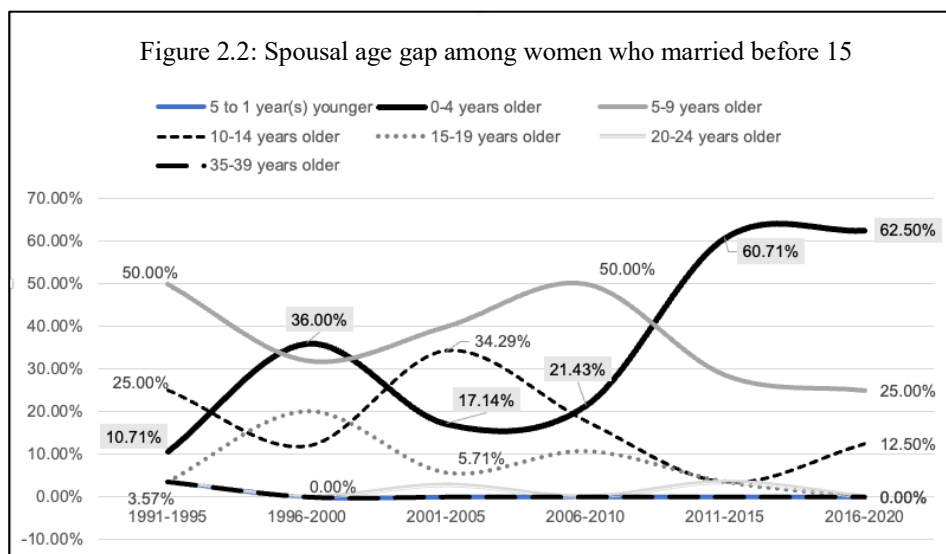


Figure 2.2: Spousal age gap among women who married before 15

While in 1991–1995 these brides were not mostly marrying grooms close to their age (0–4 different years), the ratio gradually increased over time, from 17.14 per cent in 2001–2005 to 21.43 per cent in 2006–2010, and rapidly increased to 60.77 per cent in 2011–2015. This proportion continued to increase up to 62.50 per cent in 2016–2020. In other words, in 87.50 per cent of cases, the age gaps between brides who married before 15 and their grooms were of less than 10 years, and none of the women in the date set married men whose age was twice their age, as was found at the beginning of the 1990s.

To conclude from Figures 2.1 and 2.2, what marriage meant in the past and what marriage means now are different. Figure 2.1 presents a sharp fall not only in child marriage but also among all women who married under 20 in 2006–2010, while at the same time more women seemed to marry later; in particular, women aged 27–29 showed a sharp increase line in 2006–2010. The change in the age gap shown in Figure 2.2 in the middle of the 2000s is also evidence that there were some changes in norms around marriage that must have significantly affected marriage patterns.

It is worth noting that around 2007, the Islamic Council in the Deep South initially introduced a pre-marital seminar which required all Muslim people to join and receive an

attendance certificate in order to marry, because the Islamic Council was aware of the increase in divorce and aimed to help young married couples maintain happy relationships in their marriages. This was inspired by Malaysia. The provision in the 2003 Islamic Family Law of Malaysia (Negeri Sembilan) required that any brides and grooms must attend the pre-marriage courses, and the publication of the course module was completed in 2008–2012 (Kamarusdiana, 2022: 57). In 2009, Indonesia also established ‘premarital education’ with the same aims (Ibid.: 51). In other words, these initial efforts at the policy level reflected the changes in perspective on marriage and divorce. The results from qualitative data in the next section also imply that the change in communication tools around the mid-2000s has affected how adolescents make decisions in marriage.

4.3 Norms around Marriage and Child Agency

4.3.1 Parent-led Marriage

This section presents results based on group interviews and daily conversations with women and men who married between the 1970s and 2001. Until the beginning of the twenty-first century, interview respondents from this group defined a ‘good marriage’ as a marriage that parents had arranged for children. Women who reached puberty, around 13 to 16 years old, were considered the proper age to marry off. Men’s marriage age was older, because it depended on their experience in agriculture, and whether men had completed the conscription before marrying, which meant at least around 20. This relates to Figure 2.2, which shows the variation in spousal age differences. Seventy per cent of brides married grooms who were 5–14 years older, and one woman (3.57%) also married a husband who was 35–39 older in 1991–1995. Only 10.71 per cent married men who were 0–4 years older. This was because men were expected by the bride’s parents to have a stable job and income, so that parents could guarantee that the future husband would be able to feed their daughter,

and have enough money for a dowry, the money that the groom gave to the bride's family to show their thankfulness for raising his bride.

When a child reached the age of puberty, parents and neighbours would discuss the child's marriage and involve them in the matchmaking process. When there was no telephone, a father and his ready-to-marry son would go to another village and ask the head of the village to introduce a bride. The groom team would walk around the village, stopping by the houses that had unmarried women and talking to their fathers. If the talk between adults went well, the next step was to let their children see each other's faces and decide if they would marry. If the son did not like a daughter at first sight, they would move to the next house. If a daughter did not like the son, her father would reject their request politely by setting the dowry at a very high price.

The first marriage was a parent-led marriage. Regardless of their age, children may not participate much in the decision-making. All of the twelve women and nine men in the group interview respondents mentioned that they just obeyed their parents' wishes for them. One female participant, Kak Da, aged 15 when she first married in 1989, said that she had been in love with someone already, but when her parents noticed this, she was pressured to marry another man that her father had screened as he was a better person for her.³ Selecting a spouse in the first marriage without parents' involvement was not an available choice at that time, either for men or women. Kak Da herself knew that running away with her lover would cause damage to her family's honour. She did not want to be sinful by being disobedient to her parents and so she preferred to survive in her village and made her choice to marry.

Eight out of twelve women participants who had married before 2001 later got divorced at least once, and five of them remarried more than two times. These eight divorcees explained that their divorce happened a few months after the first marriage, especially when

³ Interview with Kak Da (pseudonym), aged 47, first married at 15. August 19, 2019, Narathiwat Province.

they were pregnant and could not have sexual intercourse. In other words, it was normal that divorce was a husband-led decision. Regardless of their age, divorcees often met a new spouse by themselves, while their parents were only involved when they needed approval for *nikah*. Love relationships may be built before the decision to remarry, unlike with the first marriage. However, both widows and widowers may not date for a long time before remarrying, because both men and women believed that they would achieve full and perfect autonomy through marital status. ‘Love’ was not a must condition for first marriage or/and re-marriage. An interview participant, Malinee, aged 60, said her fifth remarriage was prompted by her prior husband’s death, so her children suggested her to a man who had already had wives but who would be willing to ‘make merit’ by helping her become fully autonomous (again) by marriage.⁴ Malinee believed that in life after death, Allah decides the order of who will enter heaven first. She believed that persons who were fully autonomous (married) in the present world would be prioritised while non-married people would have to wait. Malinee and Kak Da’s agency in marriage were not only related to the societal rules but also connected to the life of the hereafter.

4.3.2 Child-led Marriage

This is the main section which I will focus on norms that intersect with agency in marriage among adolescents who married between 2006 and 2022. I argue that the lifestyle of socialisation in the age of globalisation has strongly influenced adolescents to connect to the world outside their own society and to change their habits related to sex and marriage. I mainly represent four cases from a group of 15 women who married in this period, but the results also include an uncountable number of key informants who I have talked to about their thoughts on marriage. None of the interview participants who married under 18 years old after 2006 defined their marriage as a form of oppression. They acknowledged love and

⁴ Interview with Malinee (pseudonym), aged 60, first married at 13. August 19, 2019, Narathiwat Province.

marriage differently from people in the prior section, who had ages around those of their parents' and grandparents' generations. Notably, there is a gap in social norms between the two generations that has strongly affected agency in marriage among the younger generation. I underscore the conflict in norms between the two generations and apply it to all the themes that emerged from the qualitative data to explore how children exercise agency under these circumstances, focusing on the agency that defines one's goals and the agency to act upon them (Kabeer, 1999).

(a) Marriage as a fulfilment of self and desire

This is the fundamental theme, presenting the idea that the Malay-Muslim adolescents now prioritise their desire to legitimate a sexual relationship when exercising agency in marriage. At the same time, their agency is made in both the senses of obeying and resisting how parents and adults in their community thought they should act.

Nureeha's case

Nureeha first married her 18-year-old boyfriend in 2016 at 16, whom she met on Facebook. She did not like school but rather preferred to spend time with her boyfriend. One day, she came back late at night and was caught by her father as she was hugging her boyfriend on the back seat of his motorcycle. 'My father was really mad at us, asking me what I would do if I ended up with a pregnancy', said Nureeha. Nureeha realised through her father that what she thought was normal (*descriptive norms*: Nureeha believes that having a boyfriend is appropriate, as other friends at her age also do) may dishonour her village (*injunctive norms*: Nureeha believes that her society would disapprove of her intimacy with the boy if she does not marry him).

She did not think about ending the relationship. She decided to marry to follow her father's words to legitimise the relationship, but she did not drop out of school per her father's wish. She moved in to live with her first husband, but got bored very soon. Months

after the marriage, Nureeha started a new relationship with another man, telling her father that she wanted to legitimise the new love by marrying the new man.

Her father denied her wish. On the day her first husband was away from home, Nureeha decided to elope to her new boyfriend's place. Though her father tried to call her several times, she refused to answer. A few days later, she answered the call. 'I told my father that if he did not approve of the new guy I would never go back home,' said Nureeha. Nevertheless, her first husband did not accept the divorce at first, but he changed his mind once Nureeha sent some pictures of her with her new boyfriend. Now, Nureeha is remarried to her new husband and takes care of the child born to her first marriage.

When dating her first boyfriend, Nureeha did not think about marriage, but just about a sexual relationship, as she mentioned: 'Everyone my age has boyfriends' (*descriptive norms*). Nureeha learned from the first marriage that marriage is how her community approved of sexual relationships, so divorcing and remarrying became the pathway to reach the goal of having another relationship with a new man. However, this meaning of Nureeha's goal in marriage was totally different from her father's understanding of marriage. In her father's view, Nureeha's marriage was done in the spirit of responsibility to purify the sin that his daughter had committed. In contrast, Nureeha even mentioned that she made her choice to marry independently and did not think that she had disvalued village customs but rather respected them by doing it correctly in religious contexts.

Elopement case

There was a reason for Nureeha's father to approve of his daughter's decision despite his own will. Traditionally, *nikah*, is an important event of the village that must consist of a religious leader (basically referring to the imam in the bride's village), *wali* (the bride's father, or male relative of the father's side), and villagers as witnesses. It is the father's pride and duty to be the most powerful decision-maker in the child's marriage – a decision which is made in the

sense of protection. However, in the Islamic customs here, there is an alternative way of approving elopement in which *wali* is absent in the solemnisation. This is called *pinoh-wali* in a Patani-Malay term.

Pinoh-wali is a type of *nikah* in which committee members in the Provincial Islamic Council represent two duties in the solemnisation: the imam (to approve that the couple is married and issue the *nikah* certificate) and the *wali*. From the perspective of religious leaders, *pinoh-wali* marriage initially used to be a solution for brides whose fathers were over 96 kilometres away, which was considered too far in the era when transportation was inconvenient. However, in the current context, some couples who have not received approval from the bride's family and wanted to marry secretly have come to the council. In the past, this meant that her family did not respect the village's imam. The family could be kicked out of the village. Based on this custom, many families cannot resist their daughter's desire to marry in the general style because they believe it would be even worse if their daughters married completely without their father's acknowledgement. In other words, *injunctive norms* among the parents who have accepted their daughter's early marriage are that the parents believe that others would be more likely to approve of the general marriage style rather than the *pinoh-wali* style, so the parents decided to agree rather than resist the request.

However, despite the negative views among parents' generations about elopement, currently, adolescents who have eloped defined *pinoh-wali* positively as a pathway to complete their wish of being in unions. The new *descriptive norm*, is these adolescents believe that marrying their lover by themselves without their parents' approval is normal. The committee members on the council who are men around the ages of 40–60 have also witnessed the changes of freedom in terms of sexuality and marriage.

A girl aged 14 came here with her 17-year-old lover saying that she just ran away from home and they had stayed overnight together already. A girl in front of me said she's *zina* (sinful) already and begged me to approve their *nikah*, so how could I deny this? Isn't it my duty to marry them off? It's my job to make it right. Otherwise, I'd be sinful too, to neglect them.

— A committee member of Islamic Council of Yala Province⁵

We have tried to teach our kids what good marriage means – they don't listen to us anymore. Young people now have more freedom than people my age. They meet on social media, and don't think about *zina* seriously. We cannot control children's freedom in sexual activity anymore. The world is changing. You do not have choices, but can only help them back to the right way by approving the marriage. The more restrictions on marriage, the more *zina*. Islam does not make marriage difficult, because it does not want humans to make more sins.

— Abdullah Abubaka, a committee member of Islamic Council of Yala Province⁶

For parents, adolescent cultures involving sexual relationships seem to be the result of a failure, and it is the duty of religious leaders to protect them from sin. However, these younger people felt the power within their agency to marry, and their marriage was not the result of an accident.

(b) Marriage as an empowering choice and an achievement

Marrying at young age now is seen as a bitter solution for some bad practices, from many parents' perspectives. However, the following interview respondents precisely described their marriage as an intentional choice in order to reach some goals.

Huda's case

Huda never went to school, so she could not write or read. She helped her family on rubber farms and with raising her nine siblings. She was grew up in a remote village, where the

⁵ Interview on 28 September 2022, Yala, Thailand.

⁶ Interview on 11 May 2022, Yala, Thailand.

nearest downtown was too far away for her to visit regularly, so her daily life was circumscribed to the village until she got a smartphone at 16. She met a 19-year-old boyfriend on Facebook. She claimed that her illiteracy did not bar her from online socialising because she could chat with anyone via video call. After the relationship had been going on for three months, her family urged her to marry, fearing that her dating a man they did not know before marriage would be *zina*. It is worth noting that Huda did not see this as coercion, but she considered some advantages of marrying in her parents' words.

I asked my mom and my neighbours how life would be different after marrying. They said I'd have more freedom to go anywhere because for girls, being adolescent and unmarried meant there's a limit to going outside the house without a male chaperone. I felt the same way about that. I still remember the day I wanted to go to a shop when I realised while cooking for my siblings that I lacked some ingredients. I had to ask my brothers to accompany me to the shop even though it was a few metres away from my house, and they wouldn't help me at all. They kept playing with toys. We fought about this too many times. I wished I could just go shopping alone. I saw many friends on Facebook playing around outside and I wanted that too. I don't think it was a passionate love after dating the first boy a few times, but the marriage was a good deal in that I would be able to socialise and find the world freely.⁷

Huda's goal of independence was reached to some extent: she could go outside her house alone without rumours from neighbours anymore. The agency in divorce and remarriage is also important to note here. Huda became bored with her husband as he spent his time taking care of their baby rather than playing outside with her. 'I married because I wanted to see the world, not stay at home.' Huda complained about life after marriage.⁸ Huda

⁷ Interview with Huda (pseudonym), 21 August 2019, Narathiwat, Thailand.

⁸ Ibid.

began to hang out in town frequently and came back home at 2–3 a.m., which was when her husband woke up to work on. Her husband never got mad that she abandoned their baby. One day, Huda's mother warned her that it'd be better to divorce and allow her husband to find a better wife. He did not want to end the relationship. However, Huda continued to play around and met a new guy, which again made her mother beg her to divorce. In the end, she divorced and remarried the new guy. This time, Huda chose an outgoing and extroverted man living downtown.

Divorce does not carry any negative stigma, as Huda and Nureeha both used remarriage as a normal option for a new sexual relationship. The goal is different from people who were married before Huda's generation. As mentioned before, divorcees who first married before 2001 remarried because of reasons related to the life of the hereafter, where God favoured those with a certain marital status. Now, young people believe that marriage and divorce can be pathways to legitimise sexual relationships with the opposite sex, whom they met and communicated frequently with via social media. Huda's decision-making in both in marriage and remarriage highlights the agency of the respondents, who are not vulnerable subjects or victims; this challenges the stereotypes about child marriage found in international rights-based reports.

Farida's case

Another respondent, Farida, got married at around 18 in 2017 to a boyfriend of the same age whom she met at school. Despite the fact that Farida's marriage was not defined as child marriage because she was not married under 18 (but had become 18 just days earlier), I use her case to demonstrate that age cannot be the criteria for judging whether this marriage is normal or abnormal. Similar to Huda, Farida made the decision to marry in order to reach a goal of living with a better family, but society stigmatised her marriage as an accident.

Farida dropped out from Islamic religious school (*pondok*) and started junior high school late at 16. It was her last semester of *matthayom* 3 (equal to grade 9 in the Western system) when Farida's village chief caught her together with her boyfriend in her house, so the couple ended up getting married. This type of marriage is called *jueko*. *Jueko* had negative implications, as it was the only solution for anyone who had already violated the Islamic teaching of *zina*. In Farida's village, *zina* referred to not only sexual intercourse outside of wedlock, but also other activities considered to be too intimate, such as riding on the same motorcycle with a boy. It also had restrictive punishments for the villagers practicing *zina*, such as the family being shunned from village events and socialising with other villagers, and couples being fined for polluting their village's honour. In contrast, in the husband's village, *jueko* was only used as a solution for pregnancy out of wedlock.

Despite Farida knowing her village's restrictions very well, Farida described her marriage as happening not accidentally but intentionally. Before marrying, Farida lived with her parents and her younger sister, at least until the day her mother suddenly disappeared from her house, moving to live with another man. Since 16 years old, Farida worked hard to feed her family while still keeping up with her studies in junior high school. At the same time, she started to date a boy. Farida expressed her thankfulness to her boyfriend's family:

His mother was very nice to me since the first time we met. His family was so warm and they welcomed me every time I came here. It was full of love, which I did not feel in my own family.⁹

Months after Farida's mother had abandoned the family for a new man, her father told her that he was preparing to remarry and move to his new wife's place, leaving his two

⁹ Interview with Farida (pseudonym), 10 December 2022, Yala, Thailand.

daughters behind. Farida's father already knew that she had a boyfriend but he suggested that they should wait to marry until after finishing school. Nevertheless, she did not want to wait for that. Farida had avoided spending time with her boyfriend in her village due to the restrictions. But not so long after her father abandoned the two daughters, Farida was caught with her boyfriend in her house and they got married after that. However, Farida mentioned that she made the choice to marry, considering the merits she would get from it. She knew well that *jueko* would come at the high price, but she exercised agency to marry to secure her future. In other words, her agency was exercised as a type of resistance to the *descriptive norms* (she believed that others in her village would try to avoid being caught when spending time with the opposite sex alone) and the *injunctive norms* (she believed that others would disapprove of her intimacy which makes her marriage happen immediately). Farida mentioned that 'I knew his family would take care of me very, so I really wanted to marry him. And they were. They are. They gave their love and money to me and my sister.' Farida and her husband continued to study after marrying.

According to 20 schools in the Deep South that I contacted, the schools acknowledged that regardless of whether a school is public or religious, school policies have been ratified to allow married couples to continue their studies, starting at the end of the 2000s because of the increase of dating couples in school¹⁰. This is a new norm among Muslim youths in which sexual relationships are not prohibited but accepted. Child marriage can mean a pathway for achievement for the practitioners.

(c) Marriage as a solution for pregnancy

Two out of 15 respondents who married in 2006–2020 married because of pregnancy. I was told about more cases of this, but only two of them were willing to talk about this

¹⁰ Individual interviews with school teachers from 20 schools in the three provinces in the Deep South, December 2022.

because pregnancy out of wedlock is an embarrassment for one's family and oneself.

Therefore, many pregnant women chose to move and live in other villages after marriage and have avoided talking about their experiences. This is unlike the other 13 women respondents who married before pregnancy as mentioned in (a) and (b), and who were very open and proud to talk about their sexual activities.

On the one hand, many parents who did not grow up in the internet era interestingly blamed the prevalence of intimacy before marriage on 'Western sexual cultures' and 'Non-Islamic cultures'. The discourse such as 'adolescents practice foreign cultures because of televisions, smartphones, and internet,' is also very popular. On the other hand, Kak Na, a village health volunteer, around age 50, expressed another view:

Parents who do not spend time and communicate with their children are the most to blame, not the children alone. One of my neighbours, is a big agent selling drugs in my district. They do not even care if their daughter has eaten anything yet, and never spent time talking about her life at school. When she was pregnant, they just married her off. Abandoned children got pregnant very early, and I am afraid that their children in the future will face the same problem.¹¹

Ruslina's case

Ruslina is one of the cases that Kak Na related to. She was 16 on the day I met her in 2022. She married in 2021 after being pregnant for three months. She lived with her grandmother, and her house was surrounded by a number of women who had experienced their first pregnancy at 16–18. Ruslina grew up there with her grandmother on her father's side and never met her own mother. Ruslina's father had had her when he was 13, but he never lived with her. Ruslina was also 13 when she started to date her 15-year-old boyfriend and after that got pregnant, which caused her to marry.

¹¹ Interview with Kak Na (pseudonym), 12 December 2022, Yala, Thailand

Whether the factors contributing to early pregnancy are because of broken homes or interactions through social media that make it more convenient for young people to meet each other, the available options after getting pregnant are limited. While adolescents and adults may have accepted dating before marriage to some extent, pregnancy out of wedlock is shameful among both the parents' and younger generations. In addition, the new policy of Ruslina's school only allows for married students and pregnant students whose pregnancy happened after marriage. Girls who are pregnant out of wedlock will be automatically dismissed from the school. Ruslina could not continue in school because she was pregnant before marriage. The *injunctive norms* which made her marry were that: she believed that others would approve of her sinful pregnancy by marriage. An imam in Pattani province mentioned this norm as follows:

I married them off, not because I wanted to but their parents begged me to. The girl's honour must be protected and the boy must be responsible for what he's done. My job was to purify the sin as soon as I could. This is based on Islamic rule, saying that if a woman gives birth to her child while her marriage period is shorter than 6 months, the baby would be stigmatised as a *zina* child. Regardless of if a man is the biological father, he cannot be the father religiously. The only way to protect the girl and her baby from this sin is *nikah*.¹²

The criteria citing an Islamic rule of a period of marriage shorter than 6 months is not universal, even within the Deep South. Some imams have given up following the traditional religious rule that they cannot marry off any women who are more than three months pregnant. For example, an imam in Yala, mentioned that he repeatedly announced that '*Zina* is sinful, but in case you have already done so, you can be forgiven. If you're pregnant already, regardless of the pregnancy period, please come here for *nikah*. Marrying would

¹² Interview with an imam, 20 August 2019, Pattani, Thailand.

dilute your sin'. This imam bent the rules to compromise for the new norms in sexual activity practised by current adolescents.

Pregnant girls like Ruslina chose to marry instead of either giving birth out of marriage or getting an abortion. If she reported to the doctor that her pregnancy was because of an accident, then she could get an abortion legally but she may not be able to live in the village anymore because of the *descriptive norms*, which even her friends of the same age think that abortion only creates more sin. Her agency in marriage was also related to the unborn baby, because it is important to religiously identify the father of the baby by marriage. However, although the choices were limited, other people in her society do not think of divorce in a negative sense. Some pregnant women get divorced soon after giving birth because their goal in marriage were only to identify the father and purify the sin in order to stay in their village.

5 Discussion

My findings have raised questions about what agency means when it comes to child agency in marriage. I have used the *concept of social norms – descriptive norms* (what one believes that others do) and *injunctive norms* (what one believes that others think is appropriate or inappropriate) – to unpack what norms intersect with women’s agency in marriage, divorce, and remarriage among adolescents. Despite the dominant discourse in international reports about marginalised brides who marry at a young age and lack autonomous power in decision-making, and who are victims in patriarchal society, I shifted the lens to study child marriage from the feminist strength-based perspective, which demonstrates that *all women have the ability to shape their environment and to adapt to their situation for positive change* (Segal et al., 2019; Turner and Maschi, 2015). In my findings, I used the concept of agency from Kabeer’s study which referred to agency as ‘the ability to define one’s goal and act upon them’ (Kabeer, 1999: 438).

I explored the idea that the norms around marriage (and divorce) are different in the pre- and post-globalisation eras, referring to the changes in mass communication through which people became able to contact each other in an almost unlimited way through the internet and social media. The borderline between these eras is around 2006–2010, during which most of the women who married under age 15 married men similar to their age, which was unlike the years before (1991–2005) when the spousal age gaps varied more widely. Developments in technology have influenced some adolescents to make a decision in marriage solely without their parents, but the decrease in women who married below 18 also confirmed that most of the women in the post-globalisation era who married before age 30 did not favour the practice of child marriage. Those who married prior to this era experienced and accepted the norms that regardless of age, men’s and women’s first marriages were led by parents and neighbours. The relationships among children, family, and the village were very

much dependent on each other. Both men and women who reached puberty believed that a ‘good marriage’ was a marriage that parents had arranged for their children (*descriptive norms*), and that resistance to what they believed that others would approve of would come at a high price (*injunctive norms*). Therefore, children’s agency in marriage in the earlier era intersected with the social norms of it being appropriate to obey what parents chose for them. In contrast, since around the year 2006, the significant change in communication methods has influenced adolescents to be more independent from their parents and from village rules in the decision-making process in marriage.

Interview respondents who married between 2006 and 2022 met their first husband in one of two ways: at school or through online dating via social media such as Facebook, which totally excluded parents from the matchmaking process. This trend in child marriage is also found in other regions. For instance, Horii (2020) found that child marriage in Indonesia is a result of a clash between parents/grandparents, who practised traditional marriage, and the young generation who grew up experiencing a modern lifestyle. Modernity in her thesis means more opportunities to be in school, more frequency of socialising via mobile phone, and more convenient transportation that helped people meet up worldwide. Lokot et al. (2022: 184) also found in their study in Somalia and Cameroon that today’s adolescents who meet up online seem to elope soon after, removing parents from any marriage-related decisions. In this chapter, I have not only shown that the current ratio of child marriage in Thailand’s Deep South has decreased in the last three decades, but also identified the different factors that have influenced adolescents to marry before and after the change in communication methods. Women who first married under age 18 and grew up in the post-globalisation era exercised agency in marriage intersecting with the social norms that it is normal to be intimate with the opposite sex and that marriage after having a sexual

relationship is an appropriate choice. Therefore, child marriage is far from being a traditional subject of uncivilised culture that has never changed.

Not limited to children under 18, another significant difference in marriage norms between pre- and post-internet society is that marriage in the post-internet era is temporary and short-term, and marriage goals are often underlined with eagerness to legitimate sexual intercourse. The findings showed that children exercise agency to reach the goals of (a) fulfilling their desire for sexual relationships, (b) empowering choice and achievement, and (c) solving the problem of accidental pregnancy. Some might find that these girls took action to marry under pressure and limited options, so their actions could be viewed as lacking agency. However, there are some counterpoints to this view. Denov et al. (2007) argued that children are capable of exercising agency even if the outcome is not good. Thomson (2013) also proved that human beings make strategic decisions for daily survival and assert agency. The choices to marry or not to marry should both be respected.

Although I have identified how children exercise agency in marriage, I would still argue that it is impossible for an outsider to judge whether the choices these women made were free or not. The Ruslina's case, was stigmatised by her villagers as a shameful pregnancy. It is worth noting that Ruslina talked to me after her grandmother left our conversation and there were only two of us. She never mentioned that her pregnancy was unintended. She claimed that she was proud that her pregnancy helped her husband to become independent from his family. His house was crowded with his siblings and he had told her before that he wanted to live at her grandmother's house. Therefore, Ruslina might have considered that pregnancy could stimulate to fulfil the boyfriend's wish. In the dominant discourse on child marriage, this may be portrayed as a story of poor children who have lost their rights to enjoy childhood and were forced to enter into adulthood. But through the lens of the practitioners, marriage was just a strategic choice that the couple made, which may not

sound good or moral from outsiders' perspectives; however, there is no doubt that such children who practised child marriage had capacity in their decision-making process.

6 Conclusion

The findings in this chapter have demonstrated that the trend of child marriage in Southern Thailand's Muslim community has been decreasing over the last three decades; and the social norms that intersect with agency in marriage among children have also completely changed, as a result of the change in communication lifestyles. However, since the data are based on some selected regions and limited to the participants who were willing to talk, my research cannot be generalised to the diverse population of all child marriage practitioners. Although I analysed the current trend of child marriage into three categories, I argue that even in the unit of village, the social contexts are too complex to define child marriage within the limits of a strict pattern. This also makes us rethink whether it is possible or even necessary to use child marriage as a simple window of complexities. These findings have important implications for policy, such as the effort to set a minimum age of marriage in Islamic law in Thailand, or international advocacy that tries to end child marriage but only reproduces stigma and discriminates against child marriage practitioners by viewing them as powerless. This work is a piece of evidence proving that youths exert strategic agency in their professional and personal lives.

Chapter 3:

Trends and Determinants of Muslim Women's Marriage Age that Married Before 18 and Before 15 in Southern Thailand:

An analysis by types of regions and year of marriage in 1990–2021

1 Introduction

International human rights organisations have focused on campaigns to end child marriage in the Muslim-majority provinces of Southern Thailand. However, despite the fact that marrying under the age of 18 is prevalent in other regions of Thailand as well, the provinces of Pattani, Yala, and Narathiwat have attracted international organisations for development investment due to the armed conflict that reignited in 2004, along with associated issues such as low economic activity, high poverty rates, and the breakdown of family structures, which have left many children abandoned or orphaned. Although at the time of writing this thesis there are currently no studies specifically examining child marriage in Southern Thailand, the characteristics of these three provinces make them a target for initiatives aimed at ending child marriage.

Previous studies on child marriage have predominantly focused on the causes and consequences of the practice and on prevention strategies. Reports from Plan International (2013), UNICEF (2022), and UNFPA (2012) have identified poverty, lack of education, insecurity at home, bride prices, and traditional norms as contributing factors to child marriage. Additionally, many studies highlight that child marriage is often linked to low levels of educational and employment development, particularly in conflict zones (Schlecht, Rowley & Babirye, 2013; Mourtada, Schlecht & Delong, 2017; Oxfam, 2019; Zabel, 2016). Early and unplanned pregnancies, as well as school dropout rates, are reported as both drivers and consequences of child marriage. Several studies suggest that the determinants of child

marriage are influenced by economic status, religion, place of residence, ethnicity, and region (Hotchkiss et al., 2016).

However, some research indicates that child marriage should not be simplistically viewed as a practice confined to underdeveloped, traditional settings (Bessa, 2019; Horii, 2020; John, 2021). Moreover, studies have argued that the factors influencing children to decide to marry in recent years differ from those affecting previous generations (Horii, 2020; Locot et al., 2019). Thus, it is essential to analyse child marriage trends by regional variations and the year in which the marriage occurs to better understand the contexts surrounding child marriage and to develop effective interventions, rather than merely generalising its causes and consequences from a negative perspective.

This chapter aims to examine regional variations in child marriage across ten sub-districts (tambons) in Yala Province. It will differentiate between Muslim women who married under the age of 15 and those who married between 15 and 17 to observe the different trends within those who married before age 18. The analysis of regional variations will provide valuable insights specific to each region. The data are sourced from Muslim marriage certificates issued between 1990 and 2021 for women who married before the age of 30. This chapter aims to contribute to policymakers and researchers by facilitating the development of regionally based programs for effective intervention.

2 Hypothesis and Theories Behind It

2.1 Economic Modernisation Theory

(a) Muslim women marry earlier in rural tambons than in urban tambons

I posit that economic development may influence individuals to delay marriage. The types of labour force participation may also impact the age at which people marry.

Hypothesis (a) is based on the premise that women working in agricultural and rural areas may marry earlier and have more children than those in urban areas, where there is a greater

emphasis on education and career advancement. In countries with higher labour force participation in industry and services, women tend to marry later compared to those in agricultural areas, aligning with findings that individuals in large cities are more likely to marry later and less frequently than those in rural regions (Saardchom & Lemaire, 2008).

(b) Muslim women marry earlier in poor tambons than in rich tambons

Hypothesis (b) is grounded in reports from international organisations and previous studies that indicate that poverty drives women to marry early, as financially disadvantaged families may be motivated by a bride price. For example, a study by Kohno et al. (2019) found that young people in Kelantan, a neighbouring state in Malaysia with ethnically similar populations and shared language with those in the three provinces of Thailand, often decide to marry sooner to alleviate their families' financial burdens.

2.2 Social/Cultural/Religious Theory

(c) Muslim women in 100% Muslim tambons marry earlier than in multi-religious tambons

Religion plays a significant role in shaping the demographic characteristics of a region (Basu, 2004). Certain religions prohibit premarital sex and cohabitation, while others adopt a more tolerant stance toward these behaviours. Obermeyer (1994: 41) notes that the political interpretation of Islamic doctrine in countries like Iran and Tunisia has led to differing reproductive choices for women. In Tunisia, the state successfully reformed women's reproductive choices without undermining Islamic traditions, whereas in Iran, attempts to liberalise women's reproductive options were rejected due to policies that contrasted with those of the previous regime (Ibid.). In Thailand, Knodel (1999) discovered that central region Muslims exhibited lower fertility levels and higher contraceptive use compared to central region Buddhists, while southern Malay-speaking Muslims showed even

higher fertility levels and lower contraceptive use. The disparities between central and southern Buddhists were also significant (Ibid.: 159).

Based on these facts, the regional religious makeup seems likely to influence women's marriage timing as well. Hypothesis (c) is based on the fact that Buddhists and Muslims in Southern Thailand have many similar attitudes regarding women's roles, but in the present context, Buddhist society has fewer taboos about having a sexual relationship without marriage compared to in Muslim society in the South. Therefore, Muslim women who live in mixed-religion tambons may hold values about sexual relationships that are more similar to those of Buddhist people than those in 100% Muslim tambons.

(d) All forms of marriage under 18 vary significantly and cannot be generalised to assume that individuals under this age are vulnerable and incapable of making free decisions because they are under 18.

In some settings, a man is considered a 'grown-up' and ready to live independently from his parents after turning 18. However, hypothesis (d), which divides the trend of marriage between those under 15 and those aged 15–17, is based on the theory that a person reaches adulthood by criteria other than age (CRC, 1989). More years in school correlate with a longer period of dependence on family, and individuals are often considered grown-ups after graduation (Cunningham, 2006). In some contexts, the timing of when a son becomes a man and is ready to form a family depends on when he starts to work and earn an income, and whether he still lives with his family of origin. In Thailand, mandatory education extends to junior high school (Matthayom 3), which typically corresponds to ages 14–16. Therefore, while it is too complex to set an exact age threshold to differentiate between younger and older children under 18, I have set 15 years old as the criterion, assuming that women at least

aged 15 years old but under 18 have a trend in marriage age more similar to those marrying at age 18 or older.

2.3 Globalisation Theory

(e) What affected women's married age in the past may not be the same as what affects it in the present.

(f) The later the year of the marriage, the later age at which women marry.

Both (e) and (f) are based on sociologist Giddens' globalisation theory, which posits that globalisation changes communication methods and transportation, affecting individual lifestyles across all societies. However, the impact varies depending on the society (Giddens, 1990). Lokot et al. (2022) found that nowadays in Cameroon and Somalia, young couples easily connect with each other on the internet, viewing marriage as a short-lived procedure aimed at achieving specific goals rather than a commitment for a future together, as was experienced by their aunts and uncles (2022: 187). Horii (2020) argued in her study in Indonesia that there is a gap between the parents' generation and the younger generation regarding child marriage; globalisation has altered marriage styles among the younger generation, while these changes are perceived as a threat by the parents' generation. I assume that the changing patterns of child marriage in the Muslim South of Thailand imply that child marriage is not merely a traditional practice but rather one of many new practices that have evolved in the globalisation era.

Hypothesis (e) is based on the global trend of decreasing child marriage rates and the increasing age of marriage in recent years. Therefore, there may be both similarities and differences between Southern Thailand and the global trend, as globalisation impacts all societies.

3 Data Selection and Variable Definitions

3.1 Dependent Variables

This paper aims to analyse the factors that influence the marriage age of Muslim women. Therefore, the dependent variable is the age at which Muslim women marry. I divide Muslim women's marriage age into four categories:

- (1) All Muslim women who married under age 30;
- (2) Muslim women who married under 18;
- (3) Muslim women who married between 15 and 17; and
- (4) Muslim women who married under 15.

All samples ($N = 10,781$) of Muslim women who married under age 30 in ten tambons in Yala Province from 1991 to 2021 are used in this paper. I collected all of the Islamic Marriage (*nikah*) Certificates from ten tambons in Yala Province at the Yala Provincial Islamic Council, which were issued between 1990 and 2021, over three months in 2022. The Council was the only authority in the three provinces that collected *nikah* certificates from all the imams and council committees authorised to issue Muslim marriage certificates. Although the Council had older data, much of it was damaged and did not provide a sufficient sample for statistical analysis. The selected *nikah* certificates were issued in the bride's village, which is why the ten tambons I chose were based on that criterion.

It is important to note that child marriage reports from international organisations often focus on women who married before the age of 18, within broader age groups such as 15 to 49 or 20 to 49 (UNICEF, 2021; Girls Not Brides, n.d.). However, the data in this chapter is limited to women who married before the age of 30 for the following reasons.

All of the recorded marriage ages for Muslim women in Yala province ranged from 11 to 87 years old. The certificates did not indicate whether a marriage was the woman's first marriage or a remarriage, nor whether it was a polygamous or monogamous marriage. *As I*

aim to analyse the trend of first marriages, I limit my data to Muslim women who married before the age of 30. While the selected data inevitably includes some remarriages, I have set the age of 30 as the cutoff point to estimate first marriages, based on local context. The *nikah* registration is written in Jawi and is not directly linked to the Thai civil system; however, it legitimises Muslim marriage in both a religious context and some legal contexts in the provinces. An exception applies to those who identify as members of Markaz Tabligh Yala, a group that does not recognise the Council's authority over their marriages.¹³ This represents a very small proportion, and the absence of their data will not significantly affect the overall trend of the Muslim population.

The other three groups represent populations equivalent to child marriage, defined as marriages under age 18. Categories (3) and (4) aim to examine variations in outcomes among those who married under 18, while also allowing for comparisons between the trends of child marriage and the overall trends of those who married under age 30.

3.2 Independent Variables

The independent variables are (1) Rural/Urban Tambon; (2) Wealth Status of Tambon; (3) Religious Makeup of Tambon; and (4) Married Years (1990–2021). The ten tambons I collected data from are directly related to Hypotheses (a) to (c), mentioned above. The following are explanations of the tambon characteristics:

(1) Rural/Urban Tambon

The definition of rural and urban is cited from Thailand's official rules, where urban (*nai-tessaban*) refers to municipalities, and rural (*nok-tessaban*) refers to areas that are not municipalities. The default setting is Rural = 1; Urban = 0.

¹³ Interview with Baba Dee (pseudonym), a staff member of the Islamic Council of Yala Province. September 10, 2022, Yala Province.

(2) Wealth Status (Poor/Rich) of Tambon

I used data from reports by Thailand's National Statistical Office (NSO) that show the poverty rate by tambon for the year 2017 (NSO, 2017). I define tambons with a poverty rate higher than the provincial average as "rich" and the opposite as "poor." While there are no data available to confirm that the wealth status of each tambon changed in all the years used in this paper, the same report from the year 2010 (NSO, 2010) indicates that there were no changes in the selected tambons. The default setting is Poor = 1; Rich = 0.

(3) Religious Makeup (100% Muslim/Multi-religious) of Tambon

The three provinces are approximately reported as Muslim-majority provinces, with eighty percent being Malay-Muslims, while the remainder includes Thai and Chinese Buddhists, along with a very small proportion of Christians in the municipal areas. However, since the NSO, local administration, and the Islamic Council do not have exact data on the religious makeup, I define a 100% Muslim tambon as one that does not have a Buddhist temple, and a multi-religious tambon as one that has at least one Buddhist temple, based on the official temple data of Thailand from 2021 (National Office of Buddhism, n.d.). I confirmed the accuracy by directly checking with all of the tambon offices (*samnak ngan ong karn borihan suan tambon*), which are well-acquainted with their populations. The default setting is 100% Muslim = 1; Multi-religious = 0.

3 Methodology

This study uses two regression methods. The ordinary least squared (OLS) regression method is used to analyse the overall trend of Muslim women's marriage age (11 to 29 years old). The logistic regression method is used on the Muslim women's marriage age who married under age 18, between 15–17, and under 15, because the dependent variable is the possibility that women would marry at the mentioned age (Yes = 1; No = 0) within all populations of the Muslim women who married under 30. For example, in the model that

analyses the trend of the Muslim women who married under 15, if one data sample is a woman who married at 14, this will be coded as 1, but if a data sample is a woman who married at 17, this will be coded as 0.

All of the outcomes will be analysed across all periods (1990–2021) for the overall trend, the earlier period (1990–2004), and the later period (2005–2021). I distinguish the data before and after the year 2004 because the Islamic Council of Yala Province started to recognise that newly married Muslim couples around that year were likely to divorce sooner than ever before. They considered this change a threat, so they introduced “kusut,” a seminar organised by the Council aimed at teaching young people who are about to marry how to maintain a good and long-lived marriage (see Figure 3.1).¹⁴



Figure 4.1: A certificate awarded to individuals who completed the Kusut seminar.

¹⁴ Ibid.

Twenty schools in the three provinces in the Deep South where I conducted interviews also confirmed that their school policies became more tolerant of students who are married and pregnant, allowing them to continue their education.¹⁵ The schools recognised that students no longer felt ashamed to date someone from the opposite sex, leading the administration to interpret Islamic doctrine in a way that accepted those dating couples who married later as demonstrating “better” morals than those who dated for a long time without marrying.

While there is no official data confirming the exact year these school policies were changed, local people I interviewed during my fieldwork indicated that this occurred around 2004–2006. I decided to set the division at pre- and post-2004 for another reason: the armed conflict that intensified during this year caused Thai authorities to officially authorise local administrations at the village level to implement their own rules to some extent, as they had lost power and trust from the local people due to the conflict. The variety of village rules may reflect changes in marriage trends.

¹⁵ Individual interviews with school teachers from 20 schools in the three provinces in the Deep South, December 2022.

4 Results

4.1 Results from the OLS Model

Table 3.1: Outcome from OLS Model – All Muslim women who married before age 30 in 1990–2021

Dependent Variables	Independent Variables	Period		
		Overall (1990-2021)	Year 1990-2004	Year 2005-2021
Muslim Women Marriage Age (11-29 years)	Rural/Urban Tambon (Rural=1; Urban=0)	-1.131966 (<0.0000000000000002) ***	-1.20342 (<0.0000000000000002) ***	-1.08085 (<0.0000000000000002) ***
	Wealth Status of Tambon (Poor=1, Rich =0)	0.684732 (<0.0000000000000002) ***	1.10064 (<0.0000000000000002) ***	0.42122 (0.0000121) ***
	Religious Makeup of Tambon (Muslim-100% =1/ Multi-religious =0)	0.058007 (0.499)	0.18690 (0.154)	-0.02778 (0.806)
	Year of Marriage (1990 to 2021)	0.095475 (<0.0000000000000002) ***	0.11459 (<0.0000000000000002) ***	0.10646 (<0.0000000000000002) ***
Number of observation		10781	4329	6452

Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1

All Muslim women married under age 30 (Table 3.1)

For the overall trends (1990–2021), the variables that are statistically significant are Rural/Urban tambon, Poor/Rich Tambon, and the Year of Marriage. The strongest variable is Rural/Urban Tambon. The Religious Makeup variable is not significant. Muslim women who married before 30 married younger when they were from rural tambons and rich tambons for the overall trend in 1990–2021.

For the years 1990–2004 and 2005–2021, the coefficient of the Rural/Urban Tambon variable still exhibits the same trend in both periods, which means that rural Muslim women married earlier in rural tambons, but it is a little bit weaker in 2005. The Wealth Status of Tambon variable is also significant in both periods, but the coefficient is smaller in the years 2005–2021 than in 1990–2004. The Religious Makeup of Tambon variable is not significant in both periods. The Year of Marriage variable is significant, which means that the later the year, the higher the possibility of Muslim women getting married older, overall and in both periods.

4.2 Results from the Logistic Model

Table 3.2: Outcome from Logistic Model – Muslim women that married under 18 in 1990 - 2021

Dependent Variables	Independent Variables	Period		
		Overall (1990-2021)	Year 1990-2004	Year 2005-2021
Muslim Women Married under 18 (Yes=1, No=0)	Rural/Urban Tambon (Rural=1; Urban=0)	0.442458 (7.15e-13) ***	0.608425 (0.000000000000205) ***	0.248433 (0.000119) ***
	Wealth Status of Tambon (Poor=1, Rich =0)	-0.224681 (2.60e-05) ***	-0.453259 (0.00000000603871) ***	-0.009911 (0.894407)
	Religious Makeup of Tambon (Muslim-100% =1/ Multi-religious =0)	0.009394 (0.877)	-0.134733 (0.113)	0.181152 (0.040765) *
	Year of Marriage (1990 to 2021)	-0.040567 (< 2e-16) ***	-0.055664 (0.00000000012114) ***	-0.031199 (0.0000697) ***
Number of observation		10781	4329	6452

Table 3.3: Outcome from Logistic Model – Muslim women that married at 15 to 17 in 1990 - 2021

Dependent Variables	Independent Variables	Period		
		Overall (1990-2021)	Year 1990-2004	Year 2005-2021
Muslim Women Married at 15-17 (Yes=1, No=0)	Rural/Urban Tambon (Rural=1; Urban=0)	0.437961 (5.90e-12) ***	0.64127 (0.000000000000695) ***	0.195969 (0.034096) *
	Wealth Status of Tambon (Poor=1, Rich =0)	-0.27272 (8.71e-07) ***	-0.48663 (0.000000001712241) ***	-0.071397 (0.357838)
	Religious Makeup of Tambon (Muslim-100% =1/ Multi-religious =0)	-0.044636 (0.476)	-0.18757 (0.0324) *	0.136297 (0.135910)
	Year of Marriage (1990 to 2021)	-0.041043 (< 2e-16) ***	-0.06525 (0.000000000000414) ***	-0.029807 (0.000260) ***
Number of observation		10781	4329	6452

Table 3.4: Outcome from Logistic Model – Muslim women before 15 in 1990 - 2021

Dependent Variables	Independent Variables	Period		
		Overall (1990-2021)	Year 1990-2004	Year 2005-2021
Muslim Women Married under 15 (Yes=1, No=0)	Rural/Urban Tambon (Rural=1; Urban=0)	0.281075 (0.16551)	0.03626 (0.8923)	0.69901 (0.0318) *
	Wealth Status of Tambon (Poor=1, Rich =0)	0.270725 (0.10407)	0.04281 (0.8556)	0.52813 (0.0300) *
	Religious Makeup of Tambon (Muslim-100% =1/ Multi-religious =0)	0.526631 (0.00971) **	0.42340 (0.1136)	0.53675 (0.0904).
	Year of Marriage (1990 to 2021)	-0.022462 (0.01150)*	0.04469 (0.0802).	-0.03604 (0.1366)
Number of observation		10781	4329	6452

Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1

Muslim women who married under 18 (Table 3.2)

The overall trend of all independent variables for Muslim women who married under 18 is similar to that for Muslim women who married under 30: the Rural/Urban, Poor/Rich, and Year of Marriage variables are significant, but the Religious Makeup variable is not.

The Rural/Urban variable is significant in both the earlier and later periods, but its coefficient decreases from 0.608425 in 1990–2004 to 0.248433 in 2005–2021. This indicates that Muslim women in rural tambons had a higher likelihood of marrying younger than 18 in 1990–2004. However, whether they are in rural or urban tambons became less influential in determining the outcome in the later years compared to the earlier period.

The Poor/Rich variable is significant in 1990–2004 but not in 2005–2021, and its coefficient decreases in the later period from -0.0453259 to -0.009911. The negative value indicates that Muslim women in rich tambons were more likely to marry under 18 during the earlier period. However, in 2005–2021, whether they lived in rich or poor tambons no longer influenced the likelihood of them marrying under age 18.

The Religious Makeup variable is slightly significant (0.040765) in 2005–2021, with the positive value indicating that Muslim women in 100% Muslim tambons were more likely to marry under 18 during this period. However, it was not significant in 1990–2004.

In both periods, the Year of Marriage variable is significant, and the coefficients indicate that the later the Year of Marriage, the lower the likelihood of Muslim women marrying under 18. The reduction in the likelihood of marriage under 18 is more rapid during the earlier years (1990–2004) compared to the later period (2005–2021), where the trend slows down.

Muslim women who married between 15–17 (Table 3.3)

The overall trends of all independent variables for Muslim women who married between the ages of 15–17 are similar to the trends observed for Muslim women who married under 30 and under 18. The Rural/Urban, Poor/Rich, and Year of Marriage variables are strongly significant, while the Religious Makeup variable is not statistically significant in the overall trends.

However, there are some differences between the two periods. The Rural/Urban Tambon variable is strongly significant in 1990–2004, with a coefficient of 0.64127, whereas in 2005–2021, it is only slightly significant: the coefficient decreases to 0.195969. This indicates that *Muslim women in rural tambons were more likely to marry between the ages of 15 and 17 in 1990–2004, but the influence of being in Rural or Urban tambons on this likelihood diminished in 2005–2021.*

Similarly, the Wealth Status of Tambon variable is strongly significant in 1990–2004, with the coefficient showing that Muslim women in rich tambons were more likely to marry between 15 and 17. However, this Poor/Rich variable is not significant in the later period, following a trend similar to that observed among Muslim women who married under 18.

The Religious Makeup of Tambon variable is not significant in the overall outcome of 1990–2021, but it is slightly significant in 1990–2004. The coefficient for this period shows that Muslim Women in Multi-religious Tambons were more likely to marry between 15–17 than those in 100% Muslim Tambons. In the later period, the trend changes to the opposite, i.e., that those in 100% Muslim Tambons were more likely to marry between 15–17, but this variable is not significant. The trends of the Religious Makeup of Tambon and the Wealth Status of Tambon variables in terms of the possibility of Muslim Women marrying under 18 and between 15–17 are significant. The reduction in the likelihood of women's marriages

occurring between ages 15 to 17 is more rapid in the earlier years (1990–2004) compared to in the later period (2005–2021).

Muslim women who married before 15 (Table 3.4)

The overall trend (1990–2021) of the Religious Makeup of Tambon variable is significant, whereas those of the Rural/Urban and Poor/Rich Tambon variables are not. The coefficient of the Religious Makeup variable indicates that *Muslim women in 100% Muslim tambons are more likely to marry before the age of 15*. This trend is consistent in both the earlier and later periods, as the coefficients for the Religious Makeup variable show the same pattern across these timeframes. This differs from the overall trend observed in other population groups, where the Religious Makeup variable is not significant.

Muslim women in Rural tambons and Poor tambons were slightly more likely to marry before the age of 15 in the later period (2005–2021) compared to the earlier period (1990–2004). However, the impact of these variables is very weak within this model framework. The Year of Marriage variable affects the likelihood of marrying before 15 among Muslim women, but its influence is not as strong as observed in other groups. Nevertheless, the overall trend aligns with the pattern *that the later the Year of Marriage, the lower the likelihood of a Muslim woman marrying before age 15*.

On the one hand, while the Year of Marriage variable in both periods is not statistically significant, the coefficient in the initial period (1990–2004) indicates that marriage occurring in a later year is associated with a slightly higher likelihood of a Muslim woman marrying before 15. On the other hand, in the later period (2005–2021), the trend reverses, showing that marriages in a later year correspond to a lower likelihood of a woman marrying before age 15.

5 Summary of Findings and Implications

I have used OLS and logistic regression methods to analyse child marriage trends in ten tambons in Yala Province from 1990 to 2021. Five hypotheses from this research, related to urbanisation, economic modernisation, social/cultural/religious makeup, and globalisation theories, were used to examine the outcomes of Muslim women's ages at their first marriage. Some of the outcomes aligned with the hypotheses to some extent, but some were the opposite, depending on the period in which the marriage occurred and the population group. The main theory used to explain the outcomes is globalisation theory, which refers to the increase in communication, transportation, and education, which change people's lifestyles compared to earlier eras.

(a) Muslim women marry earlier in Rural Tambons than in Urban Tambons

The outcomes for women who married under 30 and those who married between 15–17 supported Hypothesis (a) that Muslim women marry earlier in rural tambons than in urban tambons, but this was not the case for those who married under 15. In other words, whether women were in a rural or urban area did not influence the likelihood of marrying before 15 years old across all years.

In fact, the significance level of the rural/urban variable was found to be much stronger in the earlier period than in the later period for all women who married under 30 and those who married between 15–17. Specifically, the Rural/Urban results for the group that married at 15–17 changed much more than those of the other two groups, from 0.64127 to 0.195969, from the earlier to the later period.

This can be explained by globalisation theory, which suggests that globalisation causes change in different ways across societies. In other words, women aged 15–17 and those older used to share the same criteria for marriage in rural regions, where earlier marriage was preferred. According to interviews with women who married in the earlier

period, even though they belong to the same generation (now in their 50s and 60s), those from rural regions defined their first marriage as a life plan set by their parents, while those who lived in towns and completed high school or university tended to marry later, after securing a job.

Modernity creates a world where life is more open, with many more choices (Giddens 1991: 6). People in later years have a lifestyle that is more open and socialised than in the earlier period, due to increased communication through telephones and social media, which connect people not only from rural to urban areas but also worldwide. Additionally, transportation has become more convenient, connecting rural and urban areas. Muslim women, like those in other parts of the world, no longer only stay home and do housework, but participate in education more than in the past. In Yala Province, more women have experience in higher education than men in the recent decade (Yala Provincial Statistic Office & NSO, 2016, 2018, 2024.). Despite there being fewer high schools in rural tambons, parents are willing to let their children take the school bus or travel by motorcycle on their own to pursue their education. As a result, the lifestyles of women in rural and urban tambons have become more similar in recent years than in the past, making it less likely that whether a Muslim woman is born in a rural or urban tambon will affect the likelihood of her marrying under 30 or at age 15–17 in the more recent period.

5.1 Wealth Status Variable

The Wealth Status variable is significant in the earlier period (1990–2004) for all of the women married under 30, under 18, and between 15–17, and the trend shows that women in rich tambons were likely to marry earlier in the earlier period 1990–2004. But whether they were rich or poor is statistically less significant in the group of women married under 30 in the later period (2005–2021) and not significant for the possibility of marrying under 18 or

between 15–17. In other words, the outcome showed a different trend from Hypothesis (b) that Muslim women would marry earlier in poor tambons than in rich tambons.

On the other hand, the coefficient of the Wealth Status variable of women who married before 15 in Table 3.4 shows that in both periods, it cannot be confirmed that the Wealth Status affects the likelihood of marrying before 15.

In previous studies, the bride price was mentioned as a driver of child marriage, and child marriage in Muslim-majority provinces in Thailand has been recognised as a case of human trafficking, in that a rich older man buys a young virgin girl at a higher price when compared to that of an older bride. However, a different trend was found in this study in Yala Province. The outcome of the Wealth Status variable shows that poverty is not likely to encourage women to marry earlier. Bride price was not found in this study to be a driver of poor families forcing young daughters to marry early.

Regarding the local Muslims I talked to in my fieldwork, a bride price (*mahr* or *belanya* in the local language) is the money that a groom gives to the bride and the bride's mother, not only because a bride price is mandatory in Muslim marriage, but it is also a cultural practice to show that the groom appreciates the bride's parents for giving birth to her and taking care of her very well until the day of her marriage. This is also similar to cultural practices of Buddhist-Thai people in other areas. The amount of the bride price depends on the economic status of both families, the regional context, and the time period – whether it is today's context or back then in the parents' generation.

In the parents' generation, marriage was a family decision, so if both families arranged and agreed to the marriage, the amount of the bride price would depend on both families' economic status.¹⁶ If the marriage was arranged when a groom was young and

¹⁶ See also 4.3.1 *Parent-led Marriage* in Chapter 2

worked in agriculture, the bride price initially required would not be very high and the groom would promise to additionally pay more once he earned more income in the future. If the bride was from a family of higher status in society, the groom would have to pay a higher amount, too. If a man and a woman fell in love by themselves and made a decision to marry without their family involvement, the woman's family would try to reject the marriage proposal by requiring of the man a high bride price to force him to give up. This was because marriage was a practice that parents arranged for their children, and if children arranged it by themselves, it would have been seen as sinful and embarrassing back then. Therefore, bride price did not play a role in motivating a poor family to let their daughter marry sooner than in a rich family.

On the other hand, in today's context, the bride price varies from only one book of the Quran, 1 Thai baht, or a motorcycle, to an amount of 200,000 Thai baht or more. For example, a religious family that practised Salafism condemned the tradition of paying money for the bride, so such families seem to be satisfied with a Quran book, or just an extremely low bride price. Those who have received a high education from other Muslim countries such as Malaysia, Indonesia, or a Middle Eastern country also seem to disagree with the bride price culture in their homeland. However, those who still value the bride price as an important practice may set the bride price as high as the bride's education. If the bride has a bachelor's degree, the minimum price would be 200,000 THB.

According to interviews with local people during my fieldwork, the bride price for couples who married before 18 in 2004–2021 was lower than that of the older couples, which was around 10,000–60,000 THB, while it was around 150,000–200,000 THB for women who had a bachelor's degree or equivalent. The reason for setting a low price was to make the marriage happen easily, as in many cases couples rushed to marry in order to purify their sin after having had a sexual relationship before wedlock. The couples met on social media or in

school, and started to date by themselves without parental involvement as in the past. If a girl got pregnant, then they both had to consider the possibility of marrying as soon as possible. The families could not delay the marriage because it would become a rumour in society; therefore, the bride price amount was not that high in young couples' cases. A committee from the Islamic Council, who approved runaway marriage cases, also recognised that because these couples did not get approval of the marriage from their family, the bride price was as low as 2,000–3,000 THB, or with a lower price but an additional promise that the groom would give her a motorcycle in the future¹⁷. These are the reasons that wealth status is not always a factor influencing women to marry early. The bride price itself is not a goal for poor families in letting their daughters marry.

Why did women in rich tambons seem to marry earlier in the earlier period, and why is this no longer the case? Those who married in the earlier period mentioned that in a rich family, a marriage contract would have been agreed upon even before the groom and bride were born, and some were cousin marriages because the families wanted to secure their inheritance within their clans.¹⁸ The timing of their marriage did not mean that they would live together, as in the present context. They were allowed to be together only once they reached religious maturity, which referred to the first menstruation of a girl and the first wet dream of a boy¹⁹, but they would not completely be alone together, but rather go back and forth to live with both families. In a low-income family, which normally referred to those worked in the agricultural sector in the earlier period, if the groom moved to the bride's family's house, then agricultural skill was not necessarily required because the bride's family

¹⁷ Interview with Abdullah Abubaka, a committee member of Islamic Council of Yala Province, on 11 May 2022, Yala, Thailand.

¹⁸ Focus group discussion with Muslim women married between 1990–2003 in August 2019 in Narathiwat province and from daily conversation in 2022 in Pattani and Yala province.

¹⁹ For more details on Islamic religious maturity in the context of Southern Thailand, see Pratipornkul, R., 'Principles of Marriage and Divorce in Malay-Muslim Community of Southern Thailand: A Guidebook for Imams in Yala Province', *Journal of Religious Anthropology* 6(2) (2024), 56–151.

would teach him. But if the groom was the first son, and would stay with his original family after marrying, then his family would wait until the groom knew how to farm before finding a bride for him. Even in cases where a marriage contract was agreed upon by both families already, some would delay the couple beginning their new life together until the man had finished the conscription (Pratipornkul, 2020). This was because men could not make money during the conscription, and the bride's family might prefer to wait until he finished and had a job, as they wanted to guarantee that he could feed his wife. In other words, poor families seemed to have criteria to secure the job and economic status of young people before they married, while rich families seemed to be less concerned about young people getting married.

Both rich and poor people shared the same value that marriage was something that family decided for them, and that a love relationship before marriage was a sin. However, another possibility for a wealthier family, if they preferred daughter to marry sooner, might be because some rich families sent daughters to high school while children from poorer families stayed home and helped their family working in agriculture. Having more chances to be social in school among wealthy girls also caused their parents to fear that they would sin in the earlier period.

“When you had a daughter, it was like you had a toilet in front of your house. A man would approach to her very easily, and if a bad man came and did something to her (flirting and having an intimate relationship), the rumour would go so fast as a bad smell in the toilet. If parents wanted to protect their own family honour, they would let their daughter marry first before she began high school, or the age that she had her first period which was the sign of maturity.”

Daily conversation with an Imam in Yala province, Thailand, 10 May 2022

A possible explanation for why the Wealth Status variable is weaker/less significant in the later period (2004–2021) among Muslim women who married under 30 and those who married between 15–17 would be similar to the reasons for the significance of the rural/urban variable: people in both types of areas are able to access higher education and receive more information worldwide, which has changed their lifestyle, and this has affected marriage, too. Rich families that experienced cousin marriage in the past do not want to keep their inheritance by letting their children marry within the same clans anymore, because the improvement of science and education has confirmed that the risk that the babies born among such couples would be disabled is very high. Both rich and poor societies do not value this practice any longer; therefore, it's not common anymore.²⁰ In the later period, education became more accessible, and it became common for children in both poor and rich tambons to be involved in the education system. In the period when education was only for high-income or noble families, it was common for some families to protect their daughters from *zina* (sin) by marrying them beforehand. But in the present context in which everyone goes to school, both poor and rich people share the same values: it is more common to marry after finishing school, and marriage is not something that parents arrange for children anymore. No matter whether they are from rural/urban or poor/rich regions, it has become common for young couples to know each other, hang out, and have a romantic relationship before marrying. The improvement of technology and education has offered more information and knowledge to people, and also changed the way people communicate, creating more chances for people to meet. Horii (2020) explained that people who experienced the pre-globalisation era may feel the anxiety that intimacy before marriage – which the younger generation accepts as a good thing – is harmful for them. Therefore, marriage in the younger generation

²⁰ Interview with a man aged 68 who married his cousin, August 2019, Pattani, Thailand.

or in the later period is just a solution to legitimate sexual relationships among Muslim youths.

5.2 Year of Marriage Variable

The hypothesis that the later the year in which the marriage occurred, the older the age at which Muslim women got married was confirmed by the outcomes of all the groups.

This variable is strongly significant among the women who married under 30, under 18, and between 15–17, but it is only very slightly significant for those women who married under 15, overall during 1991–2021. In other words, women seem to be less likely to marry under 18 and at 15–17, and among those who married under 30, they also seem to marry older in recent years than in the earlier years. However, the trend of the likelihood that women will get married under age 15 is not changing as much as found in other groups, although it is statistically significant.

When looking at the outcome separately in the earlier and later periods, the Year of Marriage variable is not significant in the group of women who married under 15, but its coefficient (from 0.4469 in the earlier period to -0.03804 in the later period) means that the likelihood of marrying before 15 got lower only in the later period. In other words, the trend was opposite to that of the other groups, in that the Year of Marriage is unlikely to affect the likelihood of marrying under age 15. However, it slightly changed to be in the same direction as in the other group, in that the likelihood of marrying younger in the later period is lower than it was in the earlier period.

5.3 Multi-religious / 100% Muslim Tambon Variable

For the outcome of the Muslim women who married under 15, whether the women were in rural/urban, or poor/rich tambons did not influence the likelihood of their marrying under 15 in the overall trend during 1990–2021. What is interesting is that the outcome of the Religious Makeup variable is significant only among the women who married before 15.

Regarding Table 3.4, Muslim women who are in 100% Muslim tambons had a higher likelihood of marrying under age 15, and this is statistically significant. Both the outcomes of the Religious Makeup variable in the two periods were found to be statistically not significant, and the coefficient did not show much difference (0.42340 in 1990–2004 and 0.53675 in 2005–2021). However, in the later period, it is slightly higher, which implies that the Muslim women in 100% Muslim tambons in the later period very slightly had a higher likelihood of marrying under 15 than those in the earlier period.

On the other hand, the Religious Makeup variable in the overall trend in other groups did not show an influence on Muslim women's age at marriage. Therefore, whether women were in 100% Muslim tambons or in multi-religious tambons was not likely to affect to the likelihood that they would marry younger, among women who married under 30, or the likelihood that they would marry under 18, or between 15–17 years old.

To conclude, the hypothesis that Muslim women in 100% Muslim tambons would marry younger than those in multi-religious tambons was confirmed only in the case of the population that married under 15, but this does not apply to the other groups.

Despite the trend of the Year of Marriage for those who married under 15 showing that this is less significant than for the other groups, we should *not* misunderstand this as indicating that the norms around marriage and the meaning of the marriage itself was the same in 1991 as it was in 2021. The reasons for a couple to get married at any age will depend on the contexts of the region and the time.

In the earlier period, women who got married under 15 also shared the same reasons that I explained in the previous section, which were that parents arranged marriage for their children in general, and wanted to prevent children from having a love relationship before marrying. For example, Malinee , aged 60, married at 13, mentioned that she liked a boy in

her first year in junior high school.²¹ Her parents were worried that she would have a sinful relationship; therefore, they arranged for her to marry a man whom she had never met before. The fear of sin made her parents decide to marry her off, and Malinee dropped out of school, because at that time it was not common to marry and continue to study in school at the same time. Some families believed that they could earn more merits (*polbun*) and would be able to go to heaven if their daughters married a religious guru, so they would ask an imam or tok kru to marry their daughters, regardless of whether he had a wife already. That is why we see that in some Islamic traditional schools (*pondok*), there is a ‘Mama’ or female headteacher whose age is much younger than that of the ‘Baba’, the husband and school owner. However, Malina, a woman aged 30 whose father is an imam, said that her father was once asked by a family to marry their young daughter even though he already had four wives, but she also mentioned that this is not common anymore in her generation, where people marry someone whom they know.

On the other hand, for women who got married under 15 in the later period, marriage was not considered a “good” or “common” practice that women in this age do, but was a solution for a pregnancy or sinful sexual relationship. Muslim teenagers in Southern Thailand are also similar to Buddhist teenagers and other young people regardless of religions in Thailand in that they have more chances to meet and interact with the opposite sex, and have sexual relationships at young ages, unlike in the earlier period where life was less social. Mobile phones, social media, and the development of transportation that allow them to socialise have created a new culture in which young people feel that having a love relationship is not a practice only for after marrying. What is similar between Muslims and Buddhists is that pregnancy before marriage is viewed as sinful and embarrassing when it happens in a collective society. In some Muslim villages, if pregnancy has already happened,

²¹ Interview with Malinee (pseudonym), aged 60, first married at 13. August 19, 2019, Narathiwat Province.

then the embarrassment can be mitigated by marrying, and in some cases, the couples might marry only for one day and divorce on the next day because they do not like each other anymore, but married just to religiously identify the father of the baby. Some have also married just for a solution so that the neighbours will stop complaining. For example, the Buddhist villages in Natham and Tashee districts, both in Yala province, do not purify the sin of pregnancy out of wedlock by marrying like in the earlier period anymore.²² A pregnant girl in the Buddhist area may need to move to live in another village to avoid rumours and complaints, but some might stay in the same village without marrying. Having an intimate relationship before marriage has become acceptable for both the parents' generation and younger generation in Buddhist society. The Muslim community is not an exception, in that the younger generation is more open to having sexual relationships, but marriage is seen as a compromise for the conflict with the older generation who fear what they see as sin.

6 Conclusion

This chapter's findings indicated that child marriage is not simply a "backward" practice that happens in poor settings. Poverty was also not found to be a driver of child marriage; it was the rich areas that tended to have a higher likelihood of younger marriages than the poorer areas. One confounding variable could be that some factors may affect marriage age for a while, but then may no longer be a factor in another period or place, as cultures, practices, and social contexts are not fixed but fluid.

The outcomes of the analysis showed that the trend of women who married under 15 is unique compared to those who married at 15–17 and 18–29. The results showed that the factors that affect women's marriage age at 15–17 are more similar to those affecting marriages at an older age; therefore, the criteria that allows women to marry should not be

²² Interview with staff members working in Tambon Natham and Tambon Tashee Health Centres, Yala province, December 2022.

fixed at 18. Also, the marriage policy for those aged 15–17 versus under 15 should not be categorised with the same “under 18” category, but may require separate criteria, rather than prohibiting child marriage simply because they are under 18. The finding that Muslim women in 100% Muslim populated tambons were more likely to marry under 15 than those in multi-religious tambons also implies that the policy related to child marriage should focus more on the groups in these areas, rather than targeting all Muslim people under age 18. For recommendations on child marriage policy with a compromise not to over-criminalise sexual activities among adolescents but also to protect against child predators and exploitative relationships, I suggest implementing a “Close-in Age Exemption” in Chapter 5.

Chapter 4:

Incorporating Youth Perspectives into Child Marriage Policy: An Analysis of Opinions on Legal Marriageable Age and Local Contexts in Yala and Satun Provinces

1 Introduction

The four provinces of Southern Thailand, where Islamic Family Law is applied, have faced criticism for inadequately protecting local Muslim women and children. Under Islamic law, Muslims are allowed to marry at any age, while Thai civil law sets the minimum marriage age at 17. Movements by Thai activists and international organisations have called for establishing a minimum marriage age within Thailand's Islamic Law of Family and Inheritance (henceforth referred to as Islamic Family Law) to prevent child marriages (Women Foundation, 2018a), which are defined as marriages involving individuals under 18 and which have been condemned as “backward” practices in international human rights reports. Although seminars and discussions were held among Muslim religious leaders from southern provinces and human rights advocates to consider restricting marriages under 17, similar to Thai civil law (Women Foundation, 2018a; Women Foundation, 2018b; Yindeeduaykan, 2019), local children and youth were not consulted about their opinions on child marriage or the establishment of a minimum marriage age. Ultimately, the conflict between religious leaders and human rights activists led to a compromise – an announcement (with no legal effect) that imams would not permit marriages for those under 17 without parental consent (Ahmad, 2019). However, this policy proved ineffective at the local level, as the rights-based approach simply pressured the Provincial Islamic Council to agree without fully considering local contexts.

Although child marriage policy directly affects children themselves, they are often excluded from the policymaking process, particularly in discussions about whether they

support a minimum marriage age. The dominant narrative of child marriage victimises women and girls as vulnerable individuals in need of protection, a depiction frequently seen in international discourse (Bessa, 2019). This protectionist approach, which aims to ‘save’ girls from child marriage, aligns with children’s rights to be safeguarded from harmful practices that disproportionately affect women and girls (United Nations Children’s Fund, 2005; de Silva-de-Alwis, 2008). However, the effort to end child marriage by setting age limits risks silencing children’s voices and undermining their agency. Tobin (2015) critiques this protectionist approach as a ‘vulnerability approach,’ and Tisdall (2017) similarly argues that it can curtail human rights by limiting decision-making. Hanson (2016) notes that children’s right to participation is promoted only when they ‘do the right things.’ For example, when discussing the minimum age for voting or legal standing, advocates argue that ‘the lower the age limit for exercising a right, the better’ (Hanson, 2016: 471). However, children’s rights discourse often takes the opposite position when addressing socially stigmatised practices like marriage, work, or criminal behaviour, shifting from promoting children’s capacity for decision-making to framing them as vulnerable and in need of protection (Ibid.).

The Committee on the Elimination of Discrimination against Women (CEDAW) has stated that the minimum age for marriage should be 18 years (CEDAW, 1994). Emphasising the negative impacts of early marriage on the health, education, and future prospects of girls, CEDAW (1994) argued that “marriage should not be permitted before [men and women] have attained full maturity and capacity to act” (para. 36). However, the notion of agency within human rights discourse is contested, as it promotes the idea of free and autonomous choice, despite the fact that such choices may not truly exist (Merry, 2009). Child marriage is often grouped together with practices such as female genital cutting and prostitution when addressing women’s rights violations (Ibid.). Merry (2009) argued that even when women

claim they have freely chosen to become sex workers or to marry below the legal minimum age, this cannot be considered an autonomous choice within human rights discourse (Ibid.). The protectionist and vulnerability approach is flawed because it selectively chooses certain voices – those that align with the dominant narrative on women and children’s rights – while ignoring others. This conflicts with the right to participation established three decades ago in Article 12 of the United Nations Convention on the Rights of the Child (CRC) 1989, which affirms that every child has the right to express their views and be heard. Article 12 is quoted below:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

(Article 12, United Nations Convention on the Rights of the Child 1989)

Previous studies have demonstrated that children possess the capacity to participate in decision-making. Hart (1992) conceptualised children’s involvement in decision-making through an eight-step ladder. The first three steps – 1) Manipulation, 2) Decoration, and 3) Tokenism – are classified as ‘non-participation.’ The subsequent five steps are categorised by the ‘degrees of participation’: 4) Assigned but informed, 5) Consulted and informed, 6) Adult-initiated shared decision with children, 7) Child-initiated and directed, and 8) Child-initiated shared decision with adults (Hart, 1992: 12). Shier’s model (2001) builds on Hart’s ladder, emphasising the need to “involve children in the decision-making process,” “share power and responsibility for decision-making processes,” and “share power and

responsibility for decision-making with children” (Shier, 2001: 115). Compared to Hart’s model, Shier’s framework stresses that adults should provide opportunities for children to participate in organisational policy, ensuring their participation is respected. Lundy (2007: 933) introduced a new interpretation of Article 12 of the CRC, breaking it down into four elements: 1) Space: Children must be given the opportunity to express their views; 2) Voice: Children must be facilitated in expressing their views; 3) Audience: Their views must be listened to; and 4) Influence: Their views must be acted upon, as appropriate.

Thus, theoretically, children’s participation in policymaking has been established in previous studies. However, some scholars question whether children’s understanding and capacities are inherently limited and vulnerable (Collins, 2016: 98). Studies on children’s voices should focus on a child-centred approach, rather than on how adults listen to and make decisions on behalf of children, as this denies child agency and subjecthood in society (Komulainen, 2007: 12). Listening to children’s voices should not occur simply because their views are pleasing to adults, but because children are competent and possess agency (Ibid.: 24). Therefore, the concept of children’s voices is not rooted in individualism but is understood as a socially constructed concept (Ibid.). Social norms and cultural contexts shape personal identity, and one’s ability to exercise agency is determined by these cultural contexts (Giddens, 1991; Geertz, 1973; Mahmood, 2005).

This chapter seeks to support the argument that policies related to children, such as those concerning child marriage, must not exclude the voices of children (defined as individuals under 18) and must take their perspectives seriously. Specifically, it aims to explore the views of local youths, aged 15 to 24, regarding the policy of legally establishing a minimum age for *nikah* (Islamic marriage) in the southern provinces of Thailand. This policy has been approached by adult professionals as a means of eradicating child marriage and protecting children from practices deemed harmful. Using quantitative and qualitative data

collected from three tambons (sub-districts), this study intends to illustrate how the opinions of these youths on a legal marriageable age are shaped by social norms and cultural contexts, including religious background, beliefs, and village regulations regarding intimacy.

2 Methodology

2.1 Data Collection

I conducted questionnaire surveys, interviews, and ethnographic research to identify the factors influencing local Muslim youths' opinions (aged 15–24) on setting the minimum age for marriage in Tambons B and N in Yala Province, and Tambon S in Satun Province. Tambons B and N were selected based on the statistical analysis of child marriage rates in Figure 2.1 in Chapter 2, which revealed that these areas had the highest child marriage rates among ten selected tambons in 2020. The local population in these tambons primarily speaks Patani Malay as their native language, with standard Thai as a second language. Tambon B comprises six entirely Muslim villages, while Tambon N has four villages, two of which are Buddhist and two are Muslim. This study focuses solely on Muslim populations, as Islamic Family Law and the policies regarding the minimum age of Islamic marriage apply exclusively to Muslim communities in these provinces.

While child marriage statistics for Satun Province were unavailable, as in the provinces of Pattani and Narathiwat, due to the Provincial Islamic Councils not collecting *nikah* certificates from village imams, it is essential to study Satun for comparative purposes. Satun is one of the four provinces where Islamic Family Law is applied, but its historical and cultural contexts differ significantly from the other three provinces. Unlike Yala, Pattani, and Narathiwat, Satun was not part of the Patani Kingdom, and its residents predominantly speak the southern dialect of Thai rather than Malay. Tambon S in Satun was chosen for comparison because it is a homogeneous Muslim-populated area and one of the tambons in which the

Islamic Council of Satun Province confirmed that there were recently some cases of marriage under 18 years old in the time period under study.

The questionnaire surveys were conducted between October and December 2022, while ethnographic research and interviews were carried out from April to December 2022. In total, 344 participants were surveyed, as shown in Table 4.1. I approached the heads of the villages in the three tambons and asked them to introduce me to households with youths aged 15–24. This age range was selected to focus on the same generation. Fifteen is the age equivalent to the completion of mandatory education (Mattayom 3) in Thailand, a transitional age where some individuals may consider themselves adults as they enter the workforce, while others may still identify as children as they continue with higher education.²³

Demographic Info	Tambon B	Tambon N	Tambon S
All(n)	122	90	132
Sex			
Male	36.07%	54.44%	43.94%
Female	63.93%	45.56%	55.30%
Do not identify as male/female	-	-	0.76%
Age			
15–17	53.28%	37.78%	45.45%
18–24	46.72%	62.22%	54.55%

Table 4.1: Demographic info. of the participants in three tambons

²³ In fact, the education systems in Yala, Pattani, and Narathiwat provinces are distinct from the Thai public education system. For example, Tadika, Pondok, and the levels of Islamic education in private Islamic schools may not align with the levels in Thai public schools. See Nishi, N. (2017) *The Role of Islamic Education in National Integration: A Case of Deep South of Thailand*. PhD thesis, Doshisha University; and Liow, J.C. (2009) *Islam, Education and Reform in Southern Thailand: Tradition and Transformation*. Singapore: ISEAS–Yusof Ishak Institute.

2.2 Dependent and Independent Variables

2.2.1 Dependent Variable

The dependent variable in this study is the response to the question: “Do you agree/disagree with the setting of a minimum age for *nikah* (Islamic Marriage)?”, which was recorded as a binary variable with “yes” or “no” answers. The objective was to test the following hypotheses based on demographic data, religious background and practices, village rules, and thoughts on the appropriate age to get married. A logistic regression analysis in R was employed to examine the trends, as the dependent variable was binary. Additionally, a Pivot Table analysis in Excel is used to show the number and ratio of responses from the questionnaire surveys.

2.2.2 Independent Variables

⇒ Demographic Variables

Sex

Previous studies suggest that men are more likely to support a lower legal minimum age for marriage (for both men and women), while women tend to oppose it. Women, especially, may weigh the negative impacts of early marriage more heavily than men, as seen in Pakistan (Kamal, Naqvi & Shaih, 2015). Additionally, thoughts on child marriage tend to differ between the sexes, with women sometimes preferring early marriage as a strategy to gain respect within their communities (Schaffnit, Urassa & Lawson, 2019). In this study, I aim to explore whether sex influences opinions on setting a minimum marriageable age.

Participant Age

As mentioned earlier, individuals under 18 are often excluded from policymaking related to issues like child marriage, and the protectionist approach is typically applied instead of listening to their voices. The Participant Age variable tests whether there are

differences in the views of participants under 18, at age 18, or above. Given the assumption that participants over 18 might have witnessed friends marrying young and experiencing negative outcomes, I hypothesise that those aged 18 and above will be more likely to agree with setting a minimum age for marriage.

⇒ **Religious Variables**

Thoughts on Having Children

The belief that “more kids mean more blessings” was prevalent in agricultural societies where large families provided labour and care for aging members. In the Islamic perspective, “more kids mean more blessings” is also found in religious texts. Especially outside the Muslim communities in Southern Thailand, this belief is sometimes criticized as regressive and as a factor that encourages adolescents to marry at a young age. I aim to test whether this belief influences opinions on setting a legal minimum age for marriage, particularly in relation to the concept that more children bring blessings.

Family Religious Background

Studies have found that homogenous Muslim regions tend to have higher fertility rates compared to mixed-religion regions (Knodel et al., 1999; Chattopadhyay & Goswami, 2006; Islam et al., 2016). I hypothesise that participants with *non-Muslim* or *converted-Muslim* family members (parents or grandparents) may be more likely to support setting a minimum marriageable age. However, this variable can only be tested in Tambon S in Satun province, as Tambon B lacks participants who had non-Muslim/converted parents or grandparents, and Tambon N has too few (1%) to conduct a qualitative analysis.

Praying Frequency

Religious conservatism in the southern provinces, especially in Pattani, Yala, and Narathiwat, is often linked to resistance against setting a minimum marriageable age, and the argument that such laws contradict Islamic teachings (Yindeeduaykan, 2019). The Praying

Frequency variable examines whether participants who pray more frequently are less likely to agree with setting a minimum age for marriage.

⇒ **Village Rules' Variable**

Awareness of Village Rules (Hukum Pakat)

In Pattani, Yala, and Narathiwat, village heads are authorised to enforce village rules to handle issues without relying on formal legal procedures. All villages apply these rules, known as *Hukum Pakat*, particularly for *zina* (sexual relationship outside of marriage). The interpretation of *zina* varies; some villages define *zina* as kissing, while others define it as sexual intercourse. Participants were asked whether they were aware of these village rules, which permit village heads to force couples involved in *zina* relationships to marry.

The Hukum Pakat rule has been criticised for undermining children's rights and human rights activists' efforts to establish a legal minimum marriage age (Nelapijit, 2021; Women Foundation 2018a; Women Foundation 2018b; Yindeeduaykan, 2019). Based on this, I hypothesise that individuals familiar with this rule may be less likely to support a minimum age for marriage, as they may view the rule as already controlling young people's rights by forcing them into marriage. This variable is only applicable in the two tambons in Yala province, as Tambon S in Satun province does not have Hukum Pakat rules. Instead, in Tambon S, marriage is the default solution when a girl or woman becomes pregnant, regardless of age, which is common in other collective societies in Thailand as well.

Opinion on Intimate Relationship Before Marriage

The reason for testing this variable is similar to the previous one, but I asked a more specific question, as follows:

- ①. **Aisha is your younger sister aged 14. She has been dating her boyfriend, Abdullah, aged 17, for 6 months already. What should happen next?**
- a. They should ask their parents for marriage approval and marry soon.

- b. They should keep dating.
- c. They should run away to get married.

I assume that people who would choose marriage (a. and c.) would be less likely to agree to set a minimum age of marriage because they would view such couples as legitimating their relationships through marriage. Therefore, the answers are categorised into two choices: either Marriage (a. and c.) or else Not Marriage (b). This variable is tested only in the two tambons in Yala province, as Tambon S in Satun province allows couples to be in a love relationship out of wedlock if they are not pregnant yet.

Opinions on Accidental Pregnancy Solution

This variable is also tested for a similar reason as above, but also to indicate what options young people might consider in the case of early pregnancy:

②. Aisha is pregnant and her boyfriend ran away. What should happen?

- a. Aisha's family and villagers should try to find out who the boyfriend is and force him to take responsibility by marrying.
- b. Aisha's family should go to the police station and report the case as child abduction.
- c. Aisha should move away to live in another village to avoid criticism.
- d. Aisha should get an abortion.

I assume that participants who would choose marriage as the solution for accidental pregnancy (a.) would be more likely to agree to set a minimum age of marriage. Therefore, in the logistic regression analysis, the answers are categorised into two choices: either Marriage (a.) or else Not Marriage (b, c, d).

⇒ Appropriate Age That Women Should Get Married

This variable examines whether those who believe women should marry under 18 are more likely to disagree with setting a minimum age for marriage. I asked for opinions on both

appropriate age for men's and women's marriage, and *the responses followed a similar pattern, with those saying the age should be under 18 for women's marriage also saying it should be under 18 for men's marriage*. To avoid statistical errors, I chose *the appropriate age for women's marriage* to represent the variable. However, this could only be tested in Tambon S, as the participants in the other two tambons who thought the appropriate age to get married should be under 18 were less than 10% of all participants, which is not enough for a trend analysis.

3 General Trends on Setting the Legal Marriageable Age

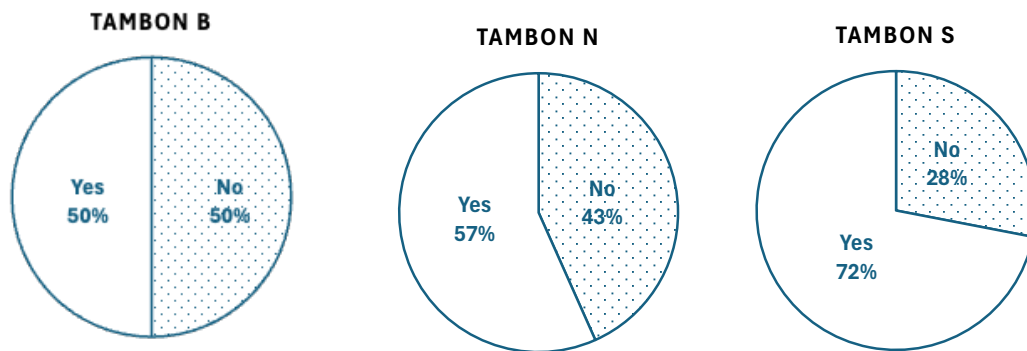


Figure 4.1: Do you agree with setting a legal minimum age for *nikah* (Islamic marriage)?

Tambon	Opinions on the Minimum Age for Marriage	Age for Women's Marriage			Age for Men's Marriage		
		Mean	SD	n	Mean	SD	n
B	All responses (average minimum age chosen)	18.05	2.05	61	18.79	2.05	61
	Minimum age selected as below 18	15.71	1.23	21	15.42	0.67	12
	Minimum age selected at as 18 or older	19.28	1.11	40	19.61	1.27	49
N	All responses (average minimum age chosen)	17.08	2.90	51	18.08	2.39	51
	Minimum age selected as below 18	14.19	1.97	21	15.06	1.24	16
	Minimum age selected at as 18 or older	19.10	1.27	30	19.46	1.22	35
S	All responses (average minimum age chosen)	17.99	2.15	96	18.24	2.14	96
	Minimum age selected as below 18	14.62	1.56	21	14.95	1.47	21
	Minimum age selected at as 18 or older	18.93	1.08	75	19.16	1.16	75

Table 4.2: Average of opinions on the legal minimum age of marriage

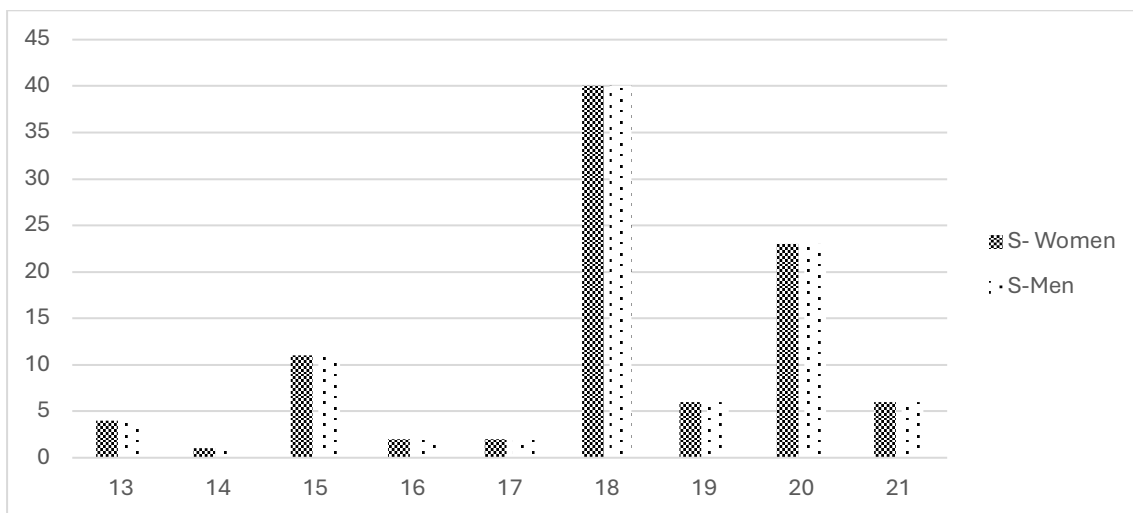
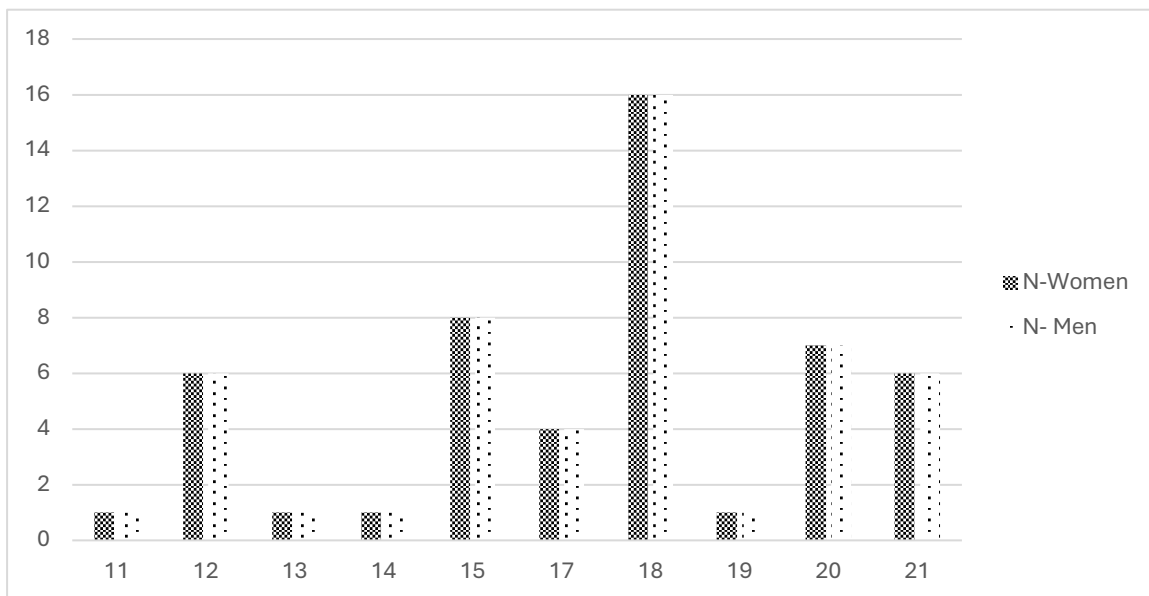
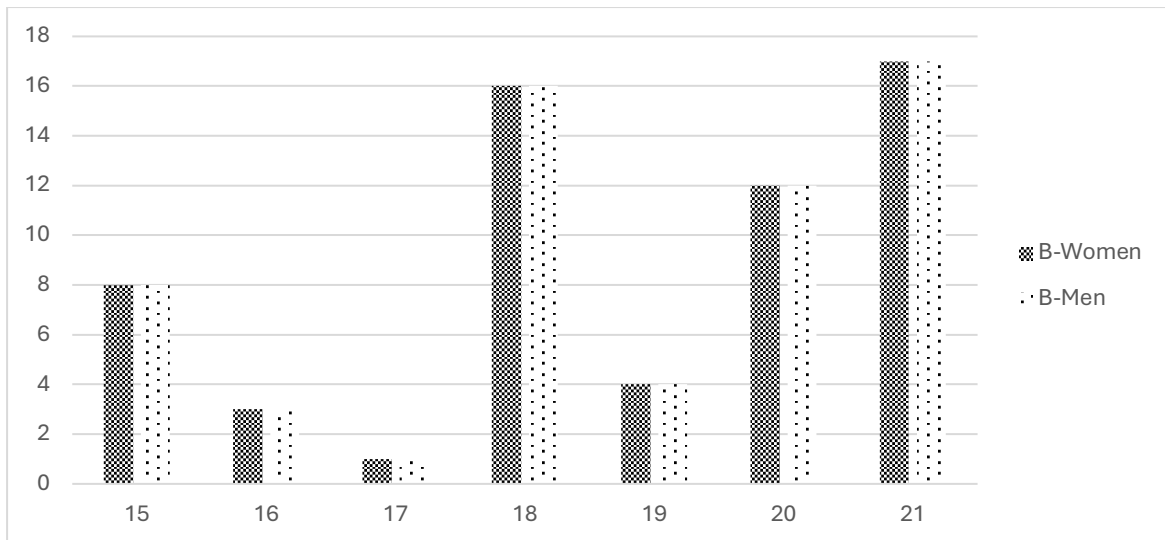


Figure 4.2: Frequency of opinions on the legal minimum age of marriage for men and women in three tambons

Tambon	Opinions on the appropriate age for marriage	Appropriate age for women to marry		Appropriate age for men to marry	
		%	n	%	n
B	Total responses		122		122
	age selected below 18	7.38%	9	4.10%	5
	age selected 18-20	31.97%	39	18.85%	23
	age selected 21-23	21.31%	26	18.85%	23
	age selected 24 or more	39.34%	48	58.20%	71
N	Total responses		90		90
	age selected below 18	3.33%	3	2.22%	2
	age selected 18-20	35.56%	32	14.44%	13
	age selected 21-23	20.00%	18	20.00%	18
	age selected 24 or more	41.11%	37	63.33%	57
S	Total responses		133		133
	age selected below 18	22.56%	30	20.30%	27
	age selected 18-20	44.36%	59	39.85%	53
	age selected 21-23	8.27%	11	8.27%	11
	age selected 24 or more	24.81%	33	31.58%	42

Table 4.3: Opinions on the appropriate age to marry for men and women in three tambons

Figure 4.1 shows the results of the opinions on the question “*Do you agree with setting a minimum age for nikah (Islamic marriage)?*” Half of the participants in Tambon B agreed. In Tambon B, 57% agreed and 43% disagreed. In Tambon S in Satun province, 73% agreed to set the minimum age of marriage. For those who chose “Agree,” I asked “*What age should be set as the minimum age for marriage?*” (see Table 4.2). The survey asked the participants separately about the legal minimum age for men and women to marry. The average age of total responses for the minimum age for women to marry was 17.08 in Tambon N, 17.99 in Tambon S, and 18.05 years old in Tambon B. For the total responses of the minimum age for men to marry, the average age was 18.08, 18.24, and 18.79 years old, respectively.

For those who selected that the legal minimum age should be set under 18 for women’s marriage, the averages were 14.19 in Tambon N, 14.62 in Tambon S, and 15.71 years old in Tambon B. For the minimum age for men’s marriage, those who thought that the

legal age should be under 18 had the lowest average in Tambon S at 14.95 years old, compared to 15.06 in Tambon N and 15.42 in Tambon B. Among those who said that the minimum age should be set at 18 or above for women's marriage, the average was 18.93 in Tambon S, 19.10 in Tambon N, and 19.28 in Tambon B. For those who answered it should be set at 18 or above for men, the average was 19.16 in Tambon S, 19.61 in Tambon B, and 19.46 years old in Tambon N.

To conclude, the minimum age for women's marriage suggested by survey participants across all tambons was around 17.08 to 18.05 years old, and for the minimum age for men's marriage, it was between 18.08 to 18.79 years old. For those who prefer setting the age under 18, the average was 14.62 to 15.71 years old for women and 14.95 to 15.42 years old for men. While the average minimum age for men appears to be slightly higher than for women, there is no significant difference between the tambons.

Figure 4.2, which shows the frequency of opinions on the legal minimum age for men's and women's marriage, along with the data in the Table 4.2, reveals the following insights:

1. The majority of participants in Tambon B and Tambon S believed that the minimum age for marriage should be set at age 18 or above. In contrast, more than half of the participants in Tambon N thought it should be under 18 for both men and women.
2. However, as indicated by the frequency data in Figure 4.2 and the average age of the legal minimum age shown in Table 4.2, the average age suggested by participants who chose an age lower than 18 ranges from 14.19 to 15.71. This aligns with the age at which most individuals complete mandatory education in the Thai system (Mattayom 3). Therefore, participants were not advocating for an extremely low minimum age, such as 9 years old, similar to the age of Prophet Muhammad's youngest wife.

3. For those who selected 11–12 years old, it is possible their responses were influenced by experiences where peers became pregnant, and marriage was seen as the solution for the couples.

Based on these findings, the next chapter on policy implications suggests that the minimum age should be set not only for marriage but also for engaging in sexual relationships, using criteria that strike a balance with the need to protect children from sexual exploitation.

However, there should be a provision to consider cases involving consensual sexual activity below this age on a case-by-case basis to avoid the over-criminalisation of youth sexual rights.

Regarding the results shown in Table 4.3 about the age deemed appropriate for marriage for men and women, a different trend emerges compared to the previous question. This suggests that *the majority of participants in all tambons did not find it appropriate to marry under the age of 18*. Even in Tambon N, where the average age of the legal minimum age for marriage was the lowest (Table 4.2), about 96% of participants believed it was appropriate to marry at or above 18 (Table 4.3). While participants may see the minimum age of marriage as acceptable for those who wish to marry, they generally do not consider marriage at a young age to be appropriate.

The reasons for and factors influencing opinions on agreeing or disagreeing with a minimum age of marriage are analysed in the following section.

4 Outcomes Based on Logistic Regression Analysis

Tables 4.4, 4.5, and 4.6 present the results of the logistic regression analyses for Tambons B, N, and S. The interpretations are in the subsections that follow.

Tambon B – Yala Province

	v Estimate	Std.	Error z	value Pr(> z)
(Intercept)	-0.38272	0.98986	-0.387	0.6990
<i>Demographic Variables</i>				
Sex (Female=1; Male=0)	-0.12777	0.39788	-0.321	0.7481
Age (Under 18=1; At 18 or above =0)	0.50627	0.38232	1.324	0.1854
<i>Religious Variables</i>				
More kids more blessed (Yes =1; No = 0)	-0.42073	0.38210	-1.101	0.2709
Pray (Everyday, as my routine =3; Occasionally =2; Seldom =1; Never =0)	-0.14029	0.33041	-0.425	0.6711
<i>Village Rule Variables</i>				
Do you know your village Hulim Pakat rules (the rules that does not allow villagers to have a sinful relationship outside marriage) ? (Yes =1; No = 0)	0.83041	0.41740	1.989	0.0466 *
Aisha(aged14) is pregnant and her boyfriend (aged 17) ran away (Marry = 1; Not marry =0)	0.05793	0.47521	0.122	0.9030
Aisha is caught by villagers that she is with her boyfriend alone together (Marry = 1; Not marry =0)	0.21524	0.39458	0.545	0.5854

Signif. codes: 0 '****' 0.001 '***' 0.01 '**' 0.05 '.' 0.1 ' ' 1

Dependent Variable: Do you agree or disagree with legally setting a minimum age of marriage? (Agree=1; Disagree=0)

Table 4.4: Outcome of logistic regression analysis from Tambon B – Yala Province

Tambon N – Yala Province

	v	Estimate	Std.	Error z	value Pr(> z)
(Intercept)		2.22310	1.89679	1.172	0.2412
<i>Demographic Variables</i>					
Sex		0.97684	0.54591	1.789	0.0736.
(Female=1; Male=0)					
Age		-0.46734	0.56596	-0.826	0.4089
(Under 18=1; At 18 or above =0)					
<i>Religious Variables</i>					
More kids more blessed		-0.21818	0.52970	-0.412	0.6804
(Yes =1; No = 0)					
Pray		-0.05182	0.59805	-0.087	0.9310
(Everyday, as my routine =3; Occasionally =2; Seldom =1; Never =0)					
<i>Village Rule Variables</i>					
Do you know your village Hulum Pakat rules		-0.14747	0.67311	-0.219	0.8266
(the rules that does not allow villagers to have a sinful relationship outside marriage) ?					
(Yes =1; No = 0)					
Aisha(aged14) is pregnant and her boyfriend (aged 17) ran away		-1.18849	0.80127	-1.483	0.1380
(Marry = 1; Not marry =0)					
Aisha is caught by villagers that she is with her boyfriend alone together		-1.22921	0.57490	-2.138	0.0325*
(Marry = 1; Not marry =0)					

Signif. codes: 0 '****' 0.001 '***' 0.01 '**' 0.05 '.' 0.1 ' ' 1

Dependent Variable: Do you agree or disagree with legally setting a minimum age of marriage? (Agree=1; Disagree=0)

Table 4.5: Outcome of logistic regression analysis from Tambon N – Yala Province

Tambon S – Satun Province

	v Estimate	Std.	Error z	value Pr(> z)
(Intercept)	0.59931	0.88343	0.678	0.4975
<i>Demographic Variables</i>				
Sex	0.15253	0.41270	0.370	0.7117
(Female=1; Male=0)				
Age	-0.15813	0.41133	-0.384	0.7007
(Under 18=1; At 18 or above =0)				
<i>Religious Variables</i>				
More kids more blessed	-0.24912	0.58332	-0.427	0.6693
(Yes =1; No = 0)				
Pray	0.08849	0.33452	0.265	0.7914
(Everyday, as my routine =3; Occasionally =2; Seldom =1; Never =0)				
Parents/Grandparents are. converted Muslim (Yes =1; No = 0)	1.07126	0.54199	1.977	0.0481 *
<i>Village Rule Variable</i>				
Aisha(aged14) is pregnant her boyfriend (aged 17) ran away (Marry = 1; Not marry =0)	-0.24393	0.44851	-0.544	0.5865
<i>Appropriate Age to Marry Variable</i>				
Appropriate Age for Women to marry (Under 18=1; At 18 or above =0)	0.50660	0.55051	0.920	0.3575

Signif. codes: 0 '****' 0.001 '***' 0.01 '**' 0.05 '.' 0.1 ' ' 1

Dependent Variable: Do you agree or disagree with legally setting a minimum age of marriage? (Agree=1; Disagree=0)

Table 4.6: Outcome of logistic regression analysis from Tambon S – Satun Province

Demographic Variables

The effects of the sex and age of the participants are not significant across the three tambons. Whether participants are male or female, and whether they are under 18 or 18 and

older, did not influence their opinions on setting a minimum age for marriage. This finding suggests that the assumption that individuals under 18 lack the capacity to contribute to policy discussions, compared to those over 18, may be flawed. The policymaking process should, therefore, include and consider the perspectives of children when addressing issues that directly affect them. Adults should provide opportunities for children to participate in child marriage policy and listen to their voices carefully, rather than underestimate their agency before the age of 18.

Religious Variables

The belief that “more children mean more blessings” has been criticised by outsiders as a “backward” Islamic belief and is viewed as a barrier to establishing a minimum age for Islamic marriage. However, this belief is not significant in any of the three tambons. Similarly, the variable of praying frequency is not significant in any of the three tambons, with p-values of 0.6711 for Tambon B, 0.9310 for Tambon N, and 0.7914 for Tambon S. Thus, these variables do not significantly influence the dependent variable.

Conversely, the variable “Parents/Grandparents are converted Muslims” was found to be statistically significant ($p = 0.0481$) in Tambon S in Satun province. The positive estimate (1.07126) indicates that participants with parents or grandparents who were originally non-Muslim but converted to Islam (referred to locally as *muallaf*) are more likely to support

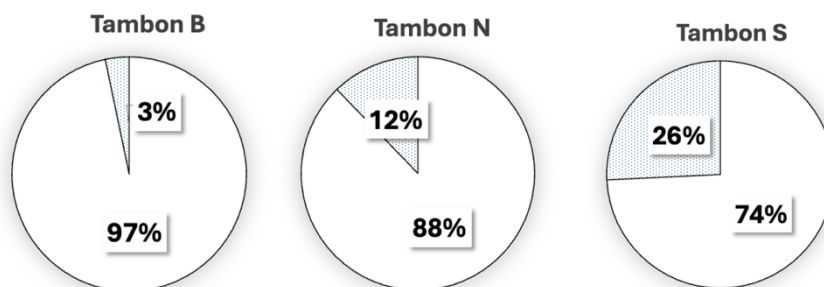


Figure 4.3 : Proportion of the participants whose parents/grandparents are converted Muslim

setting a minimum age for marriage. This variable was tested in Tambon S due to the mixed demographic of participants' parents and grandparents, who include non-Muslim migrants from neighbouring provinces such as Songkla, Trang, and Pattalung.²⁴ In contrast, the other two tambons in Yala Province are more homogenous (see Figure 4.3).

Village Rules Variable

In my hypothesis, I posited that individuals who are aware of village rules (*Hukum Pakat*) that prohibit unmarried villagers from engaging in sinful relationships in Tambons B and N would be less likely to support the establishment of a minimum age for marriage, as they may prioritise adherence to village rules over amending the law to regulate the marriageable age.

However, the results indicate that the awareness of village rules is significant in Tambon B but not in Tambon N. The outcome in Tambon B suggests that participants who are familiar with the village rules are more likely to support the implementation of a minimum age for marriage. The variable related to intimate relationships before marriage, which posed the question: "*Aisha is your 14-year-old sister, and she has been dating her 17-year-old boyfriend, Abdullah, for six months. What should happen next?*" was used to explore the relationship between village rules and the participants' stance on the minimum age of marriage. This variable is statistically significant only in Tambon N (p-value = 0.0325*). The negative v-estimate indicates that participants who chose the option of marriage (i.e., "*They should ask their parents for approval and marry soon*") are less likely to agree with setting a minimum age of marriage. This suggests that village rules in Tambon N influence youth opinions on the issue. Conversely, the variable in Tambon B is not at all significant (p-value = 0.9030).

²⁴ Daily conversation during fieldwork in October 2022 in Tambon S.

Another variable, which explored the situation where Aisha becomes pregnant and her teenage boyfriend disappears, is not significant across any of the three tambons.

Why the village rules are significant in one tambon but not in another can be explained by the variability in rules despite their shared name, Hukum Pakat. These rules are intended to protect non-married individuals (regardless of age) from engaging in sinful relationships before marriage, referred to as *zina* (sin). However, the definition of *zina* varies from village to village. For example, Tambon N consists of two villages, both of which define *zina* as including behaviours such as hugging, kissing, riding the same vehicle (motorcycle being the most common), and pregnancy. If someone reports to the village administrator that a non-married couple is together in a house, the village team has the authority to enter the premises and inform the couple that they are violating the rules. The village team will then contact the parents of the couple and the imam of the village, informing them that the couple must marry to legitimise the relationship or pay a fine if they or their parents refuse to agree to marriage.²⁵

In Tambon N, both villages work together on *zina* cases, particularly since the COVID-19 pandemic, as Tambon N includes a tourist cave that has become a popular meeting spot for young couples due to reduced in-person school classes. The head of the team responsible for enforcing village rules in Tambon N manually records all violations. However, due to a trend of younger individuals breaking the rules – some as young as 12 years old, still in elementary school – the village administrator has decided not to report these cases to their parents or the village imam. Instead, these individuals are placed on a blacklist, meaning that if they return to the village and engage in intimate activities again, they will be required to marry, which would bring shame to them and their families (see also figure 4.4).²⁶

²⁵ Interviews with imams, village administrators, and survey participants in Tambon N in November 2022.

²⁶ Ibid.

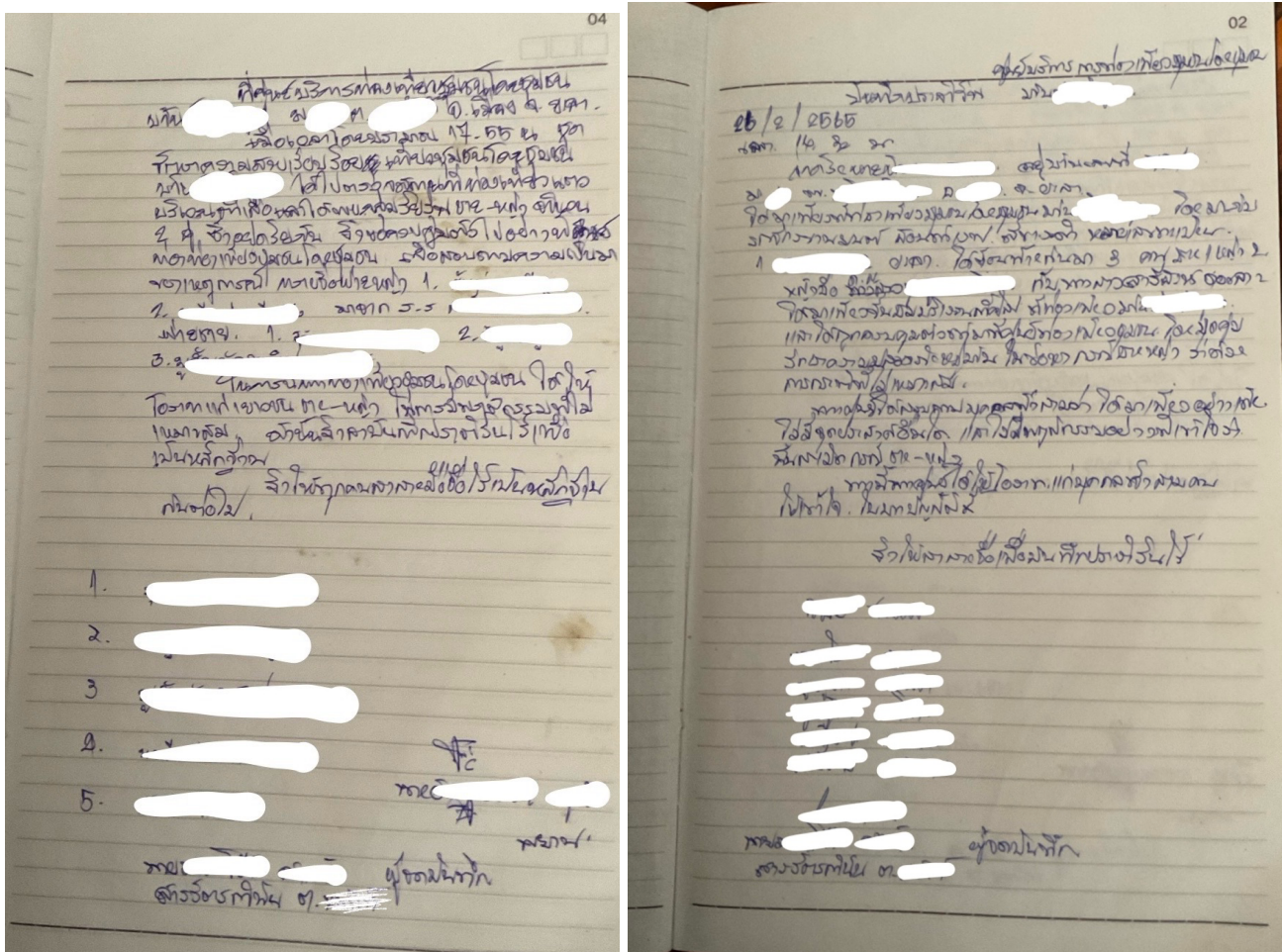
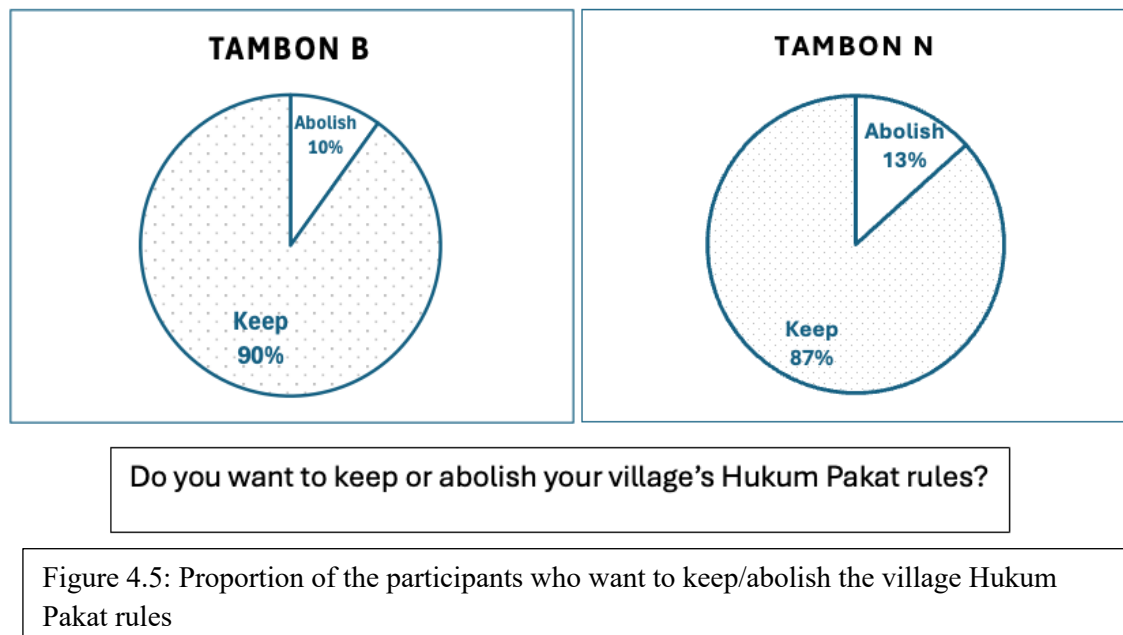


Figure 4.4: A village administrator's notebook in Tambon N records cases where intimate couples of elementary school age were warned but not allowed to marry, unlike older adolescent couples

Meanwhile, in Tambon B, which comprises six villages, the restrictions are not uniform. For instance, in one village, the village administrator staff member who is responsible for zina cases is a 35-year-old man who dated his wife while they were still in high school. In this village, zina is defined strictly as pregnancy before marriage, but does not include kissing or hugging. However, if a man from this village is reported for having sexual intercourse, kissing, hugging, or riding the same motorcycle with a woman from a village with stricter

rules, he is required to either marry the woman or pay a fine, depending on the rules of the other village (see also Farida’s case in Chapter 2).

The diversity in village rules contributes to the varied influence of these regulations on marriage decision-making. Participants in Tambon N, where the rules are consistent across villages, might view the regulations that mandate marriage as a solution for rule violations as a reason to resist setting a minimum age for marriage. In contrast, the heterogeneous norms in Tambon B create a more complex and varied approach to enforcement and may influence participants’ attitudes differently.



Related to the awareness of the village rules outcome, Figure 4.5 presents the results from the question of whether participants prefer to retain or abolish their village’s Hukum Pakat rules, as shown through a Pivot Table analysis. The outcomes for both tambons reveal a similar trend, with nearly 90% of participants expressing a desire to retain the rules. However, during interviews with participants who indicated that they agreed with setting a

minimum age for marriage, they were aware of the village rules, and they did not wish to abolish them, their reasoning diverged from what I had initially hypothesised.

I am in high school, and I believe we should finish our education before marrying. At my school, I occasionally hear of students who have had intimate relationships and then decided to marry. One of my classmates got married during the COVID-19 pandemic because online classes were boring, and students wanted to meet in person instead of attending online lessons. She soon became pregnant, gave birth, and then returned to school. Some others did not come back after marrying. Personally, I think it's too difficult to balance both studying and marriage, which is why I support setting a minimum age for marriage to encourage people not to marry too early. However, I understand that not everyone feels the same way. In my friend's case, she married her partner, and both their families supported them in starting a family in a positive way. When two people love each other and have the support of their families, marriage becomes a reasonable choice. I also believe we should keep the Hukum Pakat rules. Without them, couples might engage in intimate relationships without considering the consequences. If they are mature enough to have a sexual relationship, they should do so within the proper context of marriage. We need Hukum Pakat to discourage casual sexual relationships. That said, people are different. There are people like me (who have never had intimacy and think studying and marrying can't be done together), but there are also people with different situations.

Interview with a female participant, aged 16, Tambon B, December 10, 2022

This opinion from a 16-year-old high school student suggests there should be some “compromise” when it comes to setting a minimum age for marriage. While she supports the idea of a minimum age because she believes students her age should focus on their studies rather than engaging in intimate relationships or marriage, she also acknowledges that sexual relationships are tied to marriage. At the same time, she advocates maintaining village rules that intimate relationships for unmarried couples should be legitimised through marriage. In other words, her agreement with setting a minimum age for marriage is not absolute. She believes it should serve to discourage people from marrying too young, but for those who choose to engage in sexual relationships at a young age, marriage should be an option.

How did your married friends meet their spouses?

B

N

S

Social media (e.g., Facebook, IG, TikTok, Instagram, LINE)	58.20%	55.56%	49.62%
School	21.31%	28.89%	24.81%
Family introductions	9.02%	2.22%	5.26%
Mutual friend introductions	-	1.11%	-
Neighbours	3.28%	4.44%	6.77%
Workplace	1.64%	2.22%	6.02%
Social Events/Shopping mall/restaurant	5.74%	5.56%	5.26%
I don't have a married friend	0.82%	-	2.26%
Total participants (persons)	122	90	132

Table 4.7: The proportions of how married people got to know their spouses

Aisha, who is 14, is pregnant, and her boyfriend, Abdullah, who is 17, has disappeared. What should happen next?	B	N	S
Her family should try to find the man and make him marry her	80.33%	83.33%	66.67%
Her family should report the man to the police for taking away a minor	15.57%	10.00%	2.27%
Aisha should move to another place and should not stay in the same community	4.10%	6.67%	2.27%
Aisha should have an abortion	-	-	5.30%

Table 4.8: Opinions of what solution the participants should choose for an accidental pregnancy

While the variable concerning the solution for pregnancy (i.e., *Aisha is pregnant and her boyfriend has disappeared*) is not statistically significant, the responses from participants

across the three tambons reveal intriguing patterns about decision-making in relational contexts. As discussed in the previous chapter, globalisation – encompassing enhanced communication via the internet, increased social interaction at school, and more accessible transportation – has significantly altered human behaviour, varying according to societal norms (Giddens, 1991; Horii, 2019). Table 4.7 illustrates that contemporary methods of meeting spouses have shifted from traditional practices, where marriages were arranged by parents, to more modern approaches where children and youths predominantly connect through social media or school. Although opportunities for interaction and communication have expanded, leading to new norms where dating can occur without parental involvement, the available choices resulting from these changes are influenced by the local context, which varies from village to village.

As shown in Table 4.8, the majority of participants across all tambons selected marriage as the solution to the problem (“*Her family should try to find the man and make him marry her*”). Notably, no participants in Tambon B or Tambon N chose the option “Aisha should have an abortion,” whereas 5.30% in Tambon S did. This indicates that abortion is socially accepted in some areas, while in others, it may not even be considered a viable option.

The empowerment agenda often generalises policies by increasing access to resources. In the liberal notion of agency, only positive choices, such as resisting male-dominant rules, are recognised (Mahmood, 2005). However, these choices may not always reflect the actual options available in some communities. Kabeer (1999: 457) argues that while individual women may have the autonomy to act against societal norms, such actions often come with significant costs. For example, polyandry – one woman marrying multiple men – is a norm in some Tibetan tribes but is considered ‘adultery’ elsewhere. Similarly, in some European agricultural societies, out-of-wedlock pregnancies were accepted as a means

for men's families to ensure offspring (Giddens, 1989), whereas in other regions, such pregnancies could lead to severe punishment.

These examples underscore that resources and choices introduced from outside perspectives may be disregarded or deemed irrelevant within certain cultural contexts. The ability to make choices is deeply influenced by local norms and values, which are shaped through socialisation and cultural context (Geertz, 1973).

The available solutions for unintended pregnancies among youths are closely related to the village rules governing their communities. Villages that accept both marriage and abortion for accidental pregnancies may experience a lower rate of early marriages compared to villages that do not accept abortion. It is essential to understand that cultural contexts shape decisions about marriage, rather than evaluating one culture as superior to another. Understanding these local contexts provides insight into how decisions about marriage are formed.

Variable of Appropriate Age for Women to Marry

This variable was examined only in Tambon S to investigate whether individuals who believe women should marry before the age of 18 are more or less likely to support a minimum age for marriage. As shown in Table 4.3, the proportion of people in Tambon B and Tambon N who believe women should marry under 18 is insufficient for meaningful quantitative analysis.

In Tambon S, the results indicate that the opinion on whether women should marry under 18 or at 18 or older does not significantly affect the stance on setting a minimum age for marriage. According to Table 4.3, the majority of participants across all tambons believe that the appropriate age for marriage is 18 or older. However, in Tambon S, Satun province, 22.56% of participants indicate that the appropriate age for women to marry is under 18, while 20.30% indicate that the appropriate age for men to marry is under 18. This differs

from the other tambons, where fewer than 10% of participants select an age below 18 for either gender.

This difference can be attributed to Tambon S's location in a border zone between Satun province in Thailand and Perlis state in Malaysia. Before the COVID-19 pandemic, there were no border gates, and trade between the two sides was unrestricted. Individuals who finished elementary school often chose to work as truck drivers or taxi drivers, while women worked as vendors at the border market. Consequently, people who began working at an earlier age were financially independent sooner and tended to marry earlier.

However, during the fieldwork for this study, the border restrictions and the closure of the Malaysian market led to a significant reduction in border trade-related jobs. This dramatic decrease in employment opportunities may have influenced opinions on the appropriate age for marriage in Satun. As young people who had previously planned to enter the workforce after elementary or high school found themselves unemployed and staying in school longer, this shift in economic conditions likely affected their views on marriage age.²⁷

5 Discussion and Conclusion

This chapter aims to emphasise that children's voices in policy, especially those directly concerning them, such as child marriage, should be included and considered in policymaking. I have found that what influences opinions on the setting of a minimum age for marriage is not merely the age of the participants themselves, but also the local sociocultural contexts. Despite the fact that all the regions observed were provinces applying the Islamic Family Law of Thailand, the local rules and norms around marriage are diverse, not only at the district level but within smaller units such as villages.

Among people who agreed to set a minimum age of marriage, regardless of their desired minimum age, the perception of the legal marriageable age was seen as a means to

²⁷ Interview with a local nurse working in Tambon S Health Centre, Satun province, 19 October 2022.

discourage premature relationships. However, there was also a consideration for exceptions, such as for those who had already engaged in sexual relationships being allowed to marry without age limitations. This compromise may not align with the international human rights-based agenda, which often views individuals under 18, especially women and girls, through a vulnerability and protectionist lens, assuming that they lack the capacity to make informed decisions. This approach overlooks the reality that individuals make decisions within the framework of their cultural patterns.

It is crucial to provide genuine opportunities for children to participate in policymaking processes, rather than merely treating them as vulnerable subjects whose voices need to be censored or disregarded. The current “vulnerability approach” and “protectionist approach” often undermine the capacity of children and women to express their views and contribute meaningfully. This study aims to challenge these approaches by advocating for a shift towards a model focused on “how to hear everyone’s voices” and “how to give chances for them to speak up about policy.” By doing so, we can ensure that policymaking is more inclusive and reflective of diverse perspectives, allowing for a more comprehensive understanding of the issues at hand and fostering a more equitable decision-making process.

In Tambon B, participants aware of Hukum Pakat rules were more likely to agree to setting a minimum age of marriage, perceiving village rules as a way to legitimise sinful relationships and thus supporting a minimum age as a deterrent. In Tambon N, participants viewed setting a legal marriageable age as a limitation on their right to legitimise intimacy, showing how the local context shapes perceptions of marriage.

The findings also suggest that parental or grandparental religious background affects opinions on marriageable age, with non-Muslim backgrounds being more supportive of setting a minimum age. This is reflected in Tambon S, which had a higher ratio of participants supporting a minimum age compared to Tambons B and N.

This study does not aim to judge the cultural superiority of one region over another but to understand how local contexts shape opinions on the legal marriageable age. The findings challenge the use of child marriage rates or local support for minimum marriage ages as development indicators, emphasising the need to consider sociocultural contexts and individual agency in policymaking.

The concept of children's participation in policy, as well as legal pluralism, suggests that we should consider how rules and legal spheres are linked with social constructions, such as local norms and moral values. This approach acknowledges that children's voices and agency are critical in shaping policies that affect their lives. By including their perspectives, policymaking can better reflect the diverse and evolving contexts within which they live. Legal pluralism must not only address how different legal systems interact but also how these systems are informed by and adapt to local cultural practices and values. Ensuring that children have meaningful opportunities to contribute to policy discussions helps bridge the gap between formal legal frameworks and the lived experiences of individuals within various sociocultural contexts. This inclusive approach fosters a more nuanced understanding of legal and social issues, promoting policies that are both effective and equitable.

Chapter 5:

Conclusion and Policy Recommendations

5.1 Shifting the Lens: Protectionist to Empowerment-focused Approach

We will pretend to agree with the project idea if any international organisation offers us funding to end child marriage, but we won't actually implement it. They don't understand that the issue is about adolescent sexuality. Why do they view our culture as if it supports child predators? Has anyone from these organisations come to see what marriage means here and how it differs from their context? If they want to assimilate us into their universal rules, we will pretend to comply—for the money.²⁸

This statement came from the head of a local NGO in Yala province that frequently receives funding from international organisations for women's rights projects.

This was entirely different from what I had envisioned when I began this thesis. Initially, I intended to use the traditional approach to studying child marriage, viewing children involved in such marriages as powerless victims—unable to refuse marriage and deserving protection. My focus was on finding ways to end child marriage in Southern Thailand. However, through my fieldwork, I came to understand that the gap between local and universal perspectives on child marriage is profound. This disparity arises because human rights norms are practiced and adapted differently across contexts.

This thesis has sought to examine why children marry by exploring this gap, aiming to understand what child marriage means within the local context. I argued that instead of simply victimising children and women as powerless objects when they choose to marry, we need to shift the lens to see how they exercise agency in making that decision. It also investigated the underlying issues associated with child marriage in both local and universal frameworks. Ultimately, the research advocated for a shift in perspective—one that prioritises

²⁸ Interview with an NGO staff member in Yala province, 25 December 2022

children's participation in policies that affect them, rather than silencing their voices in the name of child protection

In some contexts, engaging in a sexual relationship without marriage may be a viable option. However, in other contexts, such as Southern Thailand, sexual relationships and marriage are inseparable. Consequently, advocating for sexual autonomy by discouraging marriage among adolescents was found to be neither realistic in these regions. Based on the opinions and life stories shared by local youths, this thesis argued that the right of adolescents to make decisions regarding sexual relationships, including marriage, should be respected.

The study in Southern Thailand demonstrated *that cases of child marriage often involve adolescent couples who are close in age, rather than exploitative relationships with significant age gaps* (Chapter 2). In this chapter, I rejected the liberalist idea of “full autonomy,” which assumes that agency must be exercised independently – a principle underlying international human rights frameworks. Instead, I argued that agency can be exercised collectively, aligning with a cultural relativist idea. I examined how children exercise agency in marriage based on real-life cases.

This chapter also examined how adolescents below the age of 18 exercise agency in marriage differently in parent-led marriages (common in parents' generation) and child-led marriages (more typical in the younger generation). It argued that children are capable of making decisions to marry, often as a strategic way to achieve specific goals, even if these decisions might appear negative to the community.

In Chapter 3, I argued that child marriage policy should go beyond the simplistic agenda of combating “uncivilised” practices in the context of the Third World. One of the key findings showed that, in the earlier period, women in Rich regions were more likely to marry between the ages of 15 and 17. Additionally, women tended to marry younger in Rich regions

in terms of overall marriage age. However, whether a region was classified as Rich or Poor did not influence the likelihood of women marrying before the age of 15.

The factors influencing women's marriage age varied or had differing effects when comparing trends between the earlier and later periods. The analysis revealed that the only statistically significant factor for marriages occurring below the age of 15 was the religious make-up variable.

These findings imply the following:

1. The general assumption that children in **poor settings** are more likely to marry because of economic vulnerability or the need for a bride price to improve family financial **situations does not apply** in the context of Southern Thailand.
2. Child marriage is not a fixed or unchanging traditional practice. Instead, it is fluid, with its meaning and prevalence evolving over time, much like other cultural practices. Viewing child marriage solely as an ancient or backward practice is a flawed approach.
3. The trend of women marrying before the age of 15 is distinct from other age groups. Therefore, **interventions targeting marriages below the age of 15 should focus on regions with 100%-Muslim-tambon settings**, rather than other areas.

Based on Article 12 of the Convention on the Rights of the Child (CRC), which states that all children's voices must be heard and that children have the rights and capacity to participate in policymaking, Chapter 4 investigated the opinions of adolescents in three different tambons regarding whether they agree or disagree with policies aimed at prohibiting child marriage by setting a minimum age for marriage. I examined opinion trends through quantitative analysis, using variables such as sex, age, religious background, and village rules, and supported this with in-depth interview data to further explain the observed trends.

The conclusions in this chapter are as follows:

1. Adolescents considered the child marriage policy by balancing the perspectives of those who want the freedom to marry as part of their sexual rights and those who want protection from engaging in sexual activities at an early age.
2. Adolescents, whether below or above the age of 18, have the capacity to voice their opinions on child marriage policy. Therefore, assuming that individuals under 18 are too vulnerable to define what marriage means to them reflects an overly narrow and overprotective viewpoint.

Therefore, Child marriage policies should focus on empowering children to express their views and participate in policymaking, rather than excluding them from the process.

However, one might raise a critical question: “If child marriage is permitted, how do we address cases where adults exploit sexual activity with children through marriage?” This thesis argued that the issues of child predators and adolescent marriages must be regarded as distinct phenomena, each requiring separate policy responses.

To address these challenges, this section proposes the adoption of legal frameworks similar to the “**Close-in-Age Exemption**” or “**Romeo and Juliet laws**” implemented in various countries such as in Switzerland, Canada and Finland. These frameworks permit consensual relationships between adolescents close in age while safeguarding minors from exploitation by significantly older individuals. The section concludes with a discussion on how such an approach could be applied to the context of Southern Thailand, providing a culturally sensitive solution that balances adolescents’ rights with the imperative to protect them from harm.

5.2 Close-in-Age Exemption: In Switzerland, Canada, and Finland

Country	Age of Consent	Close-in-Age Exemption	Position of Authority Clause
Switzerland	16 years	13–15 can consent with partners <3 years older	Yes
Canada	16 years	12–13 (<2 years older); 14–15 (<5 years older)	Yes
Finland	16 years	No formal exemption but considers closeness of age in judicial cases	Yes

Table 5.1: Close-in-Age Exemption in Switzerland, Canada, and Finland

Switzerland

According to Article 187 of the Federal Swiss Criminal Code, the general age of consent is set at 16 years, meaning that individuals 16 or older can legally engage in consensual activity²⁹. However, the adolescents aged 13 to 15 can legally engage in consensual sexual activity with partners who are less than three years older than themselves. Sexual relationship involving individuals under 13 are strictly prohibited, regardless of the age of the other person. Additionally, in Article 188 relationship with minors under 18 are illegal one partner holds a position of authority or trust over the other (such as teachers or coaches).

Canada

For Canada, adolescents aged 14 or 15 may engage in consensual sexual activity with someone who is less than five years older, while aged 12 or 13 may engage in consensual activity with someone who is less than two years older.³⁰ All sexual activity with minors

²⁹ Swiss Criminal Code. Article 187–188.

³⁰ Criminal Code of Canada. Section 150.1

under 12 is illegal, regardless of the age of the other party. Similarly to Swiss Law, the exemption does not apply if the older person is in a position of authority, trust or dependence over the younger individual.

Finland

In Finland, the age of consent is 16 years old, as stipulated in the Criminal Code, Chapter 20, Section 6.³¹ This legislation criminalises sexual acts with individuals under 16, emphasising the protection of minors from exploitation. While Finland does not have a formally codified “Close-in-Age Exemption,” its legal system exercises judicial discretion in cases involving consensual sexual activities between adolescents close in age³². Courts consider factors such as the age difference and maturity levels of the individuals involved, aiming to differentiate between exploitative acts and consensual peer relationships. Judges or legal authorities assess each case individually rather than applying rigid rules. For example, in Finland, if two teenagers engage in consensual sexual activity and are close in age, the court may decide not to impose severe penalties based on the circumstances, even if one of them is slightly under the age of consent. Similarly to Swiss and Canadian Laws, Finnish law imposes stricter regulations when there is an abuse of authority. Sexual acts with individuals under 18 are prohibited if the older party is in a position of authority, trust, or influence over the younger individual, such as a teacher or coach.

All three countries aim to protect minors from exploitation while respecting the autonomy of adolescents in close-in-age relationships. Canada has the most detailed and specific close-in-age provisions, while Finland relies on judicial discretion to apply leniency. Switzerland uses a clear three-year age gap rule for younger teens, ensuring both protection

³¹ Ministry of Justice, Finland. “Sexual Offences Law.” Accessed 11 December 2024. <https://oikeusministerio.fi/en/sexualoffenceslaw>.

³² “Chapter 20 of the Finnish Criminal Code, Section 6, emphasises judicial consideration in cases involving minors, especially in non-exploitative relationships.” See Finnish Criminal Code, Chapter 20, Section 6.

and autonomy. The primary purpose of the Close-in-Age Exemption is to shield minors from exploitation by significantly older individuals, especially those in positions of authority or trust, without attributing blame to cultural practices.

Meanwhile, it also respects the recognition of adolescent autonomy, that adolescents are in a stage of developing independence and personal identity, including sexual autonomy. Without these exemptions, consensual relationships between adolescents could result in one or both parties being prosecuted under statutory rape laws, despite mutual consent. These countries recognise the need for nuanced laws that reflect cultural and social realities. Criminalising consensual relationships among teenagers can lead to unnecessary legal and social burdens. To conclude, exemptions ensure the law differentiates between predatory behaviour and consensual relationships among peers.

5.3 Close-in-Age Exemption: In Southern Thailand's Context

In general, the Thai Criminal Code specifies the age of consent as 15 years old, as stated in Section 279.³³ This means that individuals aged 15 or older can legally consent to sexual activity. However, engaging in sexual acts with individuals under the age of 15 is considered statutory rape, regardless of consent. Thailand does not have a formally codified “Close-in-Age Exemption.” This absence implies that even consensual sexual activities between minors close in age can lead to legal consequences. For instance, if both participants are under 15, they could potentially face charges, as the law does not provide leniency based on age proximity.

In Muslim communities in Southern Thailand, from the perspective of local youths, “child marriage” is often understood as the marriage of couples who are already engaged in consensual sexual relationships. Allowing children to marry in this context functions similarly to a “Close-in-Age Exemption,” as it permits and legitimises consensual

³³ Thai Criminal Code. Section 279.

relationships between adolescents. Although marriage and sexual relationships are generally inseparable in the local context, there are exceptions.

For example, in Tambon N, a village authority member observed a couple aged 11 and 12 kissing near a tourist cave.³⁴ He warned the couple not to repeat their behaviour and recorded the incident in the village notes, stating: “The couple is still in elementary school, and they should preserve the opportunity to rethink what constitutes an appropriate sexual relationship. However, if it happens again, they will either face a fine or be required to marry.”³⁵ His response was notably different from how he would have reacted if the incident had involved older adolescents.

Typically, when couples in the community are of junior high school age (approximately 13–15 years old), village authorities call the parents and the imam to discuss whether the couple should marry to legitimise the relationship. Alternatively, the couples might face punishment, such as fines, or be separated. This indicates that there is an implicit understanding in the local context regarding the minimum age at which a relationship can be legitimised through marriage.

Another case occurred in Tambon B, where two junior high school girls bullied a classmate by coercing three boys to rape her and film the incident.³⁶ This happened because one of the girls was jealous that the victim was in a relationship with a boy she liked. In this case, the village authority determined that the incident occurred without the victim’s consent. Consequently, they reported the case to the police and filed it as a criminal offence. Although all individuals involved were under the age of 15, the situation was not simplistically viewed as a sexual relationship that needed to be legitimised through marriage.

³⁴ This is the same case as mentioned in *Village Rules Variable* of Chapter 4.

³⁵ Interview with a village administrator staff member at Tambon N, Yala province, 13 November 2022.

³⁶ Daily conversations with villagers at Tambon B, Yala province, 10 December 2022.

These two cases, from two different villages, demonstrate existing mechanisms for protecting adolescents from exploitative sexual activity and safeguarding consensual sexual rights.

However, in the rape case in Tambon B, which I observed closely in the field, none of the village authority members indicated that they considered “marriage” a solution. Instead, the main debate revolved around whether the case should be reported to the police or silenced through bribery, as the parents of the boys offered money to suppress the case. This was not a debate about legitimising the relationship through marriage but rather a conflict between “bribery” and “justice.”

As such, my policy recommendations below are not applicable to conflicts of this nature. Instead, they are designed for contexts in which village authorities face hesitation about whether to “legitimize a non-consensual sexual relationship through marriage” or “report it as a criminal case.” For regions lacking the clear solutions seen in these two villages, I would further recommend implementing “close-in-age exemptions” as an intervention within local village rules. These exemptions would help clarify which cases can result in marriage and which should be treated as criminal cases, providing a more concrete framework for protecting children’s rights, as outlined below.

5.3.1. General Principles

Cases involving **non-consensual sexual activity** must always be reported to the police and handled under the Criminal Code. Village rules cannot legitimate sexual relationships through marriage in these situations.

For **consensual sexual relationships**, the following recommendations are suggested based on age, educational status, and social context. 2. Specific Recommendations by Age Group

To make the rules easier to understand, the recommendations can be summarised in a table format as follows.

Age Group	Recommendation	Exceptions
Below 12 (Elementary School)	- Community intervention is essential.	- If the child is close to turning 12 (e.g., 11 years and nearly 12), apply rules for ages 12–14.
	- Parents and village authorities should collaborate on educational programs about early sexual activity risks.	- Pregnancy from consensual intercourse should be evaluated case by case.
	- Marriage must not legitimate sexual relationships for this age group.	
	- Authority figures involved must be reported to the police.	
Ages 12–14 (Junior High School)	- Sexual relationships are allowed if the age gap is less than 5 years.	- Gaps over 5 years require case-by-case assessment.
	- Cases involving Authority figures (teachers, coaches) must be reported to the police.	- Marriage may be acceptable in rare cultural practices (e.g., a girl marrying the school headmaster but not engaging in sexual activity until completing her education).
Ages 15–18 (Senior High School)	- Adolescents aged 15 or older who are no longer in mandatory education have the freedom to engage in sexual relationships and marry, regardless of age difference.	- Marriage may be acceptable in rare cultural practices (e.g., a girl marrying the school headmaster but not engaging in sexual activity until completing her education).
	- For those who still in school, cases involving authority figures (teachers, coaches) must be reported to the police.	- Age 18 is not a definitive cutoff for protecting student-teacher relationships.
15 and Older (No longer in school)	Adolescents who leave school after mandatory education and begin working have the freedom to engage in sexual relationships and marry, regardless of age difference or partner's position.	None.

Table 5.2: Close-in-Age Exemption in Southern Thailand's Context

- For consensual sexual relationships, village committee members should consider the close-in-age exemption, focusing on whether the individuals involved are in junior high school (or any school equivalent to the mandatory education level).
- For example, if adolescents are aged 15 or older, or have already graduated from junior high school, they should have the freedom to engage in sexual relationships and marry anyone, regardless of age difference.
- However, for those aged 15 or older but younger than 18 who are pursuing higher education, sexual relationships with authority figures (such as teachers or coaches) should be monitored, regardless of whether the relationship is monogamous or polygamous.
 - I suggest not to “punish” in all cases because, in some situations, a female student may marry the school headmaster to become the *Mama* (the wife of the headmaster, who is responsible for taking care of female students). In such

cases, she may continue living at home and refrain from a sexual relationship with the headmaster until completing school. While this practice is rare today, there should be compromises for cases where marriage involves a child but does not constitute sexual exploitation. If such cases involve both a dependent relationship and a sexual relationship, they must be treated as child predator cases and reported to the police.

- For adolescents aged 15 or older who are no longer in school after completing mandatory education and have started working and earning their own income, they should have full sexual rights, regardless of their partner's age or position of authority.
 - This recommendation is based on my fieldwork in tambon S, Satun province, a border zone near Malaysia's state of Perlis. I observed that adolescents who began working early often married and started families earlier than those who stayed in school longer. Thus, maturity in this context is achieved earlier. Therefore, while age can serve as an approximate guideline for applying rules, it should not be the sole factor. Norms and social contexts surrounding individuals must also be considered.
- For adolescents aged 12 to 14, or those still in junior high school, the close-in-age exemption should apply when the older partner is less than 5 years older. This means that if the age gap is less than 5 years, adolescents should have the freedom to legitimate their sexual relationships through marriage. However, if the age gap exceeds 5 years, the village authority should carefully evaluate the case to determine whether it represents a love relationship between adolescents or an exploitative relationship. Exploitative relationships must not be allowed. Cases involving authority

figures (such as teachers or coaches) and adolescents in this age group must be reported to the police.

- For children in elementary school or under the age of 12, the community must intervene strongly by working with parents to implement educational programs that teach about the risks of early sexual activity. Under no circumstances should sexual relationships involving individuals younger than 12 be legitimised through marriage.
 - However, exceptions might be made in certain cases, such as when the individual is 11 but nearly 12, in which case the rules for ages 12 to 14 may be applied after careful consideration. Cases involving authority figures (such as teachers or coaches) and children under 12 must be reported to the police.

I recommend these rules to protect adolescents' sexual rights without over-criminalising marriages resulting from their sexual activity, while also ensuring effective protection against paedophile crimes. However, age alone cannot always determine which rules to apply. For example, in a case where an 11-year-old boy runs away with an older girlfriend and returns home claiming she is pregnant, village authorities and the imam may not consider this an exploitative case, despite the boy's young age. In reality, children do not always behave predictably, and families and communities often struggle to find a compromise between allowing them freedom and prohibiting them from participating in social life outside the home. Therefore, I propose that my policy recommendations be used as *a flexible model*. All cases should be handled with compromise (similar to Finland's judicial approach, which allows judges to consider each case individually rather than relying on rigid laws). However, protection from child predators and non-consensual sexual activity must always be enforced under criminal law.

5.4 Conclusion

Readers must not be misled into thinking that only the Muslim community requires child protection policies against paedophile crimes. During a visit to a Buddhist-majority Tambon in Yala province, I heard of a case involving a 14-year-old girl who was religiously married to her grandfather, and they had one child together. They continued living in the same house, and although neighbours gossiped about the situation, no intervention occurred. When outsiders discussed this issue, they focused on whether the girl was in an exploitative relationship and how the village authority could assist her, rather than framing it as rescuing her from a “bad culture” that forced her to marry, as is often done when addressing Muslim communities.

I recommended the policies that adapted close-in-age exemption to the Muslim community in Southern Thailand because child marriage in the area is often misrepresented as a practice that allows paedophile crimes. Therefore, I argue that these two practices are fundamentally different. While I agree that the close-in-age exemption could be adapted to other societies, I focused on how it might be applied in the Muslim community in Southern Thailand because my research was conducted in this specific area.

Although a limitation of this thesis is the lack of focus on marriage in Buddhist communities, I argue that traditional approaches to child marriage policy, which oversimplify the practice as solely a result of harmful cultural traditions, are ineffective in protecting children’s rights.

Lastly, child marriage policies should not be designed exclusively by adults but through collaboration between children and adults in the community. This process should empower children to speak out and participate in policymaking. As discussed in Chapters 2 and 3, the meaning of marriage evolves across different times and cultural contexts. Therefore, child marriage policies must include the voices of children to remain relevant to

the present context. Children's rights should not depend on what adults want to hear or what they aim to prohibit. Instead, it is essential to listen carefully to children's perspectives and work together to find compromises and solutions.

References

- American Anthropological Association, "Statement on Human Rights", *American Anthropologist* 49(4) (1947), 539–543.
- Ahmad, M. "Thailand to Increase Age of Muslims to Marry." *Benar News*, December 12, 2018. Accessed August 10, 2019.
- Ariès, P., *Centuries of Childhood: A Social History of Family Life* (New York: Knopf, 1962).
- Basu, A.M., "The Squabble That Never Ends: Religion and Fertility," *Economic and Political Weekly* 39, no. 39 (2004): 4294–4296.
- BBC, "Indonesia Teenager Marries Woman in Her 70s", *BBC*, 7 July 2017, available at: <https://www.bbc.com/news/world-asia-40529590>, accessed 10 May 2024.
- Beijing Fourth World Conference on Women, 4–15 September 1995, Beijing, China.
- Bessa, T.S., "Informed Powerlessness: Child Marriage Interventions and Third World Girlhood Discourses", *Third World Quarterly* 40(11) (2019), 1941–1956.
- Bessa, T.S., *Speaking about and Speaking for the Third World: Representations of Women's and Girls' Agency in Child Marriage Discourses*, PhD thesis, University of Birmingham, 2021, available at: <https://etheses.bham.ac.uk/id/eprint/11548/>, accessed 19 March 2024.
- ChildFund Alliance, "My Father Wanted to Marry Me Off for 3 Kilos of Sugar and 20 Goats: Alexia's Story", n.d., available at: <https://childfundalliance.org/my-father-wanted-to-marry-me-off-for-3-kilos-of-sugar-and-20-goats-alexia-s-story/>, accessed 20 September 2024.
- Chaudhuri, E.R., *Thematic Report: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage* (Bangkok: ECPAT International, 2015).
- Cialdini, R.B., Reno, R.R., and Kallgren, C.A., "A Focus Theory of Normative Conduct: Recycling the Concept of Norms to Reduce Littering in Public Places", *Journal of Personality and Social Psychology* 58(6) (1990), 1015–1026.
- Chattopadhyay, A., and B. Goswami. "Status of Women in Two Bengals: Evidence from Large Scale Surveys." *Journal of Biosocial Science* 39, no. 2 (2006): 276.
- Collins, T. M. "A Child's Right to Participate: Implications for International Child Protection." *The International Journal of Human Rights* 21, no. 1 (2016): 14–46.
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 10 December 1962.
- Convention on the Rights of the Child, 20 November 1989.
- Criminal Code of Canada. Section 150.1. Accessed December 11, 2024.
- <https://laws-lois.justice.gc.ca/eng/acts/c-46/section-150.1.html>.
- de Silva-de-Alwis, R., "Child Marriage and the Law: Legislative Reform Initiative Paper Series" (New York: UNICEF, 2008).
- Convention on the Elimination of All Forms of Discrimination Against Women (1981).
- Donnelly, J., *Universal Human Rights in Theory and Practice* (Ithaca: Cornell University Press, 2003).

- Denov, M., and Gervais, C., "Negotiating (In)Security: Agency, Resistance, and Resourcefulness among Girls Formerly Associated with Sierra Leone's Revolutionary United Front", *Signs: Journal of Women in Culture and Society* 32(4) (2007), 885–910.
- Equality Now, *Protecting the Girl Child* (New York; Nairobi; London: Equality Now, 2014).
- Foundation for Women, “karn tean ngan kab dek: jud yean tang sassana chong wang rawang kod mai kab sitti khong dek ying (Marrying to Children :Religious view, legal-loop-hole and girl’s human rights)”, 14 August 2018, Facebook, available at: <https://www.facebook.com/womenthai.org/videos/2133402946983203/>, accessed 22 November 2018.
- Finnish Criminal Code. Chapter 20, Section 6. Accessed December 11, 2024.
- <https://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf>.
- Giddens, A., *The Constitution of Society* (Berkeley: University of California Press, 1984).
- Giddens, A., *Sociology* (Cambridge: Polity Press, 1989).
- Giddens, A., *The Consequences of Modernity* (Cambridge: Polity Press, 1990).
- Giddens, A., *Modernity and Self-Identity: Self and Society in the Late Modern Age* (Cambridge: Polity Press, 1991).
- Geertz, C., *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, 1973).
- Girls Not Brides, "Palestine, Child Marriage Atlas" (n.d.), available at <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/palestine/> (accessed January 7, 2025).
- Girls Not Brides, “Join Our Campaign to Protect Girls from Child Marriage”, 2019, available at: <https://www.girlsnotbrides.org/join-our-campaign-to-protect-girls-from-child-marriage/>, accessed 26 December 2021.
- Goodale, M. and Merry, S.E. (eds.), *The Practice of Human Rights: Tracking Law between the Global and the Local* (Cambridge: Cambridge University Press, 2007).
- Graham, A., Powell, M., Taylor, N., Anderson, D., and Fitzgerald, R., *Ethical Research Involving Children* (Florence: UNICEF Office of Research – Innocenti, 2013).
- Grijns, M., and Horii, H., “Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns”, *Asian Journal of Law and Society* 5(2) (2018), 453–466. doi:10.1017/als.2018.9.
- Hanson, K., "Children’s Participation and Agency When They Don’t ‘Do the Right Thing’", *Childhood* 23(4) (2016), 471–475.
- Harris-Short, J., “International Human Rights Law: Imperialist, Inept and Ineffective? Cultural Relativism and the UN Convention on the Rights of the Child”, *Human Rights Quarterly* 25(1) (2003), 130–181.
- Hart, R. A. *Children’s Participation: From Tokenism to Citizenship*. Innocenti Essay no. 4. Florence: International Child Development Centre, 1992.
- Islam, M. K., M. R. Haque, and M. B. Hossain. "Regional Variations in Child Marriage in Bangladesh." *Journal of Biosocial Science* 48, no. 5 (2016): 694–708.

- Horii, H., *Child Marriage as a Choice: Rethinking Agency in International Human Rights*, Doctoral Thesis, Van Vollenhoven Institute for Law, Governance and Society (VVI), Leiden University, 2020.
- Horii, H., *Child Marriage, Rights and Choice: Rethinking Agency in International Human Rights* (Oxon & New York: Routledge, 2022).
- International Covenant on Civil and Political Rights, 16 December 1966 (entered into force 23 March 1976).
- Hotchkiss, D.R., Roushdy, R., and Ismail, I.A., "Risk Factors Associated with the Practice of Child Marriage among Roma Girls in Serbia," *BMC International Health and Human Rights* 16 (2016): 6, <https://doi.org/10.1186/s12914-016-0081-3>.
- John, M.E., *Child Marriage in an International Frame: A Feminist Review from India* (Abingdon & Oxon: Routledge India, 2021). doi:10.4324/9781003158592.
- Cunningham, H., *The Invention of Childhood* (London: BBC Books, 2006).
- Kabeer, N., "Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment", *Development and Change* 30(3) (1999), 435–464.
- Kamarusdiana, K., Yusuf, B., Hakim, M.R., and Dahri, H., "Pre-Marital Education: Concepts and Regulations in Indonesia and Malaysia", *al-Ahkam* 32(1) (2022), 41–64. doi:10.21580/ahkam.2022.32.1.10709.
- Kamal, A., I. Naqvi, and M. A. Shaikh. "Opinions on Age of Marriage – Perspective from University Students in Islamabad and Rawalpindi." *Journal of the Pakistan Medical Association* 65, no. 3 (2015): 312–314.
- Karandikar, S., Casassa, K., Knight, L., and España, N.K.M., "'I Am Almost a Breadwinner for My Family': Exploring the Manifestation of Agency in Sex Workers' Personal and Professional Contexts", *Affilia: Journal of Women and Social Work* 37(1) (2022), 26–41. <https://doi.org/10.1177/08861099211022717>.
- Kenny, L., Koshin, H., Sulaiman, M., and Cislighi, B., "Adolescent-Led Marriage in Somaliland and Puntland: A Surprising Interaction of Agency and Social Norms", *Journal of Adolescence* 72 (2019), 101–111.
- Komulainen, S. "The Ambiguity of the Child's 'Voice' in Social Research." *Childhood* 14, no. 1 (2007): 11–28.
- Knodel, J., R. S. Gray, P. Sriwatcharin, and S. Peracca. "Religion and Reproduction: Muslims in Buddhist Thailand." *Population Studies* 53 (1999): 149–164.
- Kohno, A., Dahlui, M., Nik Farid, N.D., Ali, S.H., and Nakayama, T., "In-Depth Examination of Issues Surrounding the Reasons for Child Marriage in Kelantan, Malaysia: A Qualitative Study," *BMJ Open* 9, no. 9 (2019): e027377, <https://doi.org/10.1136/bmjopen-2018-027377>.
- Knodel, J., Gray, R.S., Sriwatcharin, P., and Peracca, S., "Religion and Reproduction: Muslims in Buddhist Thailand," *Population Studies* 53, no. 2 (1999): 149–164, <https://doi.org/10.1080/00324720308077>.
- Larsson, T., and S. Thananithichot. "Who Votes for Virtue? Religion and Party Choice in Thailand's 2019 Election." *Party Politics* 29, no. 3 (2023): 501–512.
- Liow, J.C., *Islam, Education and Reform in Southern Thailand: Tradition and Transformation* (Singapore: ISEAS–Yusof Ishak Institute, 2009).

- Lokot, M., Shakya, H.B., and Cislighi, B., "The Limits of Child Agency?: Dissonances and Contradictions in Conceptualisations of Agency within Child-Led Marriages in Somalia and Cameroon," *The International Journal of Children's Rights* 30, no. 1 (2022): 173–203, <https://doi.org/10.1163/15718182-30010007>.
- Lundy, L. "'Voice' Is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child." *British Educational Research Journal* 33, no. 6 (2007): 927–942
- Loos, T., *Subject Siam: Family, Law, and Colonial Modernity in Thailand* (Ithaca: Cornell University Press, 2006).
- Levitt, P. and Merry, S.E., "The Vernacularization of Women's Human Rights", in S. Hopgood, J. Snyder, and L. Vinjamuri (eds.), *Human Rights Futures* (Cambridge: Cambridge University Press, 2017), 213–236.
- Mahmood, S., *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton, NJ: Princeton University Press, 2005).
- Ministry of Justice, Finland. "Sexual Offences Law." Accessed December 11, 2024.
- <https://oikeusministerio.fi/en/sexualoffenceslaw>.
- Merry, S. E. "Relating to the Subjects of Human Rights: The Culture of Agency in Human Rights Discourse." In *Law and Anthropology*, edited by M. Freeman and D. Napier, 385–407. (Oxford: Oxford University Press, 2009).
- Merry, S. E. "Global Legal Pluralism and the Temporality of Soft Law." *The Journal of Legal Pluralism and Unofficial Law* 46, no. 1 (2014): 108–122.
- Merry, S.E., "Human Rights Law and the Demonization of Culture (And Anthropology Along the Way)", *Political and Legal Anthropology Review* 26(1)(2003), 55–76, available at: <http://www.jstor.org/stable/24498082>.
- Mourtada, R., Schlecht, J., and DeJong, J., "A Qualitative Study Exploring Child Marriage Practices among Syrian Conflict-Affected Populations in Lebanon," *Conflict and Health* 11, no. 1 (2017): 53–65, <https://doi.org/10.1186/s13031-017-0131-z>.
- National Office of Buddhism (สำนักงานพระพุทธศาสนาแห่งชาติ), *Temple Registration System*, available at <https://binfo.onab.go.th/Temple/Temple-List-view.aspx> (accessed June 6, 2022).
- National Statistical Office (NSO), Thailand, *Poverty Index of Yala Province 2010*, (2010).
- National Statistical Office (NSO), Thailand, *Thailand Poverty Maps: Southern Region 2017 (Map 262–263)* (2017), available at https://www.nso.go.th/public/e-book/Thailand-Poverty-Maps/map_2560_Southern/262-263/ (accessed June 5, 2022).
- National Statistical Office of Thailand and UNICEF Thailand, *Thailand Multiple Indicator Cluster Survey 2019: Report of 17 Selected Provinces* (Bangkok: National Statistical Office of Thailand, 2021).
- Neelapaijit, A. "ควรมีการตรวจสอบว่าคำสั่งหรือนโยบายของผู้กำกับสถานีตำรวจภูธรยะหา ขัดแย้งต่อรัฐธรรมนูญหรือไม่ เป็นการเลือกปฏิบัติและชอบด้วยการปกครองหรือไม่" [We Should Investigate Whether the Policy Implemented by the Yaha Police Commander Violated the Thai Constitution by Using

- Official Power to Discriminate Against Women]. Facebook, January 2, 2021. Accessed January 10, 2021.
- Nishi, N., *The Role of Islamic Education in National Integration: A Case of Deep South of Thailand* (PhD diss., Doshisha University, 2017), available at: ci.nii.ac.jp/naid/500001051822, accessed 21 December 2024.
 - Obermeyer, C.M., "Reproductive Choice in Islam: Gender and State in Iran and Tunisia," *Studies in Family Planning* 25, no. 1 (1994): 41–51, <https://doi.org/10.2307/2137988>.
 - Oxfam, "Born to be Married: Addressing Early and Forced Marriage in Nyal, South Sudan" (Juba, South Sudan: Oxfam GB, 2019).
 - Perry-Kessarais, A. "Recycle, Reduce and Reflect: Information Overload and Knowledge Deficit in the Field of Foreign Investment and the Law." *Journal of Law and Society* 35, no. 1 (2008): 67–75.
 - Plan International, *Their Time is Now: Eliminating Child, Early and Forced Marriage in Asia* (2018), retrieved July 19, 2019, from <http://www.civilsocietyasia.org/resources/their-time-is-now-summary>.
 - Prachathai, "An Open Letter on the Child Marriage Case of the 11-Year-Old Girl", *Prachathai*, 28 July 2018, available at: <https://prachatai.com/english/node/7790>, accessed 10 May 2019.
 - Pratipornkul, R., *Conflict and Girls: Child Marriage in Thailand's Deep South*, Master's thesis, Osaka School of International Public Policy, Osaka University, 2020.
 - Pratipornkul, R., "Child-led Marriage in Thailand's Deep South: Focusing on Child Agency and Social Norms among Muslim Youth", *The International Journal of Children's Rights* 32(4) (2024a), 945–968. doi:10.1163/15718182-32040006.
 - Pratipornkul, R., "Principles of Marriage and Divorce in Malay-Muslim Community of Southern Thailand: A Guidebook for Imams in Yala Province," *Journal of Religious Anthropology* 6(2) (2024b), 56–151.
 - Powell, M.A., Fitzgerald, R., Taylor, N., and Graham, A., *International Literature Review: Ethical Issues in Undertaking Research with Children and Young People* (Lismore: Southern Cross University, 2012).
 - Schlecht, J., Rowley, E., and Babirye, J., "Early Relationships and Marriage in Conflict and Post-Conflict Settings: Vulnerability of Youth in Uganda," *Reproductive Health Matters* 21, no. 41 (2013): 234–242, [https://doi.org/10.1016/S0968-8080\(13\)41710-X](https://doi.org/10.1016/S0968-8080(13)41710-X).
 - Saardchom, N., and Lemaire, J., "Causes of Increasing Ages at Marriage: An International Regression Study," *Marriage & Family Review* 37, no. 3 (2005): 73–97, https://doi.org/10.1300/J002v37n03_05.
 - Segal, E., Gerdes, K., and Steiner, S., *An Introduction to the Profession of Social Work: Becoming a Change Agent*, 6th ed. (Boston: Cengage Learning, 2019).
 - Said, E.W., *Orientalism* (New York: Pantheon Books, 1978).
 - Santos, B.d.S., *If God Were a Human Rights Activist* (Stanford: Stanford University Press, 2015).

- Save the Children, *Too Young to Wed: The Growing Problem of Child Marriage among Syrian Girls in Jordan* (London: Save the Children, 2014).
- Thailand Criminal Code. *Criminal Code of Thailand (Unofficial Translation)*. Accessed December 11, 2024. <https://www.thailawforum.com/laws/Criminal-Code.pdf>.
- Thomson, S., "Agency as Silence and Muted Voice: The Problem-Solving Networks of Unaccompanied Young Somali Refugee Women in Eastleigh, Nairobi", *Conflict, Security & Development* 13(5) (2013), 589–609.
- Turner, S.G., and Maschi, T.M., "Feminist and Empowerment Theory and Social Work Practice", *Journal of Social Work Practice* 29(2) (2015), 151–162. <https://doi.org/10.1080/02650533.2014.941282>.
- Schaffnit, S. B., M. Urassa, and D. W. Lawson. "'Child Marriage' in Context: Exploring Local Attitudes Towards Early Marriage in Rural Tanzania." *Sexual and Reproductive Health Matters* 27, no. 1 (2019): 93–105.
- Shier, H. "Pathways to Participation: Openings, Opportunities and Obligations." *Children & Society* 15, no. 2 (2001): 107–117.
- UNICEF, "Child Marriage Around the World – Infographic", 2019, available at: <https://www.unicef.org/stories/child-marriage-around-world>, accessed 20 December 2020.
- UNICEF Innocenti Research Centre, *Early Marriage: Child Spouses* (Florence: United Nations Children's Fund Innocenti Research Centre, 2001).
- UNICEF, "Child Marriage", 2022, available at: <https://data.unicef.org/topic/child-protection/child-marriage/>, accessed 10 January 2023.
- UNICEF, "Girls Increasingly at Risk of Child Marriage in Afghanistan" (2021), available at <https://www.unicef.org/press-releases/girls-increasingly-risk-child-marriage-afghanistan> (accessed January 11, 2024).
- UNICEF. *Early Marriage: A Harmful Traditional Practice*. New York: UNICEF, 2005.
- UNFPA, *Marrying Too Young: End Child Marriage* (New York: UNFPA, 2012).
- United Nations, *Universal Declaration of Human Rights*, 1948.
- United Nations, *Legislative History of the Convention on the Rights of the Child*, Volume (Geneva: UN Human Rights Office of the High Commissioner, 2007).
- Spivak, G.C., "Can the Subaltern Speak?", in P. Williams and L. Chrisman (eds.), *Colonial Discourse and Post-Colonial Theory: A Reader* (Hertfordshire: Harvester Wheatsheaf, 1994).
- Swiss Criminal Code. Article 187–188. https://www.fedlex.admin.ch/eli/cc/54/757_781_799/en, accessed December 11, 2024.
- Tisdall, E. K. M. "Conceptualising Children and Young People's Participation: Examining Vulnerability, Social Accountability and Co-Production." *The International Journal of Human Rights* 21, no. 1 (2017): 59–75.
- Tobin, J. "Understanding Children's Rights: A Vision Beyond Vulnerability." *Nordic Journal of International Law* 84, no. 2 (2015): 155–182.

- Volpp, L., “Blaming Culture for Bad Behaviour”, *Yale Journal of Law & the Humanities* 12(1) (2000), 89–116.
- Yala Provincial Statistics Office and National Statistical Office (NSO), *Provincial Statistic Report: 2016* (2016).
- Women Foundation. "จุดยืนทางศาสนา ช่องว่างทางกฎหมาย กับสิทธิของเด็กหญิง" [Religion, Legal Loophole and Girl's Human Rights]. Facebook video, August 14, 2018b. Accessed August 10, 2019.
- Women Foundation. "การสัมมนาเรื่อง ‘การแต่งงานของผู้เฒ่ากับเด็กน้อย’ ณ โรงแรมเดอะ ทวิน ทาวเวอร์" [The Seminar About Child Brides and Elderly Grooms]. Facebook video, August 20, 2018b. Accessed August 10, 2019.
- Yala Provincial Statistics Office and National Statistical Office (NSO), *Provincial Statistic Report: 2018* (2018).
- Yala Provincial Statistics Office and National Statistical Office (NSO), *Provincial Statistic Report: 2024* (2024).
- Yindeeduaykan, “Break the Silence @ Melayu Living”, Facebook, 3 March 2019, available at: <https://www.facebook.com/yindeeduaykan/videos/590577301354346/>, accessed 10 August 2019.
- Zabel, J., "Untying the Knot: Child Marriage in Situations of Armed Conflict" (2016), retrieved July 15, 2019, from <https://www.semanticscholar.org/paper/Untying-the-Knot:-Child-Marriage-in-Situations-of-Zabel/f2f824d2c5281998b26179811d30465fbae35a99>.