



LEGAL PERSPECTIVE OF CHILD MARRIAGES IN PAKISTAN

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Abstract

In Pakistan, child marriage has become a dominant socio-legal problem, with both traditional customs and legal loopholes typically constrained. Although statutory laws existed in the form of the Child Marriage Restraint Act 1929, which later gave way to provincial enactments, cultural practices, poor institutional arrangements, and mixed reading of religious edicts remain tough nuts to crack. This paper aims to perform a systematical review of the understanding of child marriages in a legal sense in Pakistan through reviewing the historical, theoretical, and development of the core child marriage laws in Pakistan. It also examines prevailing resolutions to implementation, such as judicial confusion and lack of implementation, and resistance. Reform options, including harmonization of national and provincial laws, development of institutional responsibility, awareness campaigns, etc., are also addressed. At the end of the study, the proposed strategies to address the problem of child marriages by engaging in legal measures, changing the policy, and involving communities are proposed in order to bring harmony between the distinctions of legislative aspects in Pakistan with what global humanitarian organizations are willing to enhance in reference to the commitments to the interests of every citizen.

Keywords: child marriage, human rights, law enforcement, legal framework, Pakistan

Introduction

An additional problem with child marriage occurring in Pakistan is that it is a societal issue, and the legislation is unable to reconcile the cultural and legal norms up to now, as the legal framework has historically failed to implement necessary reforms (Rana et al., 2022). Child marriage as a societal practice, however, is also a legal dilemma because, until now, the nation has experienced numerous issues relating to merging its cultural and legal standards (Abid et al., 2025).

The laws that regulate child marriage in Pakistan are found to be grounded in colon today rules, specifically, the Child Marriage Restraint Act of 1929, which placed a minimum marriageable age. Nevertheless, there has been conjecture that the Act has been poorly enforced and that it is old-fashioned relative to the European global benchmarks, including the Convention on the Rights of the Child (CRC) (Judiasih & Kusmayanti, 2024). Immediacy post 18th Constitutional Amendment variations. The provincial *modus operandi* has additionally brought to life the notion of law, as Sindh has introduced progressive reforms, whereas other provinces uphold a low age of legal coherence.

To gain an insight into the legal outlook of child marriages in Pakistan, it is important to examine the past laws, religious and legal interpretation, legal practice, and socio-political. The legal outlook of child marriages in a Pakistani society would be subjected to scrutiny by examining the past laws, religious interpretation, judicial practice and analysis, and the socio-political barriers (Hamid & Fakhyadi, 2022).



The article is a systematic review of existing literature that helps note some challenges in dealing with the problem of child marriage through law and opportunities. By applying the context-specific factors of Pakistan, the paper will seek to contribute to enhancing and transforming the legal system by ensuring that vulnerable children especially girls are no longer subjected to forced and early marriages when they are subjected to such. When Pakistan is placed within the context of comparative and international approaches, the paper will know about enforcing changes in the legal framework to combat forced and early marriages of vulnerable children, especially girls, upon being subjected to the two for the first time (Shah, 2024).

Research Justification

Child marriage in Pakistan is an incredibly social, cultural, and legal problem deeply rooted in the country's culture. Further, although the federal age at marriage legislation has been repeatedly attempted, reform has also failed in two Pakistan provinces where the age of consent for marriage was increased, but where enforcement is difficult. Facing such challenges is anti-let alone Muslim reformers-made possible also by different constructions of Islamic jurisprudence, poorly enforced institutional rules, and dominant socio-economic pressures. It is thus necessary to conduct a systematic analysis of the legal outlook to see the brighter and darker sides of the current scheme.

This study is both warranted and legitimate for many reasons. First, it addresses a gap in the current scholarship by bringing together recent research on the law of child marriage in Pakistan. Second, it draws attention to the link between law and culture, which disrupts reform efforts despite the law on the books. Third, it places the Pakistani legal framework into an international human rights context, including internationally recognized Sustainable Development Goals that mandate the end of child marriage. By approaching the issue from a legal standpoint rather than only from a sociological or economic perspective, this study gives insight into the ways that law can be both a hindrance and a facilitator to dealing with child marriage. Such analysis is thus of great importance when formulating enlightened strategies for prevention and for legal reform.

Research Objectives

1. To discuss the historical context of child marriage laws in Pakistan.
2. To highlight the theoretical context of child marriages in Pakistan's laws.
3. To analyze the leading laws that govern child marriage laws in Pakistan.
4. To identify the key challenges regarding child marriage laws in Pakistan.
5. To explore the opportunities for minimizing child marriages in Pakistan.
6. To propose effective prevention and intervention strategies.

Research Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are listed.

1. **Relevance:** Research that directly addressed the questions posed by this study is included.



2. **Quality:** Studies that meet a certain quality threshold (e.g., methodological rigor, bias risk) are included. Most of the research is from Scopus-indexed and Clarivate Analytics journals and reputed publishers.
3. **Recency:** Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.
4. **Language:** Only studies published in English are included.
5. **Data Completeness:** Previous studies must provide sufficient data on outcomes of interest for practical synthesis; this is also ensured in this research.

This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

Literature Review

Marriage of underage boys and girls is widespread in Pakistan, as this practice is illegal but still considered. Traditional beliefs, poverty, and the absence of proper enforcement of the law contribute to the practice. Shedding light on the reform efforts, Ullah, Aziz, and Idrees (2021) note that the Child Marriage Restraint Act of 1929 represents one of the simultaneous steps towards achieving reforms, but it is regarded as outdated and powerless, especially where the time and mindset are dominated by traditions in rural areas. Similarly, Pakistan has also faced difficulties in bringing its laws in line with international human rights standards, thus allowing child marriage to continue as a violation of children's rights.

Following the 18th Constitutional Amendment, marriage laws were transferred from Ottawa to the provinces, which created inconsistencies. Sindh was the first state to increase the minimum age of marriage to 18 for both boys and girls under its 2013 Act to marry. However, females in Khyber Pakhtunkhwa and Punjab provinces have the age of 16. These distinctions create loopholes in enforcing the law, especially in interprovincial matters (Abid et al., 2025).

Added to this messiness is the need to interpret the self and others from the perspective of religion. Some scholars and jurists hold that marriage is lawful after puberty, while others advocate harmonizing religion with contemporary human rights. Religious minorities and Muslims are triggered by the political and judicial divide, making it less likely for national politicians to legislate a reform for the whole country because of the backlash from religious groups (Hamid & Fakhyadi, 2022).

The weak institutions are also blamed for being the major reason. Police and courts are often untrained and not equipped to handle child marriage cases competently. At the same time, early marriage is seen as a way to ensure the future of children coming from poor and socially pressured families who are limited in their access to education (Ahmad et al., 2025). To fix this problem, they propose bringing provincial and federal legislation into alignment, enhancing institutional accountability of directions, and launching awareness campaigns. Nasrullah et al. (2014) highlighted that it is important to combine legal reform, judicial enforcement, education, and economic support to gain a holistic approach for their meaningful impact on child marriage in Pakistan (Arif et al., 2024).

Historical Context of Pakistan's Legal Perspective on Child Marriages

Child marriage legislation in Pakistan has its origins in colonial India, where the child marriage restraint Act of 1929 was one of the first attempts to create the legislation on child marriage (Shah, 2024). The then age of marriage prescribed in the Act described 14 years of the girl child and 18 years of the boy child which was later revised to 16 years, yet the implementation of the Act was still poor, as defined by culture and religion (Rana et al., 2022). As a result, following the independence of Pakistan in 1947, the Act wasn't substantially



reformatted, and the colonial era limitations were carried into the relative independence (Nasrullah et al., 2014).

Child marriage laws had been in flux for decades, and with changing political and social relations, new hurdles compelled efforts to change gender laws. As per the report titled 1961 Muslim Family Laws Ordinance, the major reforms were introduced in other areas of the family law, thus leaving the so-called child marriage provisions untouched (Arif et al., 2024). This was following 18th Constitutional Amendment (2010) which shifted the legislation to the provinces and allowed the Sindh to increase the age of marriage through the Sindh Child Marriage Restraint Act (2013). The reforms are not the conclusion of bad implementation and socio-cultural opposition, and still affect the present legal situation (Khan and Iqbal, 2022).

Theoretical Context of the Legal Perspective of Child Marriages in Pakistan

The human rights norms, the Constitutional provisions and the Islamic jurisprudence are the theoretical context of the laws of child marriage in Pakistan. Regarding human rights, child marriage is categorized under the Convention on the Rights of the Child (CRC) and the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) as a violation of the right of the children and gender equality. As a signatory, Pakistan is bound to align domestic laws to these standards and this is done haphazardly. Child marriage is also a reason to be addressed according to the constitutional set up. Article 9 accommodates the right to life and liberty and Article 25 accommodates the right to equality under the law which according to scholars would be jeopardized by early marriages that expose them to risks of jeopardizing their health, education, and autonomy.

However, these principles are often challenged because of religious understandings. Some jurists accept the rule of puberty as the age of marriage according to Islamic law and leave this age inconsistency between its yearning and the persecution. Reflecting this tension, courts have at various times respected underage marriages by giving religious meaning precedence over statutory principle. Thus, the theoretical debate focuses on a conflict between international human rights duties, constitutional rights, and religious interpretations. A harmonization between these frames is a key requirement for the creation of a coherent legal approach to child marriage in Pakistan.

Laws Encompassing Child Marriages in Pakistan

The Child Marriage Restraint Act of 1929 is the principal statute dealing with child marriage in Pakistan, and it is still effective despite some changes. In other words, the said law lays down penalties for the persons who arrange, or participate in, marriages of children, but it does not automatically and literally abrogate such marriages if and when they are solemnized by law. The first, the Sexual Offenses Act, increases the age of consent to marriage to 18 years in males and 16 years in females; this has been criticized for perpetuating gender inequality and for allowing scope for ambivalence in execution. However, its scope is narrow and its implementation mechanisms are weak, which has further diminished its utility, especially in rural areas where customary practices and community customs govern more often than the law.

Under the 18th constitutional amendment, the family laws were transferred from the federal government to the provincial legislative institutions, and this resulted in substantial differences. Sindh has passed the Sindh Child Marriage Restraint Act of 2013, which increases the minimum age of marriage for both boys and girls to 18 years and increases the maximum punishment. However, the former system is still in effect in KPK and Punjab, and Balochistan, as the law governing the age limit for marriage for girls is 16 years. This national provincialization of law has led to loopholes in the law when compared to other provinces, and at the national level, it has negatively impacted the enforcement of law and regulations.



Negotiating is vital to create a comprehensive and efficient legal system working towards the goal of reducing child marriage in Pakistan.

Challenges for the Legal Perspective of Child Marriages in Pakistan

Despite existing laws, child marriage continued to occur in Pakistan as a result of several obstacles. The present Child Marriage Restraint Act of 1929, although still the primary piece of legislation, is outdated and ineffectual. It specifies different age limits for boys and girls, does not render underage marriages null and void once solemnized, and thus fails to deter the practice. Provincial differences make enforcement much more complicated as well. After the 18th amendment, 18 was fixed as the legal age for both males and females by Sindh; however, in Punjab, Balochistan, and Khyber Pakhtunkhwa, the age of consent for both males and females was fixed at 16. This lack of uniformity sets the stage for loopholes, especially in inter-provincial cases, which has made a cohesive national set-up difficult.

Religious interpretations provide an additional degree of complexity (i.e., adjudicators have defined puberty as the threshold for marriageability). Courts tend to uphold this view, and political leaders are reluctant to pursue reforms for fear that they will be attacked by religious groups, leading to inconsistent rulings and stalled legislation. Enforcement is also weak. Police and courts face social pressures; adequate training is lacking to deal with the problem, and sometimes cases are ignored. Families rarely report marriages for children because of stigma or because of dependency. Finally, poverty, illiteracy, and culture favor the continuation of the practice, reducing the impact of the laws. Without harmonized legislation, without stronger institutions and socio-economic reforms, legal measures are still more symbolic.

Opportunities for Minimizing Child Marriages in Pakistan

While child marriage is a critical concern, an important reform agenda is laid out in the legal framework. The Child Marriage Restraint Act of 1929 is an archaic legislation, but a basis for new, better legal laws. As already mentioned, Sindh in 2013 set the age threshold to 18 for both girls and boys in the realm of the Sindh Andrade for Child Marriage Restraint Act, 2013, which can serve as a case study for other provinces. In this sense, harmonization of law across provinces to designate a national age of 18 would eliminate loopholes and support clarity.

The advancement is also possible through Constitutional Guarantees. Viewed through the perspective of the fundamental rights approach, child marriage may be regarded as a sort of breach of the basic rights of the child. The court and legislatures can utilize these provisions to assist in enhancing the legal argument in favor of the outlawing of early marriage. The opportunities that are also provided to Pakistan are those opportunities that it has had through its international commitments and some of these are the Convention on the Rights of the Child and the Sustainable Development Goals. The adoption of these standards in the domestic laws not only facilitates the process of reform but also augments the country's image on the global level.

Institutional reform and awareness raising can go hand in hand with changes to the law. Law enforcement can be enhanced through training on laws and on the role and responsibilities of prosecutors and child protection agencies, and, reversing the usual complementarity sequence, the integration of legal instruments with educational and poverty alleviation policies would add a long-term dimension. Together, these opportunities provide a way forward for the meaningful eradication of child marriage in Pakistan.

Discussion

Child marriage in Pakistan is a manifestation of the nexus of law, culture, religion, and socio-economic pressures. While legislation exists, this has been limited due to poor enforcement, outdated laws, and provincial law inconsistencies. This fragmented framework



leaves room for gaps and exploitations, revealing that the law parameters alone cannot solve the problem unless much larger reforms also occur.

Opportunities are, however, still substantial. Constitutional rights to equality and dignity offer one basis for considering child marriage as a violation of fundamental rights, while Pakistan's international commitments provide other support for reform. Sindh's law to enforce 18 as the minimum age of marriage points to the fact that a progressive step can be achieved, and that standardization needed for different provinces is a possibility and can be made. In order to be effective, legal reforms must accompany social development policies. Education, poverty reduction, and awareness campaigns are essential in the fight against root causes, as well as for ensuring child marriage is reduced, both on paper and in practice.

Conclusion

Child marriage within the Pakistani context is quite widespread as a result of legislative gaps between strands of law and the social reality. It is based on the Child Marriage Restraint Act of 1929 and subsequent provincial reforms; however, the outdated and inconsistent provisions, haphazard provincial legislations, lax enforcement, and religious interpretation hinder success. The situation is still very common, especially in poor and rural societies. Potential points of development include the reconciliation of provincial law, their association with constitutional rights and international obligations, and greater institutionalization of the mechanism. With education, awareness, and poverty reduction, these reforms could establish an integrated approach that would help to decrease child marriage and gender inequality in Pakistan.

Recommendations

1. **Harmonize Provincial Laws:** Establish a uniform minimum marriage age of 18 for both genders across all provinces to remove legal inconsistencies.
2. **Amend Outdated Legislation:** Reform the Child Marriage Restraint Act of 1929 to invalidate underage marriages and ensure stricter penalties for offenders.
3. **Enforcements through institutions:** Train police, judiciary, and children protection officers on how to handle child marriage cases.
4. **Encourage Judicial Consistency:** Provide clear legal provisions on courts to avoid using going about to use conflicting interpretations to justify underage marriages.
5. **Create Public Awareness:** Conduct national campaigns on the dangers of child marriage on health, social, and economic levels and the importance of educating girls.
6. **Connect Law and Education Policies:** Add conditional incentives, which are scholarships, so that families can retain children, in particular girls, at school.
7. **Combine Poverty Necessities:** Translating prevention with social protection and livelihood initiatives and social protection programs will help address the economic causes of child marriage.
8. **Increase Community Involvement:** Work with religious groups, educators, and civil society organizations to promote campaign against child marriage in the grassroots level.
9. **Instituting Monitoring Bodies:** Have independent institutions to check the application of child marriage laws and hold the institutions accountable.
10. **Adhere to International Standards:** Have the domestic reforms consistent with the international human rights framework and development objectives in Pakistan.

Research Limitations

Secondary data restricts this study since it is unable to gather firsthand information about communities and stakeholders affected by the impact of the store policy. The systematic review methodology offers a general perspective of the current literature and fails to designate



the life experiences of people who are in child marriages. The second constraint is access to recent academic research because much of the literature on child marriage in Pakistan is a description rather than an empirical study, leaving evidence links missing.

Another limitation of the research is the differences in provincial laws that make it difficult to establish a legal opinion. Moreover, the topic is sensitive in culture and religion, which restricts an open discussion and leads to the underreporting of cases and inadequate data to conduct a thorough analysis. All these drawbacks indicate that future research should aim at realizing the approach of utilizing primary data and comparative studies in addition to employing multidisciplinary studies, which would offer a more comprehensive view of child marriage in Pakistan.

Research Implications

The research results are significant to policymakers, legal professionals, and social development actors in Pakistan. The gaps in the current legislation on child marriage point to the necessity of the research, pointing to the necessity of harmonized legislation across provinces and improved enrollment mechanisms on the local and state levels. The study gives policymakers some evidence to support legal reforms to pass constitutional guarantees and international commitments. To the judiciary and law-enforcing agencies, it will teach that the need to train and equally enforce laws is important to safeguard vulnerable children.

Civil society bodies and advocacy groups will also find the study valuable and seek insights that may be utilized in planning awareness education and community-based interventions. Beyond that, the study also moves the child marriage issue to the interplay between law, culture, and socio-economic factors that give a perspective on how society can effectively employ mechanisms of integrated interventions to mitigate the problem.

Future Research Directions

Further studies on the topic of child marriage in Pakistan must target the production of primary data by collecting raw market data in the form of fieldwork in an attempt to grasp the views of key players in the matter, such as the children in any given family and community heads. These types of studies would offer better statistical insights into the social and cultural processes that can not be explained by legal paradigms and approaches. Comparative analysis with the other nations involved in the same challenge in South Asia could also propose shortcut models on what can be done and how it can be applied in the context of Pakistan.

The next valuable guideline is to assess how religious explanations may have an impact on law translations, exploring how religion-based arguments may be aligned with the child protection legislation. Also, an interdisciplinary field that integrates law, sociology, and public health should give a more comprehensive perspective of the effects of child marriage. Long-term research may also be used to determine how educational, poverty, and legal measures affect the reduction of child marriage in the long term.

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