

CHILDREN'S RIGHT TO PARTICIPATION IN CHILD MARRIAGE UNDER THE LAW IN SOUTHEAST ASIAN MUSLIM COUNTRIES

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ABSTRACT

The rights of the child in the Convention on the Rights of the Child include the right to express her or his views in all matters affecting that child. The purpose of this principle is to respect the child's opinion on issues relating to the child's life and decision-making. Article 12 of the Convention on the Rights of the Child stipulates that state parties guarantee the right of the child to express his or her opinion and to obtain consideration for his or her opinion in all matters or procedures concerning the child as well as in decision-making concerning him or her regarding the issue of marriage dispensation in marrying at a young age. In an effort to involve children in every decision-making process, it is necessary to guarantee steps in increasing children's capacity or developing communication methods with the aim of inviting children to voice their views. The research method in this study is library research, using the approach of laws in Southeast Asian countries with a majority Muslim population, namely Indonesia, Malaysia, and Brunei Darussalam with a review of the discussion of the law regarding marriage dispensations for marriages of minors, which refers to International Children's Rights, in this case the right to participate. Every child has the right to voice, participate, and be involved in matters relating to his or her interests and welfare. Therefore, children's opinions and views should be respected and truly taken into account in accordance with the child's abilities and level of development, including the freedom to express opinions and the right to participate in decision-making that concerns him. Including the role of the state in providing legal protection and fulfilling children's rights not to marry at a young age.

Keywords; children's rights, participation rights, marriage dispensation, Southeast Asian Muslim countries

1. Introduction

Basically, children have a view on everything, but considering their age and maturity, adults often do not give children the opportunity to express their opinions. For example, the choice of going to school, choosing certain foods, the choice of sanctions or rewards, and so on. It is very important for children to express their opinions on small things because it can increase their self-confidence, decision-making ability, learn to express their views to others, and allow them to accept a difference of opinion.

Children's rights in the Convention on the Rights of the Child include the child's right to express opinions in all matters that affect children. The aim of the