

**SUFFICIENCY OF CRIMINAL LAW IN PROTECTING WOMEN AGAINST FORCE
MARRIAGE IN AFGHANISTAN, MALAYSIA AND ISLAM: A COMPARATIVE
ANALYSIS**

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Abstract. *Forced marriage is a union where one or both parties are coerced into marriage without their free and informed consent, often under threats, pressure, or abuse. The primary purpose of this research is a comparative study of the sufficiency of criminal law in protecting women against forced marriage in Afghanistan, Malaysia and Islam. Its conformity with the Holy Quran Collecting data via library and document search, descriptive-analytical and comparative methods were used to examine the conditions and the differences and similarities of the legal systems of the three mentioned countries in the field of forced marriage; it has been used. The research reveals that while Afghanistan and Malaysia criminal forced marriages and stress the necessity of consent, their legal systems differ significantly in enforcement and societal practices. Afghanistan's Elimination of Violence against Women (EW) Law (2009) aims to address forced marriages but is hampered by weak enforcement and cultural resistance. In contrast, Malaysia's dual legal system provides stronger institutional support, although exceptions for early marriages in law present challenges. Islamic law across both countries prohibits forced marriages, emphasizing mutual consent, yet inconsistent application and cultural norms can weaken these protections. The study concludes that effective enforcement, public awareness, and cultural alignment are essential for the sufficiency of legal protections for women, the need for stronger judicial mechanisms and public education to enhance these protections.*

Keywords: *forced marriage, Islamic principles, justice, Legal System, Afghanistan, Malaysia.*

**ДОСТАТОЧНОСТЬ УГОЛОВНОГО ПРАВА ДЛЯ ЗАЩИТЫ ЖЕНЩИН ОТ
ПРИНУДИТЕЛЬНЫХ БРАКОВ В АФГАНИСТАНЕ, МАЛАЙЗИИ И ИСЛАМЕ:
СРАВНИТЕЛЬНЫЙ АНАЛИЗ**

Аннотация. *Принудительный брак – это союз, в котором одну или обе стороны принуждают к браку без их свободного и осознанного согласия, часто под угрозами, давлением или насилием. Основной целью данного исследования является сравнительное изучение достаточности уголовного права для защиты женщин от принудительного брака в Афганистане, Малайзии и исламе. Его соответствие Священному Корану. С помощью сбора данных посредством библиотечного и документального поиска,*

описательно-аналитических и сравнительных методов были изучены условия, различия и сходства правовых систем трех упомянутых стран в сфере принудительных браков; оно было использовано. Исследование показывает, что, хотя Афганистан и Малайзия криминализируют принудительные браки и подчеркивают необходимость согласия, их правовые системы существенно различаются в правоприменении и общественной практике. Закон Афганистана о ликвидации насилия в отношении женщин (EW) (2009 г.) направлен на решение проблемы принудительных браков, но этому препятствует слабое правоприменение и культурное сопротивление. Напротив, двойная правовая система Малайзии обеспечивает более сильную институциональную поддержку, хотя законодательные исключения для ранних браков создают проблемы. Исламское законодательство в обеих странах запрещает принудительные браки, подчеркивая взаимное согласие, однако непоследовательное применение и культурные нормы могут ослабить эту защиту. В исследовании делается вывод, что эффективное правоприменение, осведомленность общественности и культурное единство необходимы для достаточности правовой защиты женщин, а также необходимы более сильные судебные механизмы и просвещение общественности для усиления этой защиты.

Ключевые слова: принудительный брак, исламские принципы, правосудие, правовая система, Афганистан, Малайзия.

INTRODUCTION

Forced marriage is a significant violation of human rights, affecting millions of women and girls globally. In Islam, marriage is considered a solemn covenant, with specific requirements set by the Qur'an.¹ Both parties must give their free and informed consent. The Quran and other Islamic texts confirm the prevention of compulsory relationships and promote consensual relationships. In Islam, no one can be coerced into marriage against their will, and this practice has no basis in Sharia.² In Afghanistan, forced marriage is not explicitly prohibited, but Article 77 requires parties' consent for marriage to be lawful and enforceable. This includes accurate offer and acceptance, presence of two competent witnesses, and absence of legal impediments. Marriage formalizes the union and establishes responsibilities and rights. In Malaysia, the Marriage, Divorce and Reconciliation Registry (RJUK) outlines stages of Muslim marriage, with both parties applying directly. The Islamic Family Law Enactment of Selangor 2003 (EUKIS) is used in this study, requiring paperwork, permission from a legal guardian, and a wedding ceremony.³ Cultural traditions often override Islamic teachings in Afghanistan, leading to practices like child marriage and baad. Civil law allows exceptions with parental consent, while EAW Law criminalizes forced marriage, but enforcement remains inconsistent due to weak judicial systems and cultural

¹ UNICEF. (2020). *Child marriage: Latest trends and future prospects*. Retrieved from <https://data.unicef.org/topic/child-protection/child-marriage/>, (accessed 26 Jun 2024). P 3

² Zarifa Abbasy, "Adequacy of Criminal Law in Protecting Women against Domestic Violence in Afghanistan, Malaysia and Islam: A comparative evaluation", (Master. Thesis, International Islamic University Malaysia, 2022), 168.

³ Prof Dato Noor Aziah and et al, "Child Marriage in Malaysia", *University Kebangsaan Malaysia for UNICEF Malaysia*, vol3.no.2 (2018).47.

resistance. Malaysia's Islamic Family Law Act 1984 and Child Act 2001 may legitimize forced marriages, particularly in rural areas. However, inconsistent application and cultural norms can interfere with enforcement. This misalignment between Islamic principles and cultural practices in Afghanistan and Malaysia's legal systems leads to human rights violations, weakening the rule of law, perpetuating gender inequality, and posing health risks. This research evaluates the effectiveness of criminal law in protecting women from forced marriage in Afghanistan and Malaysia, focusing on Islamic law, analysing legal protections, enforcement challenges, cultural influences, and practical application. The main objectives of the current research are, to analyse and compare the criminal laws in Afghanistan and Malaysia regarding forced marriage and their alignment with Islamic principles, to investigate the effectiveness of law enforcement and judicial systems in protecting women from forced marriages in

both countries, to examine the cultural and societal factors that influence the prevalence of forced marriages and the implementation of legal protections, to identify gaps in legislation and practical enforcement that hinder women's rights and protections against forced marriage, to compare the legal frameworks for protecting women from forced marriages by identifying their similarities and differences.

To achieve the objectives, the researcher designed these questions:

1. What are the key provisions of criminal law in Afghanistan and Malaysia concerning forced marriage, and how do they compare to Islamic law?
2. How effective are law enforcement agencies and judicial systems in enforcing laws against forced marriage in Afghanistan and Malaysia?
3. What are the similarities and differences between the two countries' legal systems regarding forced marriage?
4. What cultural and societal factors contribute to the persistence of forced marriage in both countries, despite existing legal frameworks?
5. What specific gaps exist in the legislation and enforcement of laws protecting women from forced marriage in Afghanistan and Malaysia?

Given that a portion of this research examines the concept of forced marriage in Islam, numerous studies related to the research topic can be found; the present paper sheds light on the issue from different perspectives, comparing existing laws on forced marriage in two different countries. Hence, this research focuses on the civil laws as well as other related law of the two mentioned countries on the issue of forced marriage and compares them with Islamic rules. More specifically, it focuses on the shortcomings in Malaysia and Afghanistan's Acts in support of women. In the form of a comparative study to open new horizons in differences, commonalities, and loopholes in Afghanistan and Malaysia's Civil Codes as well as other related law in the issue of forced marriage. The reason for choosing Afghanistan, Malaysia, for comparative study on forced marriage are religious and cultural commonalities, as well as identifying key factors influencing each country's approach to forced marriage and exploring similarities and differences in their legal systems. Therefore, first of all, the researcher discusses the issue of forced marriage from the point of view of the holy religion of Islam and then in the legal systems of the two countries mentioned above using library-based research via analytical-descriptive and comparative methods.

Sufficiency of criminal law in protecting women against force marriage in Afghanistan, Malaysia and Islam: A comparative Analysis

A. The definition and concept of force marriage

The word "forced" indicates a person does not agree to and has no intention of entering into a marriage contract. According to custom, a forced marriage occurs when relatives, especially parents, force someone to marry despite the resistance or lack of agreement of both parties and one of the parties. Coercion can be physical, spiritual, or emotional, and may include harassment, detention, and forced isolation, threats of death and deprivation of food and water, threats of expulsion from the family, relationship separation, and non-payment of alimony. Forced marriages primarily affect girls, although males in the family may also be victims of this form of compulsion.⁴

B. Forced Marriage: From the perspective of the Holy Quran

The marriage described in the Qur'an encourages modesty, reproduction, and the love and satisfaction of both partners. Allah (SWT) approves of the institution of marriage, which the Qur'an states as follows:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ
يَتَفَكَّرُونَ ﴿٢١﴾

“And among His signs is this that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love and mercy between your hearts.”⁵

The Qur'an establishes several essential prerequisites for marriage, including as the need for an agreement between two individuals, who understand their duties and obligations to one another. Marriage, classified as "meethaqan ghaleezan" (the most serious kind of commitment in Islam), requires both parties' free and informed assent.⁶

وَكَيفَ تَأْخُذُونَهُ وَقَدْ أَفْضَى بَعْضُكُمْ إِلَى بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا ﴿٢١﴾

The Qur'an emphasizes the importance of mutual consent in Islam for successful marriages. It includes assessing compatibility, finding common ground,⁷ agreeing on mahr (dowry),⁸ consenting on additional conditions, a man's ability to support his family,⁹ and Rushd (maturity) for handling personal issues. Forced marriage is not supported in Islam, and both men and women must obtain Rushd before marriage.

The following verse is often cited to demonstrate that marriage should be based on the free will and agreement of both parties:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَجِلُّ لَكُمْ أَنْ تَرْتُوا النِّسَاءَ كَرِهًا وَلَا تَعْضَلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا عَاتَبْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَحِشَةٍ مُبِينَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا.

This verse addresses several important issues regarding women's rights in marriage, as following:

⁴ Shafae, Abdullah. (2023, 6 Jun). Understanding forced marriage in Afghanistan: concepts and context part(1)<https://www.securitypraxis.eu/understanding-forced-marriage-in-afghanistan-concepts-and-context-part-i/>, (accessed 17 July 2024).

⁵ Ar-Rum,21/30.

⁶ Al-Nisa 21/4

⁷ Al-Baqara 221/2

⁸ Al-Nisa 24/4

⁹ Al-Bagara 228/2

1. "It is not lawful for you to inherit women by compulsion":

The verse prohibits treating women as property or forcing them into marriage, stating that such practices are unacceptable in Islam. It emphasizes that marriage must be voluntary, especially for women, and that forcing a woman into marriage contradicts the core principles of mutual agreement

2. "And do not make difficulties for them in order to take [back] part of what you gave them...":

The verse addresses unfair treatment in marriage, promoting fairness, respect, and avoidance of manipulation. It protects women from forced marriages and emotional or financial abuse, ensuring a relationship based on respect, kindness, and justice.¹⁰ Moreover, according to the surah Ar-Rum Allah (SWT) said that:

يَتَفَكَّرُونَ وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ

This verse establishes that marriage should be built on love, mercy, and tranquillity. A forced marriage, where a person is unwilling or unhappy, contradicts the very essence of this teaching. Victims of forced marriage can take solace in the fact that Islam views marriage as a peaceful and mutually respectful bond, giving them the religious and moral basis to seek help or exit a forced situation. Furthermore, in ¹¹.

surah Al-Baqarah Allah (SWT) emphasizes the importance of mutual agreement in marriage which stated:

وَإِذَا طَلَقْتُمْ النِّسَاءَ فَبَلَّغْنَ أَجَلَهُنَّ فَلَا تَعْضُلُوهُنَّ أَنْ يَنْكِحْنَ أَزْوَاجَهُنَّ إِذَا تَرَضُوا بَيْنَهُمْ بِالْمَعْرُوفِ ذَلِكَ يُوعِظُ بِهِ مَنْ كَانَ مِنْكُمْ يَوْمَ بِلَاءِ وَالْيَوْمِ الْآخِرِ ذَلِكَمْ أَرْكَى لَكُمْ وَأَطْهَرُ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ¹²

The verse emphasizes the importance of mutual agreement in marriage, highlighting the right of individuals to choose their spouse based on their free will. This verse is crucial for victims of forced marriage, providing a religious foundation to reject coercion and seek justice. The verses promote love, respect, and kindness, empowering victims to reject forced marriages and pursue their own lives.

C. Sufficiency of Criminal law in Protecting Women against Force Marriage in Afghanistan, Malaysia

1. Afghanistan

Forced marriage in Afghanistan is a significant issue, despite existing legal frameworks. Enforcement remains a challenge, highlighting gaps and barriers in safeguarding women's rights.

1.1 Available Production under the Law on Elimination of Violence against Women in Afghanistan (EVAW) 2009, Civil Law, Constitution and Penal Code of Afghanistan.

1.1.1 Protection from Forced Marriage under the Constitution

The Afghan Constitution does not explicitly prohibit forced marriage, but it emphasizes equal rights for men and women, particularly in marriage, indicating a commitment to gender equality.¹³ It recognizes that both men and women have equal rights and responsibilities before the law.

¹⁰ . An- Nisa: 4/19

¹¹ . Ar- Rum: 30/21

¹² . Al- Baqarah: 2/232

¹³ The Constitution of the Islamic Republic of Afghanistan 200, Article (22).

Article 38 ensures the home is free from invasion, which serves as a protective measure for women within the household.¹⁴ The National Action Plan for Afghan Women (2007-2017) identifies forced marriages as a significant factor contributing to high dropout rates among girls.

Additionally, various provisions in the Constitution, particularly¹⁵ Articles 23 (right to life), 24 (right to liberty and human dignity), and 29 (immunity from torture), can be interpreted as protections for women against harmful customary practices. Overall, the Constitution seeks to ensure the protection and rights of women, despite the challenges by customary laws.

1.1.1.2 Protection from Forced Marriage under the EVAW 2009

Unfortunately, traditional marital practices that are harmful to women's rights and are incompatible with Islamic law, Afghan and international laws can still be found today, particularly in regions controlled by militants or where the government is weak. Forcible weddings include "forced marriage, *baad* marriage (retribution of a woman to settle a quarrel), *badal* marriage (exchange marriage)", and pressure of husbandless wife to marry a family member of a dead spouse. 70 to 80 percent of Afghan women are compelled to marry, according to surveys.¹⁶ Anti-Violence against Women is protected by Article 5. In total, there are 22 different forms of sex abuse identified, including the buying and selling of women under the pretense of marriage, the prohibition of selecting a husband, marriage before the legal age of consent, and bad marriages (female retaliation to resolve a female retaliation).

1.1.1.3 Protection from Forced Marriage under the Civil Law

Forced marriage is not explicitly prohibited in the Civil Code of Afghanistan, but Article 77 emphasizes the consent of parties in marriage. Marriage is a formal contract that formalizes the union of a man and a woman, establishing their responsibilities and rights.¹⁷ However, in Afghanistan, arranged marriage is common due to conservative and patriarchal society. Marriage without consent is prohibited under Afghan law under EVAW 2009, punishable by short-term imprisonment if someone inhibits a woman from marrying.¹⁸ The International Covenant on Civil and Political Rights (ICCPR) and Article 16(2) of the UDHR also require free and informed consent for marriage. Women should not be coerced into marriage, and they have the right to petition for their marriage to be annulled when they reach maturity.¹⁹

3. Malaysia

Forced marriage remains a global human rights violation, with concerns about the effectiveness of Malaysia's criminal law in protecting women, focusing on legal provisions, enforcement, and socio-cultural factors.

¹⁴ Farhoumand-Sims, and et al, "CEDAW and Afghanistan", *International Women's Studies*, vol.11, no.1 (2009):156.

¹⁵ Muhammad Aunurrochim bin Mas'ad, "Marriage Rights of Afghan Women in Traditional Practices and Legislation Protection", *Ahkam*, vol. 3, no.2 (2014.): 16.

¹⁷ Civil Code of Afghanistan 1977, Article77.

¹⁸ Law on Elimination of Violence Against Women, 2009, Article 27.

¹⁹ Billaud, J, and et al, "Afghan Women: Identity and Invasion", *Academia*, London: Zed Books, https://www.academia.edu/864390/ElahehRostami_Povey_Afghan_Women_Identity_and_Invasion_London_Zed_Books_2007.159_pp, (accessed 13 November , 2024).

1.2 Available Production under the Law on Elimination of Violence against Women in Afghanistan (EVAW) 2009, Civil Law and Penal Code of Afghanistan.

1.2.1 Protection from Child and Forced Marriages under the Islamic Family Law Act 1984 and Law Reform (Marriage and Divorce) Act 1970

In Malaysia, the definition of a 'child varies across legal jurisdictions. According to the Child Act 2001, a child is anyone under 18 years old. However, under the Guardianship Infants Act 1961, for Muslims it remains under 18, while for non-Muslims, it extends to under 21. The Adoption Act of 1952 defines a child as anyone under, regardless of marital status. These definitions aim to promote children's welfare. Additionally, most Muslim countries follow traditional Islamic jurisprudence, defining a child as someone has not reached puberty, which is considered 12 lunar years Negeri Sembilan and Sabah, and 15 years in other states.

In Malaysia, the Law Reform (Marriage and Divorce) Act (LRA) sets the minimum marriage age at 18 for men and 16 for women, with those under 18 needing special approval from the Chief Minister to marry. Child marriage remains a contentious issue, often driven by factors such as family poverty, low household income, school dropout rates, and inadequate knowledge of sexual and reproductive health, as highlighted by a 2018 UNICEF report.²⁰ SUHAKAM advocates for the complete abolition of child marriage and supports initiatives to raise the minimum marriage age to 18, emphasizing the benefits for education, health, and reducing child poverty.²¹ In Malaysia, the marriage age is 18 for Muslim boys and 16 for Muslim girls, with exceptions for minors allowed with Sharia Court approval. Non-Muslims can marry girls aged 16 and older. Islam does not set a minimum age for marriage, raising concerns about child marriage, especially when girls are forced into marriage without consent. The extent of child and forced marriages linked to domestic violence is unclear, but family elders may play a significant role in such situations.

1.2.4 Protection from Child and Forced Marriages under the Penal Code

There is no specific provision regarding child or forced marriages under the Criminal law.

Nevertheless, Section 366 of the Penal Code punishes those who kidnap or abduct a female in order to force her into illegal sexual relations or marriage. In Malaysia, anyone other than a woman's spouse who has sexual relations with her is guilty of rape under Penal Code Section 376, which prohibits "sexual relations with a minor under the age of 16". This is known as statutory rape. Even for Muslims, if a girl is raped or has sexual intercourse with a man, the man can be charged with rape of a child.

4. Comparison Analysis

This section compares the legal provisions available in the two mentioned countries and Islamic principles regarding the forced marriage; the objective of this comparative analysis is to determine the efficacy of the laws and their concordance with Islamic.

principles, and if there are loopholes, what actions can be taken to improve the law in the

²⁰ Kohno, Ayako, and et al., "In-depth Examination of Issues Surrounding the Reasons for Child Marriage in Kelantan, Malaysia: A Qualitative Study", *BMJ Open*, vo. 13, no.9 (2019):1.

²¹ The Debate of the SUHAKAM annual Report 2018 in Parliament, <https://suhakam.org.my/2019/12/debate-of-the-suhakam-annual-report-2018-in-parliament/>, (accessed 18 October, 2024).

countries better? As mentioned earlier, In Islam, forced marriage is not permissible. Marriage is viewed as a mutual contract that requires the free and informed consent of both parties. The Quran and Hadith emphasize the importance of consent in marriage, and the Prophet Muhammad explicitly condemned forced marriages. While cultural practices in some regions may contradict this, Islamic teachings uphold that both men and women must willingly agree to marriage for it to be valid. Thus, forced marriages are considered un-Islamic and against the principles of justice and equality in Islam.

However, the practice and acceptance of forced marriage vary across Islamic countries and regions; for instance, the legal frameworks in Afghanistan and Malaysia regarding forced marriage and the protection of women's rights share some similarities, but they also differ in terms of implementation, cultural context, and scope. EVAW (Afghanistan) and Malaysian Penal Code (Section 366) both explicitly prohibit forced marriages. Section 366 criminalizes the act of forcing a person into marriage through coercion or abduction, while EVAW Articles 26, 27, and 28 emphasize women's consent in marriage and penalties for violators. The Islamic Family Law Act 1984 (Malaysia) also recognizes the requirement of consent in marriage for Muslim individuals, reflecting Islamic principles similar to Afghan law. Both Afghanistan and Malaysia, under their respective laws, require free consent for marriage. EVAW (Article 26) and the LRA 1970 in Malaysia both ensure that marriage without consent is illegal and not valid reflecting international human rights norms. The laws in both countries set minimum age for marriage. Under Afghan law (Article 26), marriage is prohibited below a certain age, and in Malaysia, the LRA 1970 sets the minimum age for non-Muslims at 18, while the Islamic Family Law Act 1984 sets the age for Muslims but allows exceptions with judicial approval. Moreover, Afghanistan's EVAW Law is comprehensive in addressing various forms of violence against women, including forced marriage.

Similarly, Section 366 of the Malaysian Penal Code is clear in its criminalization of forced marriages. Not only this, both countries integrate Islamic principles, ensuring that legal frameworks are culturally and religiously relevant, thus enhancing their acceptance in Islamic societies. Regardless of the similarities mentioned above, there are a series of fundamental differences regarding forced marriage in the laws of Afghanistan and Malaysia, which are the most important differences between the laws of the above-mentioned Islamic countries in the issue.

Firstly, EVAW Law in Afghanistan focuses specifically on preventing violence against women and is limited to protecting women's rights, including forced marriage. In contrast, Malaysia has separate

laws governing Muslim and non-Muslim marriages. The LRA 1970 deals with non-Muslim marriages, while the Islamic Family Law Act 1984 governs Muslim marriages. This dual system is not present in Afghanistan's unified EVAW Law.

Secondly, Malaysia's legal system incorporates both civil and Sharia laws, with a stronger institutional framework and a functioning judiciary for enforcement. Afghanistan's enforcement of EVAW laws is weaker, particularly due to cultural and traditional barriers. The current situation also impacted women's rights significantly, limiting the practical enforcement of these laws.

Thirdly, Section 366 of the Malaysian Penal Code prescribes criminal penalties, including imprisonment, for anyone involved in forcing a person into marriage.

Afghanistan's EVAW Law (Articles 26, 27, 28) also prescribes penalties, but enforcement

and punishment may vary due to Afghanistan's weaker legal infrastructure. Fourthly, in Afghanistan under article 26 prohibits all forms of forced marriage and imposes a penalty on those who engage or marry a woman who has attained the legal marriage age without her consent: he will be sentenced to medium imprisonment for at least two years, and the marriage or engagement will be invalidated. The Act, on the other hand, does not define the word consent. Hence, in a country such as Afghanistan where the majority of people are illiterate, they do not have knowledge and awareness in the main sense of consent in marriage. It is an important and main responsibility of the legislator that they must provide clearly the keywords of the offences regarding domestic violence. In Afghanistan since marriage is a family matter which is considered by an extremely robust masculine system, the social system is highly stratified by gender.

Marriages between both genders are frequently organized by their relatives. These marriages are widespread between relatives, as well as within groups and clans. Neither males nor females are permitted to violate their families' wishes about marriage partners. Women and men with advanced degrees are unable to influence their families' decisions about who they marry or when they wed.

In contrast, forced marriage is covered under the child marriage issue in Malaysian legislation. There is no specific provision on forced marriage and its punishment. However, it is unclear whether there are any differences between forced marriage and child marriage under the aforesaid laws. As a result, the government should consider including the concept of forced marriage in the Act. It should also provide enough protection against forced marriage to assist the victims. Furthermore, the legislation should offer a detailed overview of the definition, forms, and penalties of forced marriage, particularly for compulsory marriage of widows.

5. CONCLUSION

The research confirmed that Afghanistan and Malaysia governments have indeed attempted to develop a comprehensive law for combating forced marriage. Of course there is still much to be done if the issue of forced marriage is to be addressed effectively by the both governments. While all three systems—Afghanistan's EVAW law, Malaysia's legal framework, and Islamic teachings—provide important safeguards against forced marriage, their sufficiency depends largely on the strength of enforcement, public awareness, and cultural acceptance. Afghanistan faces the greatest challenges due to weak legal infrastructure, while Malaysia, with its more structured legal framework, offers better protection. Islamic principles, when properly applied, serve as a strong foundation for preventing forced marriages, but societal practices must align with these teachings for full effectiveness. Strengthening legal enforcement, promoting education on women's rights, and ensuring judicial consistency are key steps needed in both Afghanistan and Malaysia to better protect women from forced marriage. As a result, all the changes will only be possible with a strong political will of the governments as well as the support of the both countries' people to change for the better. It is time for us to recognise that men and women are equally. Only by accepting this fact can we work together to improve the situation in both mentioned countries.

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