



Informal Debt and Gender-Based Violence: Forced Marriage as a Transactional Practice in Central Java

Utang Informal dan Kekerasan Berbasis Gender: Pernikahan Paksa sebagai Praktik Transaksional di Jawa Tengah

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Abstract

The right to choose a spouse is a fundamental principle in marriage. However, forced marriage remains prevalent in Indonesia, often driven by economic pressures. One such practice—forced marriage as a means of repaying parental debt—still occurs in Pakuncen, Wiradesa, Pekalongan, and serves as the focus of this study. This research aims to identify the underlying factors behind this practice and examine its legal implications from a socio-legal perspective. Employing empirical research with a socio-legal approach and a case study method, this study draws on both primary and secondary data collected through observation, interviews, and documentation. The findings reveal that urgent economic circumstances are a key driver of forced marriage for debt repayment in Pekuncen Village. This practice conflicts with Indonesian marriage law, which upholds free consent, and is not supported by Islamic law. It results in the loss of individual rights, disruption of family relationships, and perpetuation of gendered power imbalances. From a socio-legal perspective, these marriages illustrate how legal norms fail to function effectively when confronted by entrenched patriarchal culture and structural poverty. The study concludes that legal regulation alone is insufficient; meaningful solutions require social transformation, gender-sensitive mediation, and community empowerment to eradicate debt-driven forced marriage.

Abstrak

Hak untuk memilih pasangan merupakan prinsip fundamental dalam perkawinan. Namun, perkawinan paksa masih lazim di Indonesia, seringkali didorong oleh tekanan ekonomi. Salah satu praktik tersebut—perkawinan paksa sebagai cara melunasi utang orang tua—masih terjadi di Desa Pakuncen, Wiradesa, Pekalongan, dan menjadi fokus penelitian ini. Penelitian ini bertujuan untuk mengidentifikasi faktor-faktor yang mendasari praktik ini dan mengkaji implikasi hukumnya dari perspektif sosio-legal. Dengan menggunakan penelitian empiris dengan pendekatan sosio-legal dan metode studi kasus, penelitian ini menggunakan data primer dan sekunder yang dikumpulkan melalui observasi, wawancara, dan dokumentasi. Temuan penelitian mengungkapkan bahwa keadaan ekonomi yang mendesak merupakan pendorong utama perkawinan paksa untuk melunasi utang di Desa Pakuncen. Praktik ini bertentangan dengan hukum perkawinan Indonesia, yang menjunjung tinggi persetujuan bebas, dan tidak didukung oleh hukum Islam. Praktik ini mengakibatkan hilangnya hak-hak individu, terganggunya



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hubungan keluarga, dan berlanjutnya ketidakseimbangan kekuasaan gender. Dari perspektif sosio-legal, perkawinan-perkawinan ini menggambarkan bagaimana norma-norma hukum gagal berfungsi secara efektif ketika dihadapkan pada budaya patriarki yang mengakar dan kemiskinan struktural. Studi ini menyimpulkan bahwa regulasi hukum saja tidak cukup; solusi yang bermakna memerlukan transformasi sosial, mediasi yang peka gender, dan pemberdayaan masyarakat untuk memberantas pernikahan paksa yang didorong oleh utang.

INTRODUCTION

Marriage is a sacred agreement between a man and a woman with the intention and purpose of creating a family to live together legally, happily, and lovingly. Marriage is not only a sacred promise, but it must also be agreed upon by both parties wholeheartedly. This is because in marriage, both spouses have an important role to play in creating peace and tranquility in the family and living a life full of love and affection.

Because marriage is not merely a legal bond or a simple contractual agreement, but rather a meaning that contains the value of worship and the rights of the couple, where religion emphasizes the principles of freedom and consent in marriage, when a forced marriage occurs, it can be said to be contradictory. Forced marriage is a marriage that is legally valid but not based on the free will of both or either of the parties. The purpose of marriage is to achieve happiness between the couple (husband and wife), but when there is coercion in a marriage, happiness cannot be achieved. Therefore, forced marriage is considered a deviation, as it does not meet the requirements set out in the law.

Basically, in marriage there should be no coercion or compulsion due to threats. Regardless of the situation, marriage must be based on the wishes and consent of each party. Because the effects of coercion can have an impact on the couple in the future. Although sometimes forced marriages can end happily, they can also become a disaster for the rights of those who marry.

The reality is that many communities face social problems driven by economic pressures and financial difficulties within families. Among the many problems, individuals may find themselves trapped in situations of enormous debt and naturally want to resolve them easily and quickly. However, this situation can lead to desperate measures, such as one phenomenon that occurred in the Pekuncen sub-district community, where forced marriages were used as a way to pay off debts. This phenomenon is something new in the community, which has existed in the area since ancient times. Forced marriage is a complex issue that intersects with aspects of human rights, gender inequality, and the institution of marriage itself. The marriages that occur are where the woman's family has debts and forces their daughter to marry the person who gave them the debt in order to pay it off, and there are those who use the method of matchmaking with a man chosen by their family who wants to pay off their debt by marrying their daughter. This is not in accordance with the rules in the law or norms, nor with the rights that a person has. During the preliminary research, the researcher found that this type of marriage occurs due to a lack of public understanding of the laws governing marriage, compounded by the fact that the majority of the population is from the lower-middle class, which affects the family's economy.

Researchers found the practice of forced marriage in the Pekuncen community, which primarily targets women who are forced into marriage and their parents, resulting in marriages that are forced by parents who are in debt to their husbands. Second, a woman who experienced the same situation, only she married due to urgent economic factors. And third, a woman who suffered from mild mental disorders due to being forcibly married because of her parents' debts.

The phenomenon of forced marriage as a means of debt repayment often occurs in various regions, where parents force their will upon their children, resulting in the loss of the children's right to choose their spouse. However, this practice continues to occur and leaves psychological, social, and economic impacts.

Research on forced marriage in Indonesian communities reveals significant tensions between legal frameworks, religious principles, and cultural practices. Studies demonstrate that women's autonomy in marital decisions is frequently compromised by parental authority, economic pressures, and customary traditions. In rural Islamic communities, despite Islamic law mandating female consent for marriage, cultural practices often override women's rights through familial pressure and emotional coercion. The Madurese tradition exemplifies this issue, where daughters are forced to marry men chosen by parents, sometimes betrothed while still children, with marriages occurring as early as 12-15 years old. This practice stems from customary law merged with religious interpretations, compounded by economic conditions and low education levels. While positive law considers forced marriage a human rights violation, customary law perspectives view it as fulfilling generational traditions. Islamic legal analysis confirms that forced marriage is prohibited, causing negative impacts including divorce, family conflict, and infidelity. Therefore, research on the issue of forced marriage for debt repayment in the Pekalongan area has not yet been conducted. This study aims to identify the factors that cause the practice of forced marriage to pay off parental debts from a socio-legal perspective and the legal implications of such forced marriages.

This study is based on the argument that the principle of voluntariness is mandatory in marriage. Law No. 1 of 1974 on marriage, Article 6 paragraph (1) explains that "Marriage must be based on the consent of both prospective spouses." Marriage is a voluntary act, not a coercion or forcing of one's will to marry another person, even if it is the parents or guardians, because something that is forced will have an impact on the couple. Likewise, the right of the couple to choose a prospective spouse is based on their own will and not on coercion from outside parties, which makes marriage voluntary for each spouse. Therefore, marriage should be carried out in accordance with the provisions of the law in order to prevent adverse effects on both parties.

METHODS

The research method used was field research using a socio-legal approach as the analytical tool. Qualitative research methods require observations in the field and are more objective in producing data. There were two sources of data in this study, namely primary data sources and secondary data sources. Primary data sources The research used primary data sources, which were obtained from processing interview data related to statements from informants who were victims of forced marriage in Pakuncen, Wiradesa, Pekalongan. The informants were women who had been married in this way. Data collection techniques were carried out through individual interviews accompanied by overall field observations to support the completeness of the research data (). To clarify the direction of the research, the researcher used the purposive sampling method or a specific data collection technique that was needed to be processed as research material. Therefore, the researcher selected parties who had experienced forced marriage due to debt repayment, as well as parents who had married off their children, and then sought the opinions of religious leaders regarding their response to forced marriage that occurred due to debt repayment. Meanwhile, secondary data sources were obtained from various sources, including documents, journals, and related books. The data analysis technique in this study used a data selection model analysis of the data processed in Forced Marriage as Debt Repayment in Pekuncen Village. ANALYSIS AND DISCUSSION

This section is the most important section of your article. The analysis or results of the research should be clear and concise. The results should summarize (scientific) findings rather than providing data in great detail. Please highlight differences between your results or findings and the previous publications by other researchers. For tables you need to sound the table.

Tabel 1.
Respondent Demographic Data

Column heading	Column A (t)	Column B (T)
Case 1	1	2
	3	4
Case 2	5	6

For direct citation when it is more than four lines you need to write it in 10 pt with single space:

“The right to life, the right to not to be tortured, the right to freedom of the individual, to freedom of thought and conscience, the right not to be enslaved, the right to be acknowledged as an individual before the law, and the right not to be prosecuted retroactively under the law are human rights that cannot be diminished under any circumstances whatsoever.”¹

Following main heading it should be provided for the manuscript. The separation between main headings, sub-headings and sub-sub headings should be numbered in the manuscript with following example:

Results and Discussion

Forced Marriage in Pakuncen Village

Pekuncen Village, Pekalongan is an area located on the Pantura highway that connects one city to another.² The majority of the population is Muslim and speaks Javanese, often using either krama or ngoko. The livelihoods or occupations of the community vary, but most are laborers and traders. Education is an important aspect of community life, as stated in Article 31 of the 1945 Constitution, which states that "every citizen has the right to education." The purpose of this article is to promote the intellectual development of the nation. In relation to this, regarding the education of the people of Pekuncen Village, some of the residents have completed their primary education (elementary school), while others have not, the majority of whom are parents aged 70 and above. However, at the secondary and higher education levels, there has been an increase in the number of people continuing to these levels, although it is smaller than the number who do not continue to secondary and higher education. For more details on education levels, see the table below.

Level of Education	Number
Did not complete elementary school	7,745
Elementary school graduate	2,213

¹ “The Law Number 39 of 1999 on Human Rights” (1999).

²Ahmad Zaenal, “Asal Usul Kelurahan Pekuncen Pekalongan Yang Pernah Menjadi Bukti Kejayaan Industri Tekstil,” Panturapost, 2024, <https://www.panturapost.com/asal-usul/2075069104/asal-usul-kelurahan-pekuncen-pekalongan-yang-pernah-menjadi-bukti-kejayaan-industri-tekstil?page=2>.

completed junior high school	8,812
high school graduate	4,455
D3	1,175
Bachelor's degree	1,130

Source: Central Statistics Agency of Pekalongan Regency, 2024

From the table above, it can be seen that the majority of the population only has an elementary school education, which has an impact on the community's understanding and awareness. Economically, the community of Pekucen Village is classified as lower-middle class. To meet their daily needs, the people of Pekucen Village work from morning to evening. They have various occupations that reflect their varying economic conditions, but most of the population works as laborers and traders.

For more details about the occupations of the people of Pekuncen Village, see the table below

Table 2. Occupations of the Community

Type of Occupation	Number (People)
Laborer	4
Merchant	2,210
Civil servants	440
Teachers	3
Entrepreneur	7
Others	660

Source: Central Statistics Agency of Pekalongan Regency, 2024

Based on the table above, it can be seen that most of the people in Pekuncen Village work as laborers. Their daily needs depend on their income from work, which varies between daily and weekly and is uncertain. This makes them vulnerable to poverty. The level of education and economic status of the community are among the factors contributing to forced marriage in Pakuncen Village, Wiradesa District, Pekalongan Regency. This data is reinforced by the statements of forced marriage victims, which the researcher has summarized in the following interview table.

Table 3. Results of Interviews with Victims of Forced Marriage

No.	Spouse	Age	Interview Notes
1	Indri B and T	Indri: 30 T: 45	Sister Indri B was working as a garment factory worker at the time of her marriage, and Brother T was working as a ship's crew member and ship owner. The two came from different regions; Indri B was originally from Pekuncen, while T was a friend of her father's who came from the city of Pekalongan and married in 2022. The forced marriage was caused by economic factors that affected her family, who were experiencing difficulties, compounded by the family's debt to T's relatives and external loans. In addition to these factors, the family, including Indri B's father, who forced her to

			marry, had a poor understanding of marriage regulations. T offered Indri's father to marry her on the condition that the remaining debt would be paid off.
	Rakhayu and B	Rakhayu: 27 years old B: 42 years old	Rakhayu's sister works as a domestic helper and her husband B works as a fruit seller in Jakarta. They often met when Rakhayu's family lived in Jakarta and were close with her family. Rakhayu's marriage was forced by her parents in 2018 for the following reasons: The underlying factor behind the forced marriage was the collapse of Rakhayu's family finances, in other words, bankruptcy. There was also a close relationship between Brother B and Rakhayu's family, as well as debts owed by Rakhayu's father to Brother B during his lifetime in Jakarta.
	Halimah and Dendy	Halimah: 27 years old Dendy: 35 years old	Halimah works as a batik worker. Dendy is one of the owners of a fabric store and is close friends with Halimah's parents. They got married when Dendy offered to pay off the debt owed by Halimah's parents. The marriage took place as follows: The underlying factor for this marriage was the parents' coercion in choosing a partner for their daughter Halimah. There was also the reason to pay off the debt incurred by Halimah's parents.

Source: compiled by researchers

The interview data above shows that economic factors were indeed the main cause of the marriage, because families living in poverty often face difficulties in meeting their daily needs. When a crisis strikes, they may be forced to borrow money from someone or another party. What happened in this case was an inability to repay the loan, which led to a search for solutions or alternatives to pay off the debt, so that the easiest way was to marry off their child to pay off the debt. Ethically speaking, using children as a means to pay off debts is immoral and violates basic principles of humanity. Children are not commodities that can be traded or used as bargaining chips.

Cases of forced marriage to pay off debts occur not only due to economic factors, but also due to the level of education of the community. Ignorance of the law makes the parents of the interviewees easily force their children into marriage, as can be seen in the following interview table.

Table 4. Results of Interviews with Parents of Victims

No.	Parents of Victims	Description
1.	Indri B's parents	I myself am not aware of the law that requires marriage to be with the consent of both parties; I truly do not know.

2.	Rakhayu's parents	I am not a smart person, I didn't even finish school, I really don't know anything about the marriage requirements in the law.
3.	Halimah's Family	Our parents don't understand these things, and I myself don't fully understand the rules of marriage; I only graduated from elementary school.

Source: collected by researchers

From this data, it can be seen that education and knowledge of the law are clearly factors in the occurrence of forced marriage. Low levels of education among parents mean that they do not understand the importance of the rights of every individual, one of which is the right to freely choose a life partner, as well as the requirements for marriage, which state that marriage must be based on the consent of the prospective bride and groom.

Socio-Legal Perspective on Forced Marriage

Law does not essentially emerge in a vacuum. In principle, understanding law from a sociological perspective must be based on the view that law exists within society.³ Forced marriages to pay off parental debts are a phenomenon of legal dysfunction that is often normalized by certain communities. Although marriage is a private matter, the state is still present in providing rules as stipulated in the Marriage Law. Unfortunately, the social norms that apply in society and the economic circumstances that force people to do so have a greater influence than the power of law. This shows that the law does not stand alone but operates within a specific social context.

When it comes to debts, if someone has borrowed money from another person, that person is responsible for the debt and can be considered to have paid it off if they repay the amount borrowed. Indonesian law does not recognize the repayment of debts through marriage. Article 1385 of the Civil Code states, "⁴ "For a payment to be valid, the following conditions must be met: the payment must be made to the creditor or their representative; the payment must be made in the form and at the time specified; and the item paid must be the same as the item owed." Civil law only refers to items/goods as debt payments.

Interview data shows that economic factors were indeed the main cause of these marriages, as families living in poverty often face difficulties in meeting their daily needs. When a crisis hits, they may be forced to borrow money from someone or another party. What happens in this case is the inability to repay the loan, which leads to seeking solutions or alternatives to pay off the debt. What happens is that a relative becomes a form of repayment, as revealed by the sources in this study.

Using children as a means to pay off debts is immoral and violates basic principles of humanity. Children are not commodities that can be traded or used as bargaining chips. The power relationship between parents and children is often the cause of forced marriages. The subordination of girls in the family system as a form of economic

³ Ratno Lukito, *Sociology of Islamic Law* (Yogyakarta: SUKA Press, 2022).

⁴Republik Indonesia, "Kitab Undang-Undang Hukum Perdata" (n.d.).

manifestation is still a principle of parents in the lower-middle economic class.⁵ They believe that marriage can be a solution to the economic pressures they face.

Broadly speaking, forced marriages in Pekuncen Village occur for the following reasons:

- 1) Inability to pay debts
- 2) Negotiations with creditors
- 3) Economic pressure
- 4) Educational factors

Researchers consider it highly unethical to use children as debt repayment, because humans are equated with goods used as objects of debt agreements. Furthermore, it is not appropriate in this case to prioritize the repayment of debt without considering the negative impact that occurs because the couple is not based on mutual love, but rather on coercion.

Low levels of parental education make it difficult for them to understand the importance of the rights that every individual has, one of which is the right to freely choose a life partner, as well as the conditions of marriage, which state that marriage must be based on the consent of the prospective bride and groom. The requirement for the consent of both parties is clearly explained in Article 16 of the Universal Declaration of Human Rights (UDHR): "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses."⁶ This rule is also reaffirmed by Law No. 1 of 1974 on Marriage in Article 6 Paragraph 1: "Marriage must be based on the consent of both prospective spouses."⁷

In this case, researchers analyzed the process of occurrence, which was that the woman did not choose her partner herself and was not based on love from the individual. In fact, choosing a partner is reinforced in the principles of marriage law, one of which is the principle of freedom to find a partner.⁸

In this case, the researcher also analyzed the purpose of the marriage, which was to pay off debts, even though marriage is a sacred bond that aims to create a happy and harmonious family. This is not in line with this case, because what happened, according to the source, after the marriage was disharmony and even divorce.

This is not in accordance with the purpose of marriage as described in Law No. 1 of 1974 on Marriage, which is sacred in nature with the aim of forming a harmonious, happy, and lasting family.⁹

From previous data analysis, researchers found that forced marriage as a means of debt repayment stems from economic problems affecting families who have debts that they are ultimately unable to repay on time, resulting in forced marriages in which

⁵Rendi Lustanto, "Pernikahan Anak: Relasi Kuasa Tubuh Dan Ekonomi," *Jurnal Perempuan*, 2015, <https://www.jurnalperempuan.org/wacana-feminis/pernikahan-anak-relasi-kuasa-tubuh-dan-ekonomi>.

⁶ International Law Making, "Universal Declaration of Human Rights," *Indonesian Journal of International Law* § (2006), <https://doi.org/10.1017/CBO9781107415324.004>.

⁷ Republic of Indonesia, "Law No. 1 of 1974 on Marriage" (1974).

⁸ Mardani, *Islamic Marriage Law in the Modern World* (Yogyakarta: Graha Ilmu, 2011).

⁹ Republic of Indonesia, Law No. 1 of 1974 on Marriage.

daughters are forced to marry in order to repay the debt. Economic factors led to educational factors, where parents lacked understanding and awareness of the legal rights of individuals, including the right to choose a partner and consent to marriage.

The phenomenon of forced marriage to pay off debts is evidence that customary norms, economic pressures, and power relations often dominate over formal law. Legal sociology emphasizes the need to view law in its social context, raise public awareness of the law, and strengthen protection for vulnerable groups so that the law truly functions as an instrument of justice, not just a text on paper.

The Legal Impact of Forced Marriage as Debt Repayment

Forced marriage as debt repayment in Pekuncen Village is an act that involves coercion in marriage for the purpose of repaying debt. This practice, when viewed from a practical perspective, can have legal implications, both in terms of Islamic family law and positive law.

According to researchers, coercion in marriage is contrary to the element of consent of each individual who marries. This form of forced marriage becomes a problem in the marriage because there is coercion in the element of consent of the marrying parties.

The willingness referred to by the researcher is the right of individuals to marry, because every individual has rights in their life in this world. From the perspective of willingness, according to the researcher, marriage in this case has the effect of violating the principle of legality, which ultimately leads to legal consequences for the validity of the marriage.

The researcher describes cases of forced marriage as debt repayment according to the analysis that forced marriage as debt repayment violates the right to choose a partner, because every individual has the right to choose a life partner freely without coercion. Furthermore, this violation of the right to freedom, in the form of forced marriage for the purpose of repaying debt, violates women's right to freedom.

In fact, marriage forms a family, where the family will continue the lineage through legal marriage based on the free consent of the bride and groom. According to researchers, forced marriage as a means of debt repayment violates this right because there is no free consent from one of the parties.

The researchers' analysis is reinforced by Law No. 39 of 1999 on Human Rights, Article 10, paragraph 1, which states that everyone has the right to form a family and continue their lineage through a legal marriage free from coercion.¹⁰

Forced marriage, when viewed from the perspective of Islamic family law, is a violation of the basic principles of marriage law. Marriage is considered a contract that must be entered into by mutual consent of both parties. The researcher provides an analysis that this marriage violates the principle of consent of the parties getting married, because in the proposal process in this case, the woman was not given the opportunity to answer whether she accepted or not; her position was replaced by her parents. According to the researcher, consent is very important and must exist in marriage because it will have an impact on the future of the marriage, as stated by the source.

¹⁰ Republic of Indonesia, "Law No. 39 of 1999 on Human Rights" (1999).

"At the beginning of the proposal... We did not tell my child about it and did not ask her first whether she wanted to or not..."

The researcher stated that the guardian acts as a representative here, even though the guardian's right () is an important role. In Islamic law, a guardian cannot force a woman to marry someone she does not want.

From Abu Hurairah, may Allah be pleased with him, he said that the Prophet Muhammad said, "A widow should not be married off without her consent, and a girl should not be married off without her permission."¹¹

From this, researchers highlight the case that women are not considered in the implementation of this marriage, because their consent is not sought. In fact, if a woman is forced into marriage, she can file for annulment. This annulment can be based on the invalidity of the marriage due to the lack of consent from the woman. The practice of forced marriage in this case is contrary to the value of justice and causes suffering and injustice for women.

According to researchers, the position of women in forced marriages under Islamic law is invalid because it lacks the free consent of the woman. This is because, according to researchers, marriage emphasizes the importance of justice, freedom, and the protection of women's rights. Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) guarantees women's equality in the right to marry, choose a partner, and not be forced into marriage. Indonesia ratified CEDAW through Law No. 7 of 1984.¹²

Forced marriage as debt repayment in Pekuncen Village occurred due to a debt collection process, so the analysis of the legal impact on this marriage can be linked to the perspective of debt law. This is because, according to researchers, debt must meet the requirements for a valid debt agreement.

The validity of a debt agreement in civil law must meet the requirements for a valid agreement according to Article 1320 of the Civil Code. An agreement must meet the following four requirements to be binding:

- 1) Agreement between the parties
Agreement to bind themselves to make an agreement.
- 2) Age of competence in entering into contracts
Competence is a general requirement for performing legal acts validly.
- 3) Regarding other matters
An agreement must have at least one item specified as the subject matter of the agreement.
- 4) The existence of lawful matters.
If an agreement conflicts with the law, morality, or public order, the agreement does not have legal force.¹³

¹¹ Imam Abul Hussain Muslim bin Al-Hajjaj, *Sahih Muslim* (Riyadh: Darussalam, 2007), www.darussalam.com.

¹² "Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)" (1974).

¹³ Akbar Fariani, *Legal Aspects in Economics and Business* (Bandung: Mitra Wacana Media, 2010).

Analysis of cases of forced marriage as debt repayment shows that such debt agreements are invalid. This is because the agreement contains an offer of marriage as debt repayment by the creditor, thus violating the principle of freedom of contract and the principle of justice as stipulated in Article 1320 of the Civil Code, which requires agreement free from coercion. According to Islamic law, an agreement that contains elements of coercion or is detrimental to one of the parties is also considered unlawful (QS. An-Nisa: 29).

In terms of debt settlement, researchers assessed that from the beginning to the end of the agreement process, it was not in line with the principle of justice, as it involved forcing someone to marry. Essentially, debt settlement must be carried out fairly and proportionally without sacrificing individual rights.¹⁴ Forced marriage as debt repayment clearly contradicts the human rights principles stipulated in Article 16 of the Universal Declaration of Human Rights (UDHR), which affirms the right of every person to freely choose their life partner.

The case of forced marriage in Pekuncen Village not only raises legal issues regarding the validity of the marriage, but also has socio-psychological impacts on the victim. From a legal sociology perspective, this incident highlights the weak position of girls in the social structure and the inability of formal law to protect vulnerable parties when cultural norms and economic pressures are more dominant. Researchers found that the victims experienced deep trauma and depression, as revealed directly by the research sources.

".....And it appears that her condition worsened after she got married and returned from her husband's house, as well as when her husband left her."

From a sociological perspective, the case of forced marriage in Pekuncen Village shows the weak position of girls in the social structure and how formal laws are often ineffective when faced with economic pressures and cultural norms.¹⁵ Researchers found that victims experienced deep trauma and depression, proving that this violation of the law has a direct impact on the social and psychological lives of individuals, not just a violation of written legal norms.

From the impacts experienced by those forced into marriage to pay off debts, according to researchers, legal action can be taken whereby those who are forced into such marriages can take legal steps. However, according to researchers, legal action in these marriage cases can take various forms, as follows

1) Civil legal measures

According to researchers, civil legal measures against forced marriage cases as debt repayment emphasize the importance of proving that the marriage was conducted without voluntary consent and that the requirements for a valid marriage were met.

In addition, researchers revealed that victims of forced marriage can file civil lawsuits against the perpetrators or other parties involved in the forced marriage. These lawsuits can take the form of claims for compensation for physical, psychological, or economic losses suffered as a result of forced marriage.

¹⁴Mardani, *Hukum Perikatan Syariah Di Indonesia* (Jakarta: Sinar Grafika, 2013), https://www.google.co.id/books/edition/Hukum_Perikatan_Islam_di_Indonesia/HONUDwAAQBAJ?hl=id&gbpv=1&dq=Gemala+Dewi,+Wirdyaningsih,+dkk,+Hukum+Perikatan+Islam+di+Indonesia,+Kencana,+Jakarta,+2007&printsec=frontcover.

¹⁵Soerjono Soekanto, *Pokok-Pokok Sosiologi Hukum* (Jakarta: PT. Raja Grafindo Persada, 2005).

2) Administrative legal measures

According to researchers, the marriage can be annulled under administrative law, because forced marriage as a means of debt repayment occurs when the marriage is conducted under pressure or coercion.

3) Legal assistance and protection

This legal assistance is very necessary, according to researchers, before taking further steps, because it can help them understand their legal rights as victims of forced marriage. Researchers also emphasize that legal understanding is very important for the community.

The next step is to provide assistance during the legal process. This involves assisting those who have been forced into marriage.

4) Mediation efforts

It can be a complex approach, because according to researchers here, it involves considering a peaceful outcome or considering humanity. If mediation with a peaceful outcome is the process that occurs, it avoids a long and time-consuming court process, but if this step is taken, it is more humane as both parties convey their interests.

In the mediation process, researchers are concerned about gender inequality. Therefore, mediation must be carried out very carefully so as not to reinforce patriarchal norms that place women in a subordinate position.

Overall, the researcher's analysis shows that forced marriage as administrative debt repayment can be declared valid if all formal requirements are met in the marriage registration. However, from the perspective of substantive law and human rights protection, this type of marriage clearly contradicts the principles of individual freedom and voluntary consent as guaranteed in Article 16 of the Universal Declaration of Human Rights (UDHR) and Article 6 paragraph (1) of Law No. 1 of 1974 concerning Marriage.

Conclusion

The phenomenon of forced marriage as a solution to debt repayment arises due to pressing economic factors and low levels of education among the community, which results in limited awareness and understanding of the law regarding marriage regulations. Dependence on debt as a shortcut to meet economic needs makes parents willing to accept offers from creditors to marry off their children as a form of debt repayment. In this situation, the position of children—especially girls—becomes very weak. Social and economic pressures make them unable to refuse, even if they initially resist. Fear of disappointing their parents and concern about the family's economic situation reinforce this coercion. Low levels of education further exacerbate the situation, as legal awareness and understanding of basic rights are minimal.

Forced marriage as debt repayment clearly violates Law No. 1 of 1974 on Marriage, which stipulates that marriage must be based on the consent of both parties. This practice also violates women's right to choose their life partner and implies a violation of human rights. Research shows that women who are forced into marriage often experience negative effects, such as psychological trauma, depression, emotional instability, and social stigma in their community.

From an Islamic perspective, marriage should be based on the mutual consent of both parties without coercion. The unwillingness of the source in this marriage shows that women's right to choose a partner has been ignored. Administratively, forced marriages may still be registered if the formal requirements are met, but in terms of substantive law and humanitarian principles, this practice contradicts the principles of individual freedom and voluntary consent.

From a sociological perspective, this phenomenon reflects the gap between normative law and social reality in society. Marriage law emphasizes the importance of mutual consent, but economic pressures, power relations within families, and limited access to legal education prevent these rules from functioning effectively. In these circumstances, positive law is not strong enough to protect vulnerable parties, because social norms and economic structures have a greater influence on people's behavior than formal legal norms.

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