

Forced Marriage in Mojorejo Village Indonesia: A Qualitative Study from Islamic Law and Human Rights Perspectives

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ABSTRACT:

Background: Marriage is a social institution that plays a crucial role in forming families and maintaining the continuity of social life. From the perspective of Islamic law and human rights, marriage should ideally be based on the consent and willingness of both parties, without any element of coercion. However, in social practice, cases of forced marriages by parents or guardians of their children are still found. This phenomenon demonstrates a gap between normative legal principles and prevailing social practices.

Aims: This study aims to analyze the practice of forced marriage from the perspective of Islamic law and human rights and to examine women's independence in determining their life partner.

Methods: This study used a qualitative approach with field research. Data were obtained through interviews and observations with informants involved in forced marriage practices in Mojorejo Village, Kebonsari District, Madiun Regency. Data analysis was conducted using an interactive analysis model that included data reduction, data presentation, and drawing conclusions.

Result: Research shows that forced marriages persist due to the influence of strong social, cultural, and family interests within society. In some cases, marriage decisions are largely made by parents or guardians, limiting an individual's freedom to choose a life partner. This situation demonstrates a gap between social practices and the principles of Islamic law and human rights, which emphasize the importance of mutual consent in marriage.

Conclusion: This research confirms that the practice of forced marriage is not entirely in line with Islamic law and human rights principles, which uphold individual freedom to choose a life partner. Therefore, public awareness is needed regarding the importance of the consent of both prospective bride and groom in marriage as a form of protection for individual rights and justice in family life.

Keywords: forced marriage, human rights, Islamic law, women's independence, right to choose a partner

INTRODUCTION

Marriage is a social and religious institution that has a fundamental role in human life. (Lagus et al., 2025; Majid, 2024; Suryatni, 2021) From the perspective of Islamic law and social norms, marriage is understood as a physical and spiritual bond between a man and a woman that aims to form a happy, harmonious family based on divine values. (Jahwa et al., 2024; Malisi, 2022; Musyafah, 2020) Marriage also serves a vital role in ensuring the continuity of the family, fulfilling biological needs, and establishing an orderly and dignified social life. Therefore, marriage should ideally be based on the agreement, willingness, and consent of both prospective bride and groom, without any coercion from any party.

However, in social practice, the phenomenon of forced marriages perpetrated by parents or guardians against their children is still found. This situation indicates a gap between the ideal concept of marriage, which emphasizes freedom of choice of partner, and the social reality in society. In some cases, the decision to marry off children is often influenced by family, economic, or social considerations within families, without considering the wishes of the individuals entering the marriage. This situation creates a conflict between religious norms, humanitarian values, and prevailing social practices. (Alves & Safei, 2024; Hermawan et al., 2025).

This phenomenon demonstrates that the issue of forced marriage remains relevant for research, particularly in the context of the relationship between Islamic law and human rights principles. Both perspectives essentially place individual consent as a crucial element in marriage. From a human rights perspective, marriage can only occur with the free and full consent of both prospective bride and groom. (Ahmad, 2023; Maharani, 2024; Malik et al., 2025) Meanwhile, Islamic law also emphasizes that a marriage entered into without the consent of both parties cannot be considered a valid contract, both morally and legally. This situation opens up research opportunities to further examine how these two perspectives are understood and implemented in society.

Although various previous studies have discussed the concept of *ijbar* or the rights of guardians in marriage, most studies have focused more on the aspects of Islamic law or the comparison of the opinions of scholars regarding the authority of guardians in marrying off girls. (Afiq, 2021; Khaidir et al., 2025; Muttaqin & Fadhilah, 2020) Research specifically examining the phenomenon of forced marriage using an integrative approach between Islamic law and human rights perspectives is still relatively limited. Furthermore, studies that highlight women's independence in choosing a life partner within a social context are also scarce. Therefore, this study offers the novelty of examining the phenomenon of forced marriage through a simultaneous approach of two legal perspectives: Islamic law and human rights.

However, previous studies have not examined forced marriage sufficiently through an integrative approach that simultaneously analyses Islamic law and human rights perspectives within a specific social context. There has been a particular lack of focus on women's autonomy in choosing a life partner. Furthermore, there has been limited research providing empirical, field-based evidence capturing how these legal principles are interpreted and practised at community level. This indicates a clear research gap in our understanding of how normative frameworks interact with lived realities in cases of forced marriage.

Therefore, this study aims to analyse the practice of forced marriage in Mojorejo Village, Kebonsari District, Madiun Regency, from the perspectives of Islamic law and human rights, while also examining women's independence in choosing their life partner. By combining normative analysis with empirical field data, this research is expected to contribute to the development of Islamic family law and human rights studies, as well as providing practical insights into how to address forced marriage in society.

METHOD

Research Design

This study uses a qualitative approach with field research. This approach was chosen because the study aims to deeply understand the phenomenon of forced marriage that occurs within the social context of society. Qualitative research allows researchers to explore the experiences, views, and interpretations of research subjects regarding the practice of forced marriage and its implications from the perspective of Islamic law and human rights. Furthermore, this study also uses a normative approach to analyze this phenomenon based on Islamic law concepts and human rights principles. This approach is used to examine the alignment between social practices occurring in society and applicable legal norms.

Participant

Participants in this study were selected using purposive sampling, selecting informants deemed to have direct experience or knowledge related to the phenomenon under study. The study was conducted in Mojorejo Village, Kebonsari District, Madiun Regency, chosen because several cases of forced marriage were found in the area. The informants consisted of women who experienced forced marriage and their parents or guardians involved in the marriage process. Interviewees included several women who experienced forced marriage and several parents who acted as guardians in the marriage. Participant selection was based on the relevance of their experiences to the phenomenon under study, thus providing in-depth and contextual data.

Instruments

The primary instrument in this study was the researcher herself, acting as the key instrument (human instrument), as is customary in qualitative research. During data collection, the researcher used a semi-structured interview guide to obtain information regarding the informants' perspectives on forced marriage practices, the decision-making process within marriage, and their understanding of the concept of the right to choose a partner. In addition to interviews, the researcher also employed observational techniques to observe social conditions in the community related to forced marriage practices. Field notes were additionally used to document important information obtained during the research process.

Data Analysis

Data analysis in this study was conducted using an interactive analysis model developed by Miles and Huberman. The data analysis process was carried out through three main stages: data reduction, data presentation, and conclusion drawing. In the data reduction stage, researchers selected, simplified, and grouped data relevant to the research focus. Next, the reduced data was presented in descriptive narrative form to facilitate researchers in understanding patterns and relationships between data. The final stage was conclusion drawing and verification, namely the process of interpreting data to produce research findings related to the perspectives of Islamic law and human rights on the practice of forced marriage. To increase data validity, this study used triangulation techniques by comparing the results of interviews, observations, and documentation obtained in the field.

RESULTS AND DISCUSSION

Result

This study finds that forced marriage practices persist in Mojorejo Village, Kebonsari District, Madiun Regency, due to the interaction between cultural norms, family authority and the interpretation of legal and religious principles. From an analytical perspective, forced marriage is not merely a decision imposed on individuals by their parents, but a social practice embedded within a broader cultural system that prioritises family interests over individual autonomy.

The study also reveals that the dominance of parental authority in marriage decision-making is closely related to the interpretation of the concept of guardianship (*ijbar*) in Islamic law. In practice, some families interpret the guardian's role as granting them the authority to choose a child's life partner, rather than as facilitating a consensual marriage. This indicates a gap between normative Islamic legal principles, which emphasise consent, and their contextual interpretation at community level. From a theoretical standpoint, this finding reflects a normative-practical disjunction, whereby legal norms are reinterpreted through cultural frameworks.

Moreover, this study reveals that social and economic factors play a key role in the practice of forced marriage. Marriage is often not just seen as a personal relationship, but also as a way to maintain family alliances, strengthen social ties and secure economic stability. This aligns with sociological perspectives that view marriage as a social institution shaped by collective interests rather than individual choice alone. Therefore, forced marriage persists because it fulfils broader social functions within the community.

Additionally, the study reveals that women's autonomy in choosing a life partner is significantly constrained by power dynamics within the family structure. Cultural values emphasising obedience to parents create a situation in which women tend to accept imposed marriage decisions in order to avoid conflict or maintain family harmony. From a human rights perspective, this reflects a constraint on individual agency, where the right to consent is undermined by informal social pressures. This finding emphasises that the issue of forced marriage is not only legal, but also deeply embedded in gender relations and social expectations.

Finally, this study finds that the persistence of forced marriage practices reflects a misalignment between Islamic law and human rights principles at the level of implementation. While both frameworks normatively emphasize the importance of consent, their application in society is mediated by cultural interpretations and local practices. This indicates that the gap between law and practice is not caused by the absence of legal norms, but rather by the way these norms are understood, negotiated, and implemented within specific social contexts.

Overall, the results demonstrate that forced marriage in Mojorejo Village is sustained by a complex interaction of cultural norms, legal interpretations, socio-economic factors, and power relations, which collectively shape the persistence of the practice beyond formal legal prohibitions.

Discussion

The research results show that the practice of forced marriage in Mojorejo Village reflects a discrepancy between prevailing legal norms and social practices. From an Islamic legal perspective, marriage should ideally be conducted based on the consent of both prospective bride and groom, without any element of coercion. (Almahisa & Agustian, 2021; Maimun, 2022) This principle is also in line with the concept of Human Rights which emphasizes that marriage can only be carried out with the free consent of both parties. (Ibnudin et al., 2023; Setiarini, 2021; Wijayanto, 2023) However, research findings show that in practice, there are still communities that place parental decisions as the dominant factor in determining a child's life partner, so that an individual's right to choose a partner is often limited.

This phenomenon demonstrates that marriage practices are influenced not only by legal or religious aspects, but also by cultural values and social structures that develop within a society. In certain societal contexts, arranged marriages, or the selection of a spouse by parents, are still

considered a form of family responsibility in ensuring the child's future. Furthermore, social relationships between families and economic interests are also factors in some cases of forced marriage. (Izzah et al., 2021; Litehua, 2021; Toriquudin, 2022) This shows that the practice of forced marriage is often influenced by a combination of cultural values, family interests, and society's understanding of the concept of parental authority in marriage.

On the other hand, this study also shows that women's independence in choosing a life partner still faces various limitations. Some women who experience forced marriages tend to accept their parents' decisions due to cultural factors that emphasize obedience to parents and concerns about family conflict. This situation suggests that although Islamic law and human rights principles normatively emphasize the importance of individual consent in marriage, its implementation in social practice is still influenced by cultural constructs and power relations within the family. Therefore, educational efforts and increased public awareness regarding the importance of individual freedom in choosing a life partner are needed as part of protecting human rights.

Implications

This study suggests that preventing forced marriage requires concrete action from a range of stakeholders. Religious institutions, such as ulama and marriage counsellors, should reinforce education on the significance of consent in marriage, grounded in Islamic principles. Government institutions, particularly the Office of Religious Affairs (KUA), must ensure that premarital counselling emphasises voluntary consent and incorporates human rights perspectives. Educational institutions should raise awareness of individual rights and gender equality among young people. At the community level, families and local leaders should be encouraged to adopt more participatory decision-making processes for marriage in order to reduce coercive practices.

Research contribution

This research contributes to the development of Islamic family law and human rights studies by examining the phenomenon of forced marriage through an integrative approach between Islamic law and human rights perspectives. Furthermore, this research also provides empirical data by presenting field data on the practice of forced marriage in a social context. The results are expected to serve as a reference for further research addressing the relationship between legal norms, cultural values, and marital practices in society.

Limitations

This study has several limitations, primarily related to its scope, which was limited to a single region, preventing broad generalization of the results. Furthermore, the limited number of informants also impacted the depth of perspectives obtained. Therefore, future research is expected to involve a broader research area and a more diverse number of participants to obtain a more comprehensive picture of the phenomenon of forced marriage.

Suggestions

Based on the research findings, it is recommended that further research examine the phenomenon of forced marriage using a multidisciplinary approach incorporating legal, sociological, and gender perspectives. Furthermore, further research is needed on public education strategies to raise awareness of individuals' rights to choose their life partners. Future research could also examine the role of educational institutions, religious leaders, and social institutions in preventing forced marriage practices and strengthening protection of women's rights within marriage.

CONCLUSION

This research shows that forced marriage practices are still prevalent in society, particularly in Mojorejo Village, Kebonsari District, Madiun Regency. This phenomenon demonstrates a gap between legal norms that emphasize the importance of the consent of both prospective brides and grooms, and social practices that are still influenced by parental authority in determining a child's life partner. Social, cultural, and family factors are the main reasons for forced marriage practices, so that marriage decisions are often not entirely based on the will of the individuals entering the marriage. This condition indicates that traditional values and social structures still have a strong influence on marriage practices in society.

Furthermore, this study also confirms that, from the perspective of Islamic law and human rights, marriage should be conducted based on the willingness and agreement of both parties without any element of coercion. Therefore, the practice of forced marriage in society requires a critical examination to ensure it does not conflict with the principles of justice and the protection of individual rights in marriage. The findings of this study are expected to provide a more comprehensive understanding of the importance of individual freedom in choosing a life partner and serve as a basis for efforts to increase public awareness regarding marriage practices that are in accordance with legal values and humanitarian principles.

AUTHOR CONTRIBUTION STATEMENT

IR played a role in the conceptualization of the research, field data collection, data analysis, and writing the initial draft of the manuscript. IU contributed to the design of the research methodology, academic supervision, analytical validation, and editing and refining the manuscript until the final stage.

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