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The Validity of Forced Marriage from the Perspective of Law Number 1 of 1974 concerning Marriage

Risalan Basri Harahap
Islamic Criminal Law, Sharia and Legal Studies, Syekh Ali Hasan Ahmad Addary State Islamic University Padangsidimpuan

*Coresponding Author
Email: risalanbasriharahap@uinsyahada.ac.id

Abstract

Forced marriage remains a legal and human rights issue in Indonesia because it involves the violation of free consent as a fundamental element of marriage. This study aims to analyze the legal validity of forced marriage under Law Number 1 of 1974 concerning Marriage and examine its legal consequences and victim protection mechanisms in relation to Law Number 12 of 2022 concerning Sexual Violence Crimes. This study employs normative juridical legal research using statutory, conceptual, and case approaches. Primary and secondary legal materials were analyzed qualitatively and supported by Gustav Radbruch's theory of legal values, Philipus M. Hadjon's theory of legal protection, and the theory of defective consent. The findings indicate that consent is an essential requirement for marriage, and forced marriage involving unlawful threats is legally categorized as a marriage that may be annulled through a court decision rather than being void by operation of law. However, the requirement of an "unlawful threat" and the six-month limitation period may create challenges in addressing non-physical coercion, including psychological, economic, and social pressure. The study concludes that stronger harmonization between marriage and criminal law is necessary to ensure legal certainty, victim protection, and effective prevention of forced marriage.

Keywords: Forced Marriage; Free Consent; Marriage Annulment; Legal Protection; Sexual Violence.

INTRODUCTION

Marriage within the Indonesian legal system lies at the intersection of three realms: religious law, state law, and human rights (Puspitasari, 2025). Article 1 of Law Number 1 of 1974 concerning Marriage (the Marriage Law) defines marriage as a physical and spiritual bond between a man and a woman as husband and wife, with the aim of forming a happy and enduring family based on the belief in the One and Only God. The concept of a "physical and spiritual bond" presupposes a sincere inner willingness on the part of both parties. A bond that is forced from the outset is conceptually at odds with that objective (Hidayatullah, 2023).

Free will is subsequently given normative form. Article 6, paragraph (1) of the Marriage Law states that a marriage must be based on the consent of both prospective spouses. This principle is reinforced outside the Marriage Law. Article 10, paragraph (2) of Law Number 39 of 1999 concerning Human Rights affirms that a valid marriage may only take place based on the free will of the prospective husband and wife. Article 16, paragraph (1)(b) of CEDAW ratified via Law Number 7 of 1984 obliges the state to guarantee the right to choose a spouse and the right to marry only with free and full consent. Article 23, paragraph (3) of the ICCPR ratified via Law Number 12 of 2005 contains a similar provision. Normatively, free will is clearly a prerequisite for marriage (Faruq, 2020).

Practice reveals a gap between norms and reality. Forced marriages continue to occur for various reasons: arranged marriages that leave no room for refusal; economic pressure and family debt; attempts to "conceal shame" resulting from out-of-wedlock pregnancy or sexual violence; customary practices; and social or religious pressure. Data from the National

E-ISSN : 3025-0013
International Journal Community Service Implementation
Vol. 4 No. 3 January 2026, Page 335 - 344

Commission on Violence Against Women (Komnas Perempuan), the Indonesian Child Protection Commission (KPAI), and BPS/UNICEF regarding child marriage indicate that 0.28% of children aged 10–17 were married in 2024. Coercion often does not take the form of overt physical threats but rather manifests as psychological pressure, economic dependency, or the threat of family ostracism. It is these subtle forms that are most difficult to prove and most frequently escape legal scrutiny.

Legal issues become complex because forced marriages almost always appear formally valid. The marriage contract or blessing is performed in accordance with religious rites, a guardian and witnesses are present, and the marriage is officially registered (Indradi, 2025). Article 2, paragraph (1) of the Marriage Law stipulates that a marriage is valid if performed according to the laws of the respective religions and beliefs, while Article 2, paragraph (2) mandates registration. If these two conditions are met, a fundamental question arises: is a defect in consent sufficient to invalidate the marriage? If so, is the consequence that the marriage is void by operation of law (nietig van rechtswege) or merely voidable (vernietigbaar)?

The Marriage Law does not explicitly address this question; the term "forced marriage" does not appear in its main text. Relevant provisions are scattered throughout the law: Article 6(1) regarding consent; Article 22 regarding marriages subject to annulment if requirements are not met; Article 27(1) regarding annulment on the grounds of unlawful coercion; and Article 27(3) regarding the forfeiture of the right to annulment if, within six months after the coercion ceases, the parties continue to live as husband and wife without filing a petition. Annulment may only be effected through the courts (Article 25 of the Marriage Law and Article 37 of Government Regulation Number 9 of 1975). The Compilation of Islamic Law (KHI) contains parallel provisions in Articles 16 and 72 (Rosim, 2025).

This normative landscape shifted with the enactment of Law Number 12 of 2022 concerning the Crime of Sexual Violence (UU TPKS), which criminalized forced marriage (Article 4 paragraph (1) letter e and Article 10). This change has brought about consequences that have not yet been adequately mapped out. Acts that are criminally prohibited can result in a marriage that under the Marriage Law remains valid unless annulled. This disconnect between the logic of family law and the logic of criminal law serves as the starting point for this research (Ishaq & Riswadi, 2025).

This study rests on four concepts. First, forced marriage a marriage solemnized without the free will of one or both prospective spouses due to threats, pressure, or the abuse of power dynamics. This concept must be distinguished from arranged marriage, which allows room for consent, and from child marriage, which is not necessarily synonymous with coercion, although the two often overlap. Second, the validity of marriage defined by the fulfillment of formal requirements (registration, procedures) and substantive requirements (consent, age limits, absence of legal impediments), as well as conformity with religious law. Third, a defect of will a condition where intent is formed under duress, mistake, or fraud. In general civil law, this concept is recognized through Articles 1321 and 1323 of the Civil Code. This concept is adopted with caution because marriage is not merely a civil contract. Fourth, "void by operation of law" and "voidabletwo categories of legal consequences that differ regarding marital status, the timing of their effect, and the protection of third parties (Razak et al., 2023).

Victims of forced marriage live in an ambiguous state: formally bound, yet internally never having consented. As long as the marriage has not been annulled, the rights and obligations of the spouses, the status of children, and the joint marital property regime remain in effect. Article 27 paragraph (1) stipulates the requirement of an "unlawful threat." This formulation is narrower than the reality of coercion, as social, psychological, or economic

E-ISSN : 3025-0013
International Journal Community Service Implementation
Vol. 4 No. 3 January 2026, Page 335 - 344

pressure from family does not necessarily meet the criteria of an unlawful threat. The six-month provision in Article 27 paragraph (3) also rests on the assumption that a victim who continues to cohabit has accepted the marriage. This assumption is problematic if the victim has nowhere else to go or remains in a state of dependency. The Marriage Law, the Compilation of Islamic Law (KHI), Law No. 16 of 2019 (amending the Marriage Law to set the minimum age at 19), the Law on Sexual Violence Crimes (TPKS Law), and the National Criminal Code (Law No. 1 of 2023) which enters into force on January 2, 2026. Indonesia is bound by CEDAW and the ICCPR; consequently, the gap between the standard of free consent and domestic norms may give rise to issues regarding state responsibility.

This study draws upon the work of Gustav Radbruch to assess whether the Marriage Law provides a clear and predictable status for marriages involving a defect of will. Radbruch identifies legal certainty alongside justice and utility as one of the three fundamental values of law; consequently, this theory enables an analysis of the tension between the certainty of marital status and justice for the victim. The theory of legal protection (Philipus M. Hadjon) is employed to evaluate the available forms of preventive protection (verification of consent prior to marriage registration) and repressive protection (annulment, criminal sanctions). Finally, the theory regarding defects of will is used to explain how the law weighs an internal will that is defective against the expressed will, including the limits of its application within marriage law (Yossef Yuda, 2025).

Research on forced marriage has been conducted from various perspectives, including Islamic law, studies on marriage annulment rulings, gender-based violence and coercion, as well as child marriage and marriage dispensations. A study by (Muhammad et al., 2023) examined forced marriage through the lens of Islamic law and the ijbar right of guardians wali, identifying parental, economic, educational, and customary factors as drivers of the practice. Forced marriage leads to negative consequences such as divorce, family conflict, and infidelity; consequently, it is established that forced marriage is prohibited under Islamic law, distinct from the annulment mechanisms outlined in the Marriage Law. Research by **(Muhammad Rosikhun, 2025)** analyzed Religious and District Court rulings regarding annulments due to coercion, highlighting the importance of legal education, institutional roles, and social oversight in prevention, though it did not examine the underlying normative constructs. Regarding child marriage and marriage dispensations, (Puspitasari 2025) argued that regulations on underage marriage dispensations require stricter, more detailed provisions to ensure the public better understands the negative impacts physical, mental, and social that such marriages have on children, particularly in the context of Law No. 16 of 2019 and Supreme Court Regulation (PERMA) No. 5 of 2019, which focus on age rather than defects of consent.

Preliminary research indicates that existing studies tend to be fragmented. Islamic jurisprudence (fiqh) studies focus on the guardian's authority and the validity of the marriage contract; analyses of court rulings center on the application of Article 27 in specific cases; research on gender-based violence emphasizes criminal aspects and victim protection; and studies on child marriage concentrate on age. Three issues remain unaddressed in an integrated manner. First, how does Article 2 paragraph (1) which defers the validity of marriage to religious law relate to Article 6 paragraph (1) which mandates consent when certain religious laws permit a guardian to act without the bride or groom's full consent? Second, what is the legal status of forced marriage (void *ipso jure* or voidable), given the lack of explicit wording in Articles 22 and 27 and the narrow scope of the "unlawful threat" element? Third, how can civil annulment mechanisms including the six-month time limit—be harmonized with the criminalization of forced marriage under the Sexual Violence Crimes Law (UU TPKS)? This

article offers three novel contributions. First, it provides an integrated reading of Articles 2, 6, 22, 25, and 27 of the Marriage Law, Articles 16 and 72 of the Compilation of Islamic Law (KHI), and Article 37 of Government Regulation No. 9 of 1975 to reconstruct the validity status of forced marriages. Second, it critiques the "unlawful threat" element and the six-month time limit from the perspective of victim protection, specifically addressing non-physical coercion. Third, it maps the relationship between civil avenues (annulment) and criminal avenues (UU TPKS) which have historically been discussed separately and offers recommendations for the harmonization of legal norms.

Based on this analysis, the article answers two questions: (1) what is the legal standing and validity of forced marriage under Law No. 1 of 1974 concerning Marriage; and (2) what are the legal consequences and protection mechanisms for victims of forced marriage, including their alignment with the UU TPKS? The objective is to analyze the construction of the validity of forced marriages and to formulate a strengthening of norms that protect victims.

RESEARCH METHODS

This study employs **normative juridical legal research** to examine the validity of forced marriage under Law Number 1 of 1974 concerning Marriage. The research uses **statutory, conceptual, and case approaches**. The statutory approach examines relevant provisions of the Marriage Law, particularly Articles 2, 6, 22, 25, and 27, together with Government Regulation Number 9 of 1975, the Compilation of Islamic Law, Law Number 12 of 2022 concerning Sexual Violence Crimes, and relevant international instruments, including CEDAW and ICCPR. The conceptual approach is used to analyze forced marriage, free consent, defective consent, annulment, and the distinction between *void by operation of law* and *voidable*. The case approach examines relevant court decisions concerning marriage annulment based on coercion or defective consent (Fadli, 2025).

The legal materials consist of **primary, secondary, and tertiary legal materials**, collected through library research. Primary materials include legislation and relevant court decisions, while secondary materials comprise scholarly books, journal articles, and legal studies. The collected materials are analyzed **qualitatively and juridically** by interpreting and examining the relationship among relevant legal provisions and their application in judicial practice. The analysis is supported by **Gustav Radbruch's theory of legal values, Philipus M. Hadjon's theory of legal protection, and the theory of defective consent (*wilsleer*)**. This approach is used to determine the legal status of forced marriage, its legal consequences, and the adequacy of existing mechanisms for protecting victims (Setiawati et al., 2026).

RESULTS AND DISCUSSION

1. The Role of Consent in Determining the Validity of Marriage

An analysis of legal provisions indicates that the consent of the prospective bride and groom is a crucial element in the formation of a marriage under Indonesian law. Article 1 of Law Number 1 of 1974 concerning Marriage defines marriage as a physical and spiritual bond between a man and a woman as husband and wife, with the aim of forming a happy and enduring family based on the belief in the One and Only God. The element of a "physical and spiritual bond" signifies that marriage is not merely an administrative or formal relationship

E-ISSN : 3025-0013
International Journal Community Service Implementation
Vol. 4 No. 3 January 2026, Page 335 - 344

but also requires the personal will of the parties entering into the marriage. Consequently, a marriage formed through coercion from the outset raises issues regarding the element of volition that serves as the foundation of the marital relationship.

This principle is more concretely affirmed in Article 6, paragraph (1) of the Marriage Law, which mandates the consent of both prospective spouses. This provision establishes consent as a requisite for marriage, meaning that satisfying administrative and religious requirements alone is insufficient. Consent must be given freely by both the prospective husband and the prospective wife. The same principle is found in Article 10, paragraph (2) of Law Number 39 of 1999 concerning Human Rights, which states that a valid marriage may only take place based on the free will of the prospective husband and wife. The elucidation of Article 10, paragraph (2) clarifies that "free will" refers to a will formed without coercion, fraud, or pressure.

In the context of forced marriage, the issue is not merely whether a person outwardly expresses willingness, but whether that consent truly represents a free will. A person who consents due to threats, family pressure, economic dependence, fear of ostracism, or an abuse of power is essentially acting without free will. Therefore, formal consent cannot always be equated with substantive consent. The significance of consent is also reinforced in the Compilation of Islamic Law. Article 16 of the KHI (Compilation of Islamic Law) states that marriage is based on the consent of the prospective bride and groom, while Article 17 stipulates that prior to the solemnization of the marriage, the Marriage Registrar must inquire about the consent of the prospective couple. If either party does not consent to the marriage, the marriage cannot proceed.

Based on this analysis, it can be concluded that both national marriage law and the KHI indicate that the will of the prospective bride and groom is a crucial factor to be considered before the marriage takes place. The primary issue arises, however, when coercion is not physically apparent and the victim formally grants consent. In such circumstances, assessing whether consent is truly free cannot rely solely on the presence or absence of an open refusal; rather, it requires consideration of the power dynamics and the nature of the pressure experienced by the prospective bride or groom.

The Validity of Forced Marriage: Void Ipso Jure or Voidable?

The central issue in this study is determining the legal consequences of a marriage entered into without free will. The Marriage Law does not explicitly categorize "forced marriage" as a distinct category within its body of provisions. However, the Law provides several provisions applicable to assessing this issue, notably Article 6(1), Article 22, and Article 27. Article 22 stipulates that a marriage may be annulled if the parties fail to meet the requirements for entering into marriage. Meanwhile, Article 27(1) offers a more specific basis, stating that a husband or wife may petition for annulment if the marriage was entered into under an unlawful threat. Such annulment must be sought through the courts, as prescribed in Article 25.

Based on this legal framework, a forced marriage is more accurately classified as a voidable marriage rather than one that is void by operation of law. This is because the law does not deem the marriage to have automatically never existed from the moment it was solemnized; instead, a petition and a court ruling are required to annul it. Government Regulation No. 9 of 1975 further affirms that the annulment of a marriage can only be decreed by a court. This distinction is significant, as it differentiates between marriage defects that automatically negate legal consequences and those requiring a judicial process to determine annulment. In the case of forced marriage, a marriage that has taken place cannot be deemed non-existent based solely

E-ISSN : 3025-0013
International Journal Community Service Implementation
Vol. 4 No. 3 January 2026, Page 335 - 344

on the victim's unilateral statement; its legal status must be resolved through the available annulment mechanisms (Madina, 2023).

However, this framework also reveals a normative weakness. Article 27(1) employs the phrase "unlawful threat." This formulation is relatively narrow when compared to the various forms of coercion that can occur in social life, as coercion does not always manifest as a threat of physical violence. Psychological pressure, economic dependence, the threat of losing family support, pressure to uphold family honor, or the abuse of power dynamics can deprive a person of the freedom to choose a partner, without necessarily involving the kind of threat that is easily provable in a court of law.

Six-Month Time Limit and Protection for Victims. Another issue arises regarding Article 27, paragraph (3) of the Marriage Law. This provision stipulates that if the threat has ceased and, within a period of six months, the parties concerned continue to live as husband and wife without filing a petition for annulment, the right to seek annulment is forfeited.

Legally, this provision establishes a clear timeframe and helps ensure certainty regarding marital status. However, its application to victims of forced marriage requires caution. Cohabitation following the marriage does not necessarily indicate that the victim has freely accepted the union. A victim may remain with their spouse due to economic dependence, family pressure, a lack of alternative housing, fear of social stigma, or a lack of awareness regarding their legal rights (Siregar et al., 2026).

Therefore, the six-month limit should not be interpreted simplistically to mean that the continuation of married life automatically proves acceptance of the marriage. From the perspective of legal protection, it is essential to consider whether the victim truly had the opportunity to access information, legal assistance, and security, as well as the freedom to make decisions.

This is where Philipus M. Hadjon's theory of legal protection becomes relevant. Legal protection is not merely repressive acting after a violation has occurred but also preventive, acting before harm is inflicted. In the context of marriage, preventive protection can be realized through a rigorous verification of the prospective spouses' consent before the marriage is registered. Meanwhile, repressive protection can be provided through mechanisms for marriage annulment and law enforcement action against the party responsible for the coercion.

Forced Marriage from the Perspective of the Sexual Violence Crimes Law. A significant development in Indonesian law occurred with the enactment of Law Number 12 of 2022 concerning the Crime of Sexual Violence (UU TPKS). Unlike the Marriage Law, which addresses forced marriage primarily through annulment mechanisms, the UU TPKS explicitly criminalizes the act of forcing a marriage.

Article 10 paragraph (1) of the UU TPKS stipulates that any person who unlawfully forces another, places another under their own or a third party's control, or abuses their authority to cause a marriage to take place or be permitted, may be prosecuted for the crime of forced marriage. The prescribed penalty is imprisonment for a maximum of nine years and/or a fine of up to IDR 200 million. Article 10 paragraph (2) specifically categorizes child marriage, forced marriage justified by cultural practices, and forced marriage between a victim and a rapist as forms of forced marriage (Islamia & Justice, 2026).

hese provisions signal a significant shift in the state's perspective on forced marriage. Such coercion is no longer viewed merely as an internal family matter or an issue to be resolved solely through marriage annulment; the act of forcing someone to marry can now constitute a criminal offense. However, the existence of the UU TPKS does not automatically resolve issues regarding the validity of the marriage itself. The two legal regimes address different matters:

E-ISSN : 3025-0013
International Journal Community Service Implementation
Vol. 4 No. 3 January 2026, Page 335 - 344

the Marriage Law focuses on marital status and legal consequences, whereas the UU TPKS focuses on criminal liability for the act of coercion. Consequently, an individual may face criminal liability for forcing a marriage, yet the status of the marriage that has already been solemnized still requires a judicial annulment process.

This situation entails two legal pathways that must be considered in tandem. The first is the family or civil law pathway specifically, marriage annulment to resolve the status of the marital relationship. The second is the criminal law pathway specifically, the prosecution and punishment of the perpetrator of the coercion. These two mechanisms do not substitute for one another. Annulment addresses the question of marital status, whereas criminal prosecution addresses the question of the perpetrator's liability.

2. The Relationship Between Consent, Defects of Will, and the Validity of Marriage

From the perspective of the theory of defective will, consent given under duress cannot be equated with consent given freely. In civil law, the concept of defective will describes situations where a person's intent is formed under pressure or specific circumstances that impair their freedom of decision-making. While this concept cannot be applied mechanically to marriagegiven marriage's unique nature as both a legal and social institution it remains useful for explaining why formal consent does not always reflect true intent.

In forced marriages, the issue lies in the relationship between expressed intent and actual intent. Outwardly, a person may be present at the marriage ceremony, voice their consent, or fail to express an objection. However, if such actions are taken due to threats or pressure that negate the freedom of choice, there are strong grounds to question the validity of that consent. Consequently, an examination of consent should not stop at whether the prospective spouse verbally agreed; the more critical question is whether that consent was given freely, consciously, and without pressure that substantially deprived the individual of the ability to choose (Anand, 2022).

This framework aligns with Article 10, paragraph (2) of the Human Rights Law, which links the validity of a marriage to free will. The explanatory notes to that article further broaden the definition of free will to encompass the absence of coercion, fraud, and duress.

3. Analysis Based on Gustav Radbruch's Theory of Legal Values

Gustav Radbruch’s theory provides a framework for examining the issue of forced marriage through three fundamental legal values: legal certainty, justice, and utility. These values reveal complications when norms regarding marriage annulment are applied to victims of coercion. From the perspective of legal certainty, the Marriage Law establishes a relatively clear mechanism; victims can petition the court for annulment if the marriage was entered into under unlawful duress. Government Regulation No. 9 of 1975 further affirms that annulment must be adjudicated by a court. Regarding justice, issues arise when the coercion experienced by the victim does not easily fit the category of unlawful threats. Victims subjected to psychological pressure or economic dependency may find themselves equally deprived of freedom, yet they often lack the evidence required for legal proceedings.

Meanwhile, from the perspective of utility, the law should not merely provide certainty regarding marital status but also ensure that the mechanism effectively restores the victim's rights. Consequently, the annulment mechanism must be accompanied by access to legal information, support services, and procedures that are sensitive to the victim's circumstances. Applying Radbruch’s framework, the issue of forced marriage is not simply a matter of whether legal norms exist, but whether those norms can strike a balance between certainty of marital status, justice for the victim, and the law's utility in preventing the recurrence of coercion.

4. Legal Consequences for the Victim and Marital Status

The annulment of a marriage carries legal consequences that differ from those of divorce. Divorce terminates a marriage that was initially valid, whereas annulment addresses defects or the failure to meet specific requirements during the formation of the marriage. Article 28 of the Marriage Law stipulates that the annulment of a marriage takes effect once the court ruling becomes final and binding, and applies retroactively to the time the marriage was solemnized; however, there are specific exceptions designed to protect children, parties acting in good faith, and third parties who acquired rights in good faith. These provisions demonstrate the law's attempt to strike a balance between marriage annulment and the protection of parties who may have acquired rights while the marriage was in effect. Consequently, the annulment of a forced marriage does not mean that all legal consequences arising during the marriage are automatically and unconditionally erased.

For victims, the annulment mechanism is significant as it provides a legal avenue to terminate a marital status established without free will. However, victim protection must not stop at the change of marital status. Victims also require protection against potential ongoing violence, family pressure, economic hardship, and social repercussions resulting from the legal proceedings. The Law on the Crime of Sexual Violence (UU TPKS) was enacted specifically to encompass prevention, handling, protection, and the restoration of victims' rights.

5. Harmonization between the Marriage Law and the Law on Sexual Violence Crimes

Research findings indicate that the Marriage Law and the Law on Sexual Violence Crimes (UU TPKS) complement each other but are not yet fully integrated in addressing the issue of forced marriage. The Marriage Law provides a mechanism to determine marital status through annulment, whereas the UU TPKS establishes a criminal basis for acts of coercion. Issues arise when these two mechanisms operate in isolation. Criminal prosecution of the perpetrator does not automatically annul the marriage, nor does marriage annulment automatically hold the coercing party criminally liable. Consequently, victims require access to both mechanisms, depending on the specific nature of the case.

Harmonization is required in three key areas. First, there must be a broader understanding of coercion extending beyond physical threats to include the abuse of power and forms of pressure that effectively eliminate the freedom of choice. Second, mechanisms for verifying consent prior to marriage registration need to be strengthened so that prevention does not rely solely on annulment proceedings after the marriage has taken place. Third, marriage annulment mechanisms need to be more effectively linked with the victim protection and recovery mechanisms outlined in the UU TPKS. Thus, harmonization does not entail merging family law with criminal law; rather, it ensures that both legal regimes operate coherently: marriage law resolves issues regarding marital status, while criminal law addresses acts of coercion and victim protection.

CONCLUSION

Based on the findings of this study, it can be concluded that the consent of the prospective spouses is a fundamental element in determining the validity of a marriage. Therefore, a marriage conducted without free consent raises legal concerns regarding its validity. Under Law Number 1 of 1974 on Marriage, a marriage conducted under an unlawful threat constitutes a marriage that may be annulled through a court decision, rather than being void by operation of law. Meanwhile, Law Number 12 of 2022 on Sexual Violence Crimes

establishes criminal liability for acts of forced marriage. Thus, addressing forced marriage requires harmonization between marriage law and criminal law, namely annulment to resolve the legal status of the marriage and criminal law enforcement to hold perpetrators accountable and provide protection for victims. This study also highlights the need to strengthen the mechanism for verifying the consent of prospective spouses and victim protection so that psychological, economic, and social pressures, as well as abuses of power relations, can be identified and addressed more effectively

REFERENCES

anand, G. (2022). Forced Marriage As An Unlawful Act In Indonesia: A Comparative Analysis. *Lambung Mangkurat Law Journal*, *7*(2), 159–174. Https://Doi.Org/10.32801/Lamlaj.V7i2.353

Fadli, M. A. (2025). Juridical Analysis Of The Court Decision On The Contentious Marriage Validation Petition C. *International Journal Of Health, Economics, And Social Sciences (Ijhess) Vol.*, *7*(4). Https://Doi.Org/10.56338/Ijhess.V7i4.8938

Faruq, U. (2020). Praktik Kawin Paksa Dan Faktor Penyebabnya. *Jurnal Mahasiswa*, *1*(3), 47–55. Https://Doi.Org/Https://Doi.Org/10.51903/Jurnalmahasiswa.V1i3

Hidayatullah, A. H. (2023). Perspektif Maslahah Dalam Perjanjian Perkawinan Mengenai Harta Dalam Undang-Undang Maslahah Perspective In Marriage Agreements. *Jurnal Multikultural & Multireligius*, *22*(1), 22–47. Https://Doi.Org/Https://Doi.Org/10.32488/Harmoni.V22i1.667

Indradi, W. (2025). Legal Construction Of Marriage Registration Law As An Additional Pillar From The Perspective Of Maqasid Asy-Syari ' Ah Of Jamaluddin Athiyah Where People Get Married Without Registering The Marriage Event At The Pegawai Pencatat Nikah (Ppn) Of Kantor Ur. *Hakam : Jurnal Kajian Hukum Islam Dan Ekonomi Islam*, *9*(2), 505–529.

Ishaq, U., & Riswadi, R. (2025). Urgency Of Filling The Legal Gaps In Preventing Contract Marriages. *Mahkamah: Jurnal Riset Ilmu Hukum*, *2*(1).

Islamia, I., & Justice, G. (2026). Marriage Contract From An Interdisciplinary Perspective : Integrating Islamic Marriage Contract From An Interdisciplinary Perspective : Integrating Islamic Law , Positive Law , And Gender Justice. *Gender, Islamic Law, And Sustainability*, *1*(2).

Madina, D. D. (2023). Aligning Islamic Law And Customary Law : Legal Dialectics In The Tradition Of Forced Marriage In Jambi The Practice Of Marriage In The Community , There Are Still Marriage Practices That Are Not Based On The Will Of One Or Both Parties But Because Of Pres. *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial*, *20*(1), 1–16. Https://Doi.Org/10.21154/Justicia.V20i1.4720

Muhammad, A., Nasoha, M., & Nihayah, N. K. (2023). Analisis Kawin Paksa Dalam Perspektif Hukum Islam. *El-Faqih: Jurnal Pemikiran Dan Hukum Islam*, *9*(2), 2443–3950.

Muhammad Rosikhun, I. (2025). Orangtua Dalam Perspektif Hukum Islam Dan Hukum Positif Indonesia (Studi Kasus Putusan Nomor. *Usrah: Jurnal Hukum Keluarga Islam*, *6*(4), 204–224.

Puspitasari, N. P. I. (2025). Kepastian Hukum Atas Syarat Sah Terkait Batas Usia Dalam Perkawinan Berdasarkan Undang – Undang Perkawinan. *Locus : Jurnal Konsep Ilmu*

Hukum, *5*(December), 267–275. Https://Doi.Org/Https://Doi.Org/10.56128/Jkih.V5i3.665

Razak, D. A., Deski, A., & Nashir, M. (2023). Controversy Over Religious Court Decisions Regarding Marriage Isbat Laws. *Samara: Journal Of Islamic Law And Family Studies*, *1*(4), 19–27.

Rosim, M. (2025). Forced Marriage As Social Sanction : An Islamic Legal , Customary , And Human Rights Analysis In Rural Indonesia. *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum*, *14*(2), 259–273. Https://Doi.Org/10.22373/Legitimasi.V14i2.32085

Setiawati, V., Hidayah, A. N., & Wardani, S. (2026). Legal Certainty And Judicial Uniformity In Interfaith Marriage After Constitutional Court Decision Number 24 / Puu-Xx / 2022. *Jurnal Hukum In Concreto*, *5*(2), 278–293.

Siregar, S., Sakti, I., Munthe, I. P., Hasibuan, P. H., & Harahap, P. H. (2026). The Phenomenon Of Siri Marriage And Its Implications For Islamic Family Law Fenomena Pernikahan Siri Dan Implikasinya Terhadap. *Multidisciplinary Indonesian Center Journal (Micjo)*, *3*(1), 2187–2198.

Yossef Yuda. (2025). Marriage Registration And Its Legal Implications : A Case Study In South Coast Regency. *Jurnal Kajian Dan Pengembangan Umat*, *8*(2), 160–171.