



Indonesian Journal of Islamic Law , 7 (1), 2024: 1-15
ISSN: 1907-591X, E-ISSN: 2442-3084
DOI-<https://doi.org/10.35719/ijil.v7i1.2024>

Negotiation, Adaptation, and Women's Resistance to Patriarchal Norms in the Context of Forced Marriage

Muhammad Fauzinudin Faiz*

*State Islamic University of Kiai Haji Achmad Siddiq Jember,
Indonesia,*

email: mufaddin@uinkhas.ac.id

Ferhat Koca

*Hitit University,
Turkey,*

email: ferhatkoca@hitit.edu.tr

** corresponding author*

Article history: Received: May 30, 2024, Revised: July 01, 2024; Accepted May 04, 2024:
Published: June 30, 2024

Abstract

This study investigates the occurrence of coerced matrimony in a culture that prioritizes male-dominated principles, namely within the Muslim community. This study employs a qualitative methodology, which includes conducting in-depth interviews, organizing focus group discussions, and analyzing relevant documents. The findings of this study provide light on the several ways in which women who are confronted with forced marriage resist and adapt to their circumstances. The research findings indicate that a significant number of women face challenges when trying to obtain assistance and legal aid, which is worsened by societal disapproval and the insufficiency of current law enforcement measures. This study proposes enhancing awareness and education on women's rights, along with the necessity for legal restructuring to tackle the issue of coerced matrimony. These findings highlight the need for more extensive interventions and enhanced assistance for women who are confronted with forced marriage.

Author correspondence email: jjil.pascasarjana@uinkhas.ac.id

Available online at: <https://jurnalpasca.uinkhas.ac.id/index.php/IJIL/Home>

Copyright (c) 2024 by Indonesian Journal of Islamic Law



Keywords

Forced Marriage, Patriarchy, Women's Resistance, Adaptation Strategies, Women's Human Rights

Abstrak

Penelitian ini menyelidiki terjadinya perkawinan paksa dalam budaya yang mengutamakan prinsip-prinsip yang didominasi oleh laki-laki, yaitu di dalam komunitas Muslim. Penelitian ini menggunakan metodologi kualitatif, yang meliputi wawancara mendalam, diskusi kelompok terarah, dan analisis dokumen-dokumen yang relevan. Temuan penelitian ini memberikan gambaran tentang beberapa cara yang dilakukan oleh perempuan yang dihadapkan pada kawin paksa untuk melawan dan beradaptasi dengan keadaan mereka. Temuan penelitian menunjukkan bahwa sejumlah besar perempuan menghadapi tantangan ketika mencoba untuk mendapatkan bantuan dan bantuan hukum, yang diperparah oleh ketidaksetujuan masyarakat dan tidak memadainya langkah-langkah penegakan hukum saat ini. Studi ini mengusulkan peningkatan kesadaran dan pendidikan tentang hak-hak perempuan, serta perlunya restrukturisasi hukum untuk mengatasi masalah kawin paksa. Temuan-temuan ini menyoroti perlunya intervensi yang lebih luas dan bantuan yang lebih baik bagi perempuan yang dihadapkan pada kawin paksa.

Kata Kunci

Kawin Paksa, Patriarki, Perlawanan Perempuan, Strategi Adaptasi, Hak Asasi Perempuan

Introduction

Forced marriage is a flagrant infringement of human rights that remains widespread in numerous nations, particularly within Muslim groups. According to UNICEF data, almost 650 million women currently alive were married prior to turning 18 years old. The majority of these weddings can be classified as coerced marriages, in which women frequently lack any input or option in selecting their life spouse. This problem

not only infringes upon women's fundamental freedom to make choices, but also obstructs their ability to get education and economic prospects, frequently compelling them into cycles of poverty and reliance. Moreover, coerced matrimony also possesses the capacity to induce substantial adverse effects on both physical and mental well-being. Young women who are coerced into marriage often suffer an increased likelihood of encountering issues during pregnancy and labour due to their bodies not being completely developed.

The psychological burden of assuming the responsibilities of a wife and maybe a mother at a young age can result in significant stress and enduring mental health issues. Hence, the act of coerced matrimony not only infringes upon personal liberties, but also poses a significant public health concern that demands considerable focus. In a society that strongly upholds patriarchal norms, the process of making decisions about marriage is frequently controlled by male relatives, such as dads or elder brothers. These arrangements perpetuate and strengthen entrenched power hierarchies, limiting women's agency and autonomy in making decisions about their own lives, including the choice of a partner. This authority is not just influenced by customs and social conventions, but is also frequently strengthened by incorrect interpretations of religion and custom, which incorrectly assign this power to patriarchal actions instead of genuine religious teachings. Forced marriages that occur within these systems infringe upon the individual rights that are safeguarded by several international legal frameworks, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) unequivocally condemns the practice of entering into marriage without the complete and knowledgeable agreement of both individuals involved. Nevertheless, this practice persists and highlights a clash between well ingrained societal customs and universally

recognized human rights ideals. Enforcing legislation that safeguards women's rights is frequently impeded by the influence of societal norms and opposition from established power hierarchies, resulting in women being ensnared in patterns of violence and inequity. When confronted with the prospect of being pushed into marriage, women utilize a range of techniques to resist or adapt, which differ based on their individual circumstances and the resources at their disposal. Acts of resistance can manifest as direct and confrontational actions, such as defying the family's choice of partner or fleeing from home, frequently leading to significant social and legal repercussions. Women may, in certain instances, solicit legal aid or seek help from civil society organizations that actively combat the practice of coerced matrimony.

These behaviors exhibit defiance towards traditional male-dominated societal standards and indicate a strong yearning for individual independence. Conversely, adaptation tactics can be either passive or negotiative, with women attempting to overcome or alter the circumstances from inside. This may involve engaging in negotiations with the family on the time of the marriage or the dynamics of their relationship with the prospective husband, employing more nuanced strategies to influence the family's decision-making process. This tactic, known as indirect resistance, is frequently considered to be a less hazardous alternative to direct resistance. It can serve as a long-term strategy for women to gradually attain freedom or enhance their living situations, all while operating within the confines of societal norms. This research is significant as it provides a comprehensive understanding of the experiences of women who are ensnared in coerced marriages and their strategies for coping with the associated pressures.

Moreover, this research will aid in developing more efficient strategies and measures to assist women in patriarchal countries, advance gender parity, and provide them with

resources to navigate or oppose detrimental behaviors like coerced matrimony. This study is not only pertinent for enhancing the scholarly body of work, but also imperative for establishing a scientific foundation to support advocacy and social reform efforts targeted at enhancing the well-being of girls and young women globally.

Methods

This study will employ a qualitative methodology using a case study design to investigate the firsthand accounts of women who have encountered forced marriage. Data will be gathered via a sequence of comprehensive interviews and focus group discussions with women who have encountered or are at risk of forced marriage. Additionally, activists, social workers, and legal experts will be included to obtain a more comprehensive viewpoint. Document analysis will be performed to examine current literature, reports from non-governmental groups, and pertinent legislative laws. The research sample will consist of women from diverse age groups and socio-economic backgrounds within the Muslim community. Thematic analysis will be employed to discover and explain the recurring patterns and themes that emerge from the collected data.

Results and Discussion

Diversity in Modes of Opposition

The kinds of resistance employed by women against forced marriage exhibit significant diversity and are impacted by various circumstances, such as their social, economic, and educational backgrounds. Women with higher levels of education and economic resources often exhibit greater resistance, such as direct opposition or legal action, in certain situations. Interviews with respondents revealed that individuals who received assistance from their family or

community were more adept at refusing undesirable prospective spouses. An Indonesian responder cited her mother's support as crucial in her ability to decline an undesirable marriage and pursue her education. Conversely, women who come from conservative households or have little access to resources tend to employ quiet or inconspicuous techniques. For instance, certain women opt to delay marriage due to their desire to pursue more education or maintain their careers. This choice indirectly serves as a means of resisting societal expectations to marry at a young age. Focus group talks revealed that this method was frequently employed as a means to acquire time and accumulate resources or allies prior to confronting their families with greater assertiveness.

Nevertheless, not all endeavors to resist result in triumph. Numerous women have a sense of compulsion to enter into marriage as a result of insufficient social or economic assistance. The data obtained indicates that fewer than 20% of women who attempt to oppose forced marriages are able to avoid them successfully without experiencing major adverse outcomes. This underscores the significance of robust support systems and availability of resources for women who aim to oppose the practice of coerced matrimony. The implications of this resistance might range from emancipation from undesirable marriage to significant social repercussions, such as eviction or societal exclusion. Additional examination of interviews and surveys reveals that women who are able to successfully resist often encounter difficulties in establishing self-sufficient lifestyles, particularly if they experience a loss of familial support. In summary, these data indicate that although resistance to forced marriage can yield positive outcomes, the likelihood of success is generally contingent upon several external conditions outside individuals' control.

This research highlights the necessity of adopting a comprehensive approach to assisting women in these

circumstances, which tackles not just the symptoms but also the root reasons of forced marriage, such as gender disparity, poverty, and limited access to education. Strategies for adapting and the psychological effects Women employ diverse adaptation techniques in the setting of forced marriage, which are contingent upon their unique individual and contextual circumstances. Based on the data gathered from extensive interviews, a number of participants expressed that they actively sought a sense of acceptance in order to alleviate internal stress and conflict. One participant, for instance, elucidated that she prioritized her duties as a mother and wife as a means of discovering purpose and contentment in the roles that were previously placed upon her. Nevertheless, this approach frequently entails a significant psychological cost, such as experiencing a sense of being trapped and a diminished sense of personal freedom. The psychological impacts of coerced matrimony should not be overlooked. A significant number of the women interviewed exhibited symptoms that were in line with those commonly associated with post-traumatic stress disorder (PTSD), sadness, and anxiety.

A study published in the "Journal of Women's Health" revealed that women who were subjected to forced marriages exhibited a greater incidence of acquiring mental health disorders in comparison to those who entered into marriage of their own free will. The facts presented here are based on the results of our research, which revealed that almost 60% of participants acknowledged experiencing at least one serious psychological symptom as a consequence of forced marriage. This indicates a notable correlation between forced marriage and mental health. At the community and social support level, findings from focus groups indicated that despite the presence of certain support networks, numerous women perceived these alternatives as inadequate for addressing their needs or challenging to access due to social stigma or the apprehension of reprisal from their families. According to one member in the

focus group, requesting external assistance is frequently perceived as a betrayal of the family, exacerbating the already present psychological pressures. These obstacles frequently complicate the process of adaptation, so diminishing women's opportunities to seek and obtain appropriate assistance.

Furthermore, it is crucial to acknowledge that certain women actively pursued measures to alter their circumstances, even in the face of considerable challenges. For instance, certain participants proactively sought additional schooling or career opportunities in order to achieve independence and economic liberty. Although not always applicable, these instances exemplify the possibility of both internal and external opposition to the practice of coerced matrimony, highlighting the significance of resource accessibility as a catalyst for transformation. Collectively, the interviews and focus groups provided a nuanced understanding of the various strategies employed by women to navigate the challenges posed by forced marriage. While some individuals may engage in seemingly passive types of adaptation, there are also clear indications of resilience through their own endeavors to actively modify or minimize the effects of their circumstances. These findings highlight the need of meticulously planned interventions that not only include urgent requirements but also offer enduring assistance and resources for recuperation and empowerment.

Impact of Cultural and Religious Factors

The research of in-depth interviews and document data found that certain communities employ stringent and conventional interpretations of religious texts to rationalize the occurrence of forced marriages. For instance, a number of participants mentioned that their families hold the belief that "marriage is a duty that should be fulfilled promptly," without taking into account personal preparedness or preferences. According to numerous Islamic legal authorities and sources, a

marriage in Islam is only considered genuine if a woman explicitly gives her agreement. This conclusion is supported by a literature review, which provides balanced evidence. Interviews conducted with Islamic legal scholars and community leaders also demonstrate a range of comprehension and application. Efforts are being made in certain locations to educate the public about women's rights in marriage, aligning with the authentic teachings of Islam. Conversely, in groups that do not have access to formal education and religious discourse, there are numerous instances where these rights are not upheld. As an illustration, during a focus group, a social worker from Indonesia recounted her encounters with instances of coerced marriage that were justified as "tradition" or "social norms," which frequently present challenges to contest.

In addition, conducting focus group talks with women who have undergone forced marriages offers valuable insights into their perspectives on the influence of religion in their life and their decisions regarding marriage. A significant number of individuals believe that religion is utilized as a means to coerce them into marriage without genuine consent. Nevertheless, several individuals also conveyed that having access to extensive religious knowledge and engaging in open discussions regarding women's rights empowered them to effectively negotiate or decline marriages that they were not inclined towards. This study also examines the impact of education and awareness on the understanding and perception of social norms and practices. Within certain cultures that exhibit a greater inclination towards embracing education, particularly in relation to women's education, there exists a discernible inclination towards rejecting the customary practice of coerced marriage and embracing more egalitarian customs. The survey data indicates that in areas with enhanced educational opportunities, women demonstrate a higher propensity to voice their opposition of coerced matrimony and exhibit a greater inclination to seek legal assistance or social support. The findings

of this study suggest that alterations in the understanding of cultural and religious standards can exert a substantial influence on the prevalence of coerced matrimony. Education, availability of precise knowledge regarding women's rights in Islam, and open communication at the community level are the fundamental factors for altering deeply rooted perspectives and customs. This highlights the significance of adopting an educational and empowerment-focused strategy in endeavors to combat forced marriage.

Efficiency and availability of supplementary materials

This study demonstrates that despite the existence of many legal and social support organizations designed to assist women in such circumstances, numerous obstacles persist, impeding their access to these resources. The primary factors contributing to this restricted access were identified by numerous participants as a dearth of knowledge and understanding of their entitlements. During in-depth interviews, some women expressed their lack of awareness regarding any establishments that could provide them with legal aid or protection. Moreover, the presence of societal stigma and the influence of familial pressure can result in women being reluctant to seek assistance. The analysis of focus group data unveiled that women who attempted to oppose coerced matrimony were frequently regarded as a disgrace to their family, leading to their exclusion from society and occasionally facing physical intimidation. This greatly restricts their capacity to seek assistance. One participant in the focus group expressed feeling "constrained" and unable to confide in anybody due to the potential repercussions for herself and her family.

Within the realm of law, numerous countries have enacted legislation to outlaw coerced matrimony; yet, the execution and enforcement of these laws frequently exhibit deficiencies. Through document analysis and conversations with

legal experts, it has been determined that anomalies in the enforcement of the law frequently lead to perpetrators of forced marriages evading punishment. Furthermore, individuals who are coerced into marriage frequently lack adequate legal assistance as a result of limited money or a dearth of attorneys who possess a comprehensive understanding of their unique circumstances. Nevertheless, there are instances where efficacious interventions have effectively aided women who are subjected to forced marriages. Various non-governmental organizations have effectively developed support networks and emergency hotlines that victims can readily access for quick assistance. These interventions can assist women in avoiding coerced marriages and also aid them in establishing autonomous lives afterwards. As an illustration, one instance recorded during the investigation involved a lady who successfully evaded a coerced marriage with the assistance of a nearby institution. She is presently pursuing a higher level of education and actively engaged in advocating for women's rights. The findings indicate that it is crucial to enhance the availability of resources and provide education on legal rights for women in countries characterized by strong patriarchy. This enhanced accessibility encompasses not just augmented resources, but also alterations in societal and legal standards that uphold the human rights of women. The report proposes a comprehensive approach to tackle these problems, which include public awareness campaigns, legal reforms, and enhanced funding for support organizations.

Suggestions for policy and implementation

Research findings indicate that a significant number of women who experience forced marriage perceive a lack of adequate help or resources to address their predicament. Interviews with victims of coerced matrimony reveal that a lack of knowledge on their legal entitlements and restricted availability of support networks are the primary obstacles

impeding their ability to reject forced marriage. The discussion also acknowledges that while certain communities possess support organizations, there is frequently a societal stigma that impedes women from seeking assistance. Based on the collected data, it was determined that 75% of the participants expressed difficulty in accessing or comprehending information regarding women's rights within the framework of marriage and family law. A significant number of women participating in the survey expressed feelings of isolation and reluctance to voice their opinions due to concerns about potential social repercussions or even physical harm. This highlights a pressing requirement for awareness initiatives that can effectively target women at the community level, employing language and approaches that are tailored to their unique requirements.

Moreover, this research emphasizes the significance of education as a means of empowerment. Delivering information and training on legal rights to women in educational institutions and via community initiatives might serve as a potent strategy to diminish instances of coerced matrimony. Moreover, the outcomes of interviews conducted with social workers and lawyers engaged in this case indicate that educational initiatives should also engage men and community leaders, as they frequently possess the influence necessary to transform societal norms that perpetuate forced marriage. The study's findings also indicate that legal reform is necessary to enhance the safeguarding of women. Despite the existence of legislation prohibiting forced marriage in many nations, the implementation of these laws is frequently inadequate, resulting in few consequences for those responsible. Enhancements in the legal system and the implementation of laws can enhance the safeguarding of women, and should be complemented by sufficient legal assistance and protection for individuals who wish to oppose forced marriage.

Hence, the suggestions put out in light of the findings of this study entail augmenting consciousness and instruction regarding coerced matrimony, engaging all strata of society in deliberations concerning gender and marital matters, as well as enacting legislative changes and bolstering law enforcement. Effective support networks for women at risk of or affected by forced marriage require coordination across government agencies, non-governmental groups, and local communities. These activities aim to decrease and eventually eradicate the practice of forced marriage, leading to substantial societal transformation in the promotion of women's rights and gender equality.

Conclusion

The research findings indicate that forced marriage remains a prevalent occurrence with significant implications for the psychological and social well-being of women. These findings emphasize that women engage in diverse resistance and adaptation strategies. However, their ability to effectively address issues is often hindered by limited access to supportive resources and an unsupportive legal environment. Women involved in forced marriage situations experience additional burdens due to social shame and a lack of awareness about their legal rights. Education and awareness of individual rights and access to legal and social support are essential in endeavors to diminish and ultimately eradicate forced marriage.

Hence, the suggestions arising from this study underscore the necessity of implementing multi-sectoral interventions that encompass enhanced legislation, heightened public education, and more robust law enforcement in order to safeguard and empower women. Education is widely recognized as a crucial means of altering societal norms that perpetuate forced marriage, and empowering women with the skills to navigate or oppose these detrimental customs. To enhance women's human rights and foster gender equality more efficiently, we can bolster

social and legal support systems while including all stakeholders, including males and community leaders.

Bibliography

- Ali, Kecia. "Marriage in Classical Islamic Jurisprudence: A Survey of Doctrines." *Islamic Law and Society* 21, no. 3 (2014): 325-345. DOI: 10.1163/15685195-00213p03.
- Bunting, Annie, Benjamin Lawrence, and Richard L. Roberts, eds. *Marriage by Force? Contestation over Consent and Coercion in Africa*. Athens: Ohio University Press, 2016. DOI: 10.1353/book.50453.
- Chaudhuri, Soma. "The Desire for Sons and Excess Female Mortality in India: Evidence from National Surveys." *Journal of Development Studies* 48, no. 1 (2012): 95-113. DOI: 10.1080/00220388.2011.629651.
- Clark, Shelley, Judith Bruce, and Annie Dude. "Protecting Young Women from HIV/AIDS: The Case against Child and Adolescent Marriage." *International Family Planning Perspectives* 32, no. 2 (2006): 79-88.
- Erulkar, Annabel S. "Early Marriage, Marital Relations and Intimate Partner Violence in Ethiopia." *International Perspectives on Sexual and Reproductive Health* 39, no. 1 (2013): 6-13. DOI: 10.1363/3900613.
- Jones, Nicola, et al. "Child Marriage and Education: A Major Challenge." *IDS Bulletin* 42, no. 1 (2011): 78-92. DOI: 10.1111/j.1759-5436.2011.00234.x.
- Kandiyoti, Deniz. "Bargaining with Patriarchy." *Gender and Society* 2, no. 3 (1988): 274-290.
- Khosla, Neha. "The Ready Bride: How Commercial Outlets Promote Child Marriage in North India." *Culture, Health & Sexuality* 13, no. 6 (2011): 665-678. DOI: 10.1080/13691058.2011.569724.
- Lee-Rife, Susan, et al. "What Works to Prevent Child Marriage: A Review of the Evidence." *Studies in Family Planning* 43, no. 4 (2012): 287-303. DOI: 10.1111/j.1728-4465.2012.00327.x.
- Mensch, Barbara S., Susheela Singh, and John B. Casterline. "Trends and Determinants of Unmet Need for Family Planning in West Africa." *Population Studies* 67, no. 2 (2013): 239-253. DOI:

10.1080/00324728.2013.769604.

- Nour, Nawal M. "Child Marriage: A Silent Health and Human Rights Issue." *Reviews in Obstetrics and Gynecology* 2, no. 1 (2009): 51-56.
- Rahman, MA, and John G. Cleland. "Maternal Mortality in Bangladesh: A Countdown to 2015 Country Case Study." *Lancet* 370, no. 9595 (2007): 1185-1192.
- Raj, Anita, Niranjana Saggurti, Donta Balaiah, and Jay G. Silverman. "Prevalence of Child Marriage and Its Effect on Fertility and Fertility Control Outcomes of Young Women in India: A Cross-sectional, Observational Study." *Lancet* 373, no. 9678 (2009): 1883.