



Under the Shadow of Custom and Colonial Law: Forced Marriage and the Discourse on the Protection of Indigenous Women in the Dutch East Indies

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Abstrak: The practice of forced marriage during the Dutch East Indies colonial period was inseparable from the interaction between social structures, customary law, and colonial legal policies that restricted women's freedom. This article examines how the practice of forced marriage occurred in colonial society and how social policies and government efforts responded to this practice in the early 20th century. This research uses historical methods that include heuristics, source criticism, interpretation, and historiography, utilizing primary sources in the form of colonial newspapers, women's media, and official publications of the Dutch East Indies government. This study aims to analyze the reality and significance of forced marriage in social life, regulatory efforts by the colonial government, as well as anti-forced marriage discourse voiced through the mass media and its influence on the views of indigenous communities. The results of the study indicate that the practice of forced marriage was influenced by family domination, customs, and family authority in society. On the other hand, women's organizations and the mass media began to criticize the practice of forced marriage through ideas about education, emancipation, and women's freedom. Although the colonial government began to establish legal regulations to protect women, the legal policies implemented were ambivalent; on the one hand it provides legal protection, but on the other hand it maintains the dominance of family and customary law in colonial marriage practices.

Keywords: colonial law; dutch east indies; forced marriage; protection of women; women

Abstrak: Praktik perkawinan paksa pada masa kolonial Hindia Belanda tidak terlepas dari interaksi antara struktur sosial, hukum adat, dan kebijakan hukum kolonial yang membatasi kebebasan perempuan. Artikel ini mengkaji bagaimana praktik perkawinan paksa terjadi dalam masyarakat kolonial serta bagaimana kebijakan sosial dan upaya pemerintah merespons praktik tersebut pada awal abad ke-20. Penelitian ini menggunakan metode sejarah yang mencakup heuristik, kritik sumber, interpretasi, dan historiografi, dengan memanfaatkan sumber-sumber primer berupa surat kabar kolonial, media perempuan, serta terbitan resmi Pemerintah Hindia Belanda. Penelitian ini bertujuan untuk menganalisis realitas dan signifikansi perkawinan paksa dalam kehidupan sosial, upaya regulasi oleh pemerintah kolonial, serta diskursus anti-perkawinan paksa yang disuarakan melalui media massa dan pengaruhnya terhadap pandangan masyarakat pribumi. Hasil penelitian menunjukkan bahwa praktik perkawinan paksa dipengaruhi oleh dominasi keluarga, adat istiadat, dan otoritas keluarga dalam masyarakat. Di sisi lain, organisasi perempuan dan media massa mulai mengkritik praktik perkawinan paksa melalui gagasan mengenai pendidikan, emansipasi, dan kebebasan perempuan. Meskipun pemerintah kolonial mulai menetapkan peraturan hukum untuk melindungi perempuan, kebijakan hukum yang diterapkan bersifat ambivalen; di satu sisi memberikan perlindungan hukum, namun di sisi lain tetap mempertahankan dominasi keluarga dan hukum adat dalam praktik perkawinan kolonial.

Keywords: Hindia Belanda; hukum kolonial; perempuan; perkawinan paksa; perlindungan perempuan



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Introduction

The protection of women within the context of marriage remains a significant issue in Indonesia today. Marriages entered into without the woman's full consent give rise to various detrimental social consequences, such as restricted access to education, increased vulnerability to domestic violence, and the destabilization of the family unit (Muhammad et al., 2023). This issue is closely linked to the practice of forced child marriage, which continues to be a matter of concern for the government and various organizations dedicated to protecting women. Reports from Statistics Indonesia (BPS) indicate that child marriage remains a challenge in efforts to ensure the protection of women and children in the country. In 2018, approximately 11.21% of women aged 20-24 were recorded as having married before age 18, equivalent to 1,220,900 women. These figures place Indonesia among the top ten countries globally with the highest absolute numbers of child marriages. This phenomenon has the potential to impact women's quality of life, particularly regarding education, health, and social well-being (Badan Pusat Statistik, 2020).

The practice of child marriage is also closely related to women's and children's health issues. Data from the Central Statistics Agency show that the percentage of women aged 20-24 who married at age 18 or older and initiated early breastfeeding was 28.76%, while the percentage of women who married before age 18 was 18.83%. Furthermore, the percentage of women aged 20-24 who married at age 18 and above and gave birth in health facilities or with the assistance of health workers reached 34.13% (Badan Pusat Statistik, 2020). This figure is higher than the percentage of women who married before age 18, which only reached 22.13% (Badan Pusat Statistik, 2020). These data indicate that child marriage not only impacts social aspects but is also related to poor access to maternal and child health. Furthermore, Statistics Indonesia (BPS) noted that approximately 1.2 million women aged 20-24 years had their first marriage before age 18, and approximately 61,300 had their first marriage at the age of 15 (Badan Pusat Statistik, 2020). This situation indicates that women's freedom to choose their life partner remains relevant today. To understand the historical roots of this problem, it is important to trace how marriage practices that limit women's choices developed in previous periods, including the colonial period.

Historically, the issue of women's position in marriage has along history. During the colonial period, women faced various forms of inequality stemming from patriarchal social structures that limited their freedom of movement in family and community life. Cora Vreede-de Stuers, a Dutch cultural anthropologist, sociologist, and librarian, in her study of the History of Indonesian Women, explains that the issues of marriage, polygamy, and the limited freedom of women in choosing a life partner were issues that were widely criticized by organizations, the mass media, and women's emancipation figures in the early 20th century (Vreede-de Stuers, 2008). In this context, women were placed in a subordinate position under the control of their families and social environments. This condition then gave rise to various efforts by women to achieve a more equal position (Amar, 2017). In this context, women's struggles were not only focused on education, but also related to improving women's position in social and family life (Irenewaty, 2016).

In the early 20th century, the practice of forced marriage was still commonplace in society in the Dutch East Indies. Despite the persistence of this practice, the modernization process that developed in the early 20th century also contributed to changes in society's views on customs and marriage. This modernization process, marked by the development of education, women's organizations, and the mass media, also influenced changes in society's perspectives on customs and marriage (Putri, 2018). In this context, various practices considered detrimental to women, such as forced marriage and polygamy, began to be openly criticized by indigenous women's organizations, the mass media, and emancipation figures. These practices occurred in a society that still placed significant authority on the family in determining the marriage partners of their children, especially daughters. In such circumstances, marriage decisions were often based not on individual consent but rather on family considerations, customs, social status, and economic interests. The existence of these practices demonstrates that marriage is not only understood as a relationship between two individuals, but also as a social institution related to family interests (Fathurrozi & Holid, 2025).

The practice of forced marriage that develops in society is also influenced by customary law, colonial law, and patriarchal social structures. Van Bemmelen and Grijns (2018) show that marriage practices in various indigenous communities are often influenced by strong family authority and social norms, limiting the opportunity for children to independently choose their life partners. Customary law, passed down through generations, functions to regulate various aspects of community life, including marriage (Efrianto, 2024). In practice, custom provides significant space for parents and families to determine the life partners of their descendants. Furthermore, marriage practices in indigenous communities concern not only the interests of the individual marrying, but also the interests of the wider family and kinship community. In practice, women are often excluded from the primary decision-making process regarding marriage due to the strong influence of the family and the prevailing kinship system (Arifin, 2009).

The issue of forced marriage was also widely discussed in the colonial mass media. One such article, the *Bataviaasch Nieuwsblad*, published in 1915, criticized the impact of forced marriage, which was considered to have contributed to the increase in cases of polygamy, divorce, and the decline in women's physical and moral condition (*Bataviaasch Nieuwsblad*, 1915). The issue of marriage during the colonial period was also inseparable from various practices that placed women in a disadvantaged position within the household. Sari's (2020) research on polygamy in Minangkabau during the colonial period shows that marriage practices were often related to power relations that placed women in a weaker position than men. This condition indicates that criticism of polygamy, forced marriage, and various marriage practices that were detrimental to women became a significant phenomenon in women's organizations in the early 20th century (Vreede-de Stuers, 2008).

Research on forced marriage is still dominated by legal, human rights, and women's protection perspectives in the contemporary context. Herman examines the practice of forced marriage in Sumba as a form of forced marriage from a legal and human rights perspective (Herman et al., 2023). Meanwhile, points out that forced marriage contradicts the principle of consent in Islamic law, as marriage should be based on the consent of both parties (Hasibuan, 2019). A similar view is expressed by Izzah and Firdausi, who highlight that forced marriage is influenced by family, economic, and cultural factors and has the potential to cause domestic conflict, leading to divorce (Izzah et al., 2021). More broadly, examines forced marriage as a customary requirement and demonstrates the conflict between customary practices and the principles of human rights protection and positive law in Indonesia (Maharani, 2024). Furthermore, Fikriana and Agusfinanda classify forced marriage as a form of sexual violence

because it deprives individuals of their freedom to consent to marriage (Fikriana & Agusfinanda, 2024). In a similar view, Hanif explains that forced marriage has the potential to disrupt the integrity of the household because it is not built on the basis of willingness and harmony as recommended in Islamic law (Hanif, 2025).

In historical studies, attention to women's lives during the colonial period has developed through various studies. Amar's study examines the struggle for Indonesian women's emancipation through the thoughts and movements of female figures during the colonial period (Amar, 2017). Furthermore, Irenewaty discusses the role of women in social and educational change in the early 20th century (Irenewaty, 2016). In the more specific context of marriage, Arifin shows how customary and kinship systems influence women's positions in marital decision-making (Arifin, 2009), while Sari shows that the practice of polygamy during the colonial period also reflected unequal gender relations within the household (Sari, 2020). Attention to the issue of marriage is also reflected in studies on Indonesian Women's History, as demonstrated by Vreede-de Stuers, who explains that the issue of marriage was a key theme in the women's movement in the early 20th century (Vreede-de Stuers, 2008).

However, studies specifically addressing forced marriage as the primary focus of historical research remain relatively limited. Most existing studies examine forced marriage in contemporary Indonesian society, particularly from the perspectives of positive law, human rights, women's protection, and Islamic law. Consequently, limited attention has been devoted to explaining why forced marriage persisted in colonial society or to examining how women's organizations, the colonial press, and the colonial government responded to this practice through legal regulations and public discourse. This gap highlights the need for a comprehensive historical investigation that integrates colonial legal documents, newspapers, women's magazines, and government regulations to reconstruct the historical dynamics surrounding forced marriage in the Dutch East Indies.

This study adopts a social history perspective to examine forced marriage as a historical phenomenon embedded within broader processes of social change. Rather than viewing historical change solely through political or legal developments, this perspective emphasizes the interaction of social institutions, cultural values, and everyday life in shaping broader historical processes. According to (Burke, 2005), social history explains historical change by examining the relationship between social structures, human agency, and the lived experiences of ordinary people rather than focusing exclusively on political elites and state institutions. This perspective is further complemented by cultural history, which emphasizes that social practices are embedded within systems of meaning, representations, and cultural values that shape people's perceptions and actions (Burke, 2005). Within the colonial Indonesian context, marriage was therefore not only a legal institution but also a cultural practice influenced by customary authority, patriarchal norms, and colonial governance. From a gender perspective, (Scott, 1986) argues that gender constitutes a primary way of signifying power relations embedded within social institutions and cultural practices. Accordingly, forced marriage can be understood as a manifestation of unequal gender relations reflecting broader struggles over women's autonomy, authority, and gender equality in colonial society (Scott, 1986). Taken together, these perspectives provide the analytical framework for explaining how forced marriage was shaped, maintained, contested, and transformed through the interaction of social institutions, cultural values, legal pluralism, and changing public discourse during the early 20th century.

Building upon these theoretical perspectives, this study aims to analyze the factors that enabled the persistence of forced marriage in Dutch East Indies society during the early 20th century and to examine the responses of the colonial government, women's organizations, and

the mass media to this phenomenon. Through this analytical framework, the study seeks to explain how forced marriage evolved from a customary family practice into a broader public issue that stimulated debates concerning women's rights, legal reform, and social change. This study makes three principal contributions to the historiography of Indonesian women. First, it positions forced marriage as a central historical phenomenon rather than merely a contemporary legal or social issue. Second, it brings together colonial legal documents, newspapers, women's magazines, and government regulations to reconstruct the interaction between colonial law, customary authority, and indigenous public discourse. Third, it broadens discussions on gender, colonialism, legal pluralism, and social transformation by demonstrating how debates over marriage became part of wider struggles for women's rights in the Dutch East Indies. Accordingly, this study addresses one principal research question: why did forced marriage become a significant issue in the social life of the Dutch East Indies? To answer this question, four subsidiary questions are examined: (1) What was the reality of forced marriage in colonial society? (2) How did the colonial government regulate marriage? (3) How was anti-forced marriage discourse articulated through the colonial mass media? and (4) To what extent did colonial regulations and anti-forced marriage discourse influence indigenous perceptions of marriage?

Research Methods

This research uses the historical method, which is a set of principles and procedures used systematically to collect, critique, and interpret historical sources into historiographical writing. These sources are then critically analyzed into a synthesis in written form (Garraghan, 1946). The historical method has four stages, namely heuristics, criticism, interpretation, and historiography (Gottschalk, 1975). This research utilizes various colonial primary sources obtained through archives, in the form of newspapers, magazines, legal documents, and official publications of the Dutch East Indies Government. To understand the social reality of forced marriage in Dutch East Indies society, the research uses sources published through contemporary mass media, such as the 1915-1919 editions of the *Poetri Mardika* newspaper and the 1913 *Wanita Sworo* magazine, which consistently published criticism of the practice of forced marriage, polygamy, and the issue of women's protection. Meanwhile, the *Bataviaasch Nieuwsblad* 1915 and *De Sumatra Post* 1916-1918 are used to periodically observe actual news and public opinion regarding the issue of forced marriage that developed in colonial society. To analyze the colonial government's response to the issue of marriage, this study uses three types of colonial government archives, namely the *Burgerlijk Wetboek* (1914), *Wetboek van Strafrecht voor Nederlandsch-Indië* (1915), and *Staatsblad van Nederlandsch-Indië* of 1917 No. 12. These sources are used to understand the colonial government's regulation of marriage issues, the position of women, legal age limits, and the relationship between colonial law and social practices that developed in society. In addition, the study also utilizes a number of colonial works in the form of monographs and customary law studies, such as *Beginnelen en stelsel van het adatrecht* (1939), *Enkele opmerkingen omtrent de beteekenis van den term adatrecht in de wetgeving* (1939), and *Recht en plicht: Indische burgerschapskunde voor iedereen* (1940). These works are used to understand the concept of customary law, the legal status of marriage, and the views of colonial legal experts on the relationship between custom, society, and Dutch East Indies government policies, which are still relevant in explaining marriage practices in the previous period. The sources obtained then undergo external and internal criticism to test the authenticity, credibility, and relevance of the information contained therein before undergoing a process of historical interpretation.

The collected data is then analyzed through critical reading, comparison between sources, and historical interpretation to explain the relationship between social practices, legal policies, and societal responses to forced marriage. The analysis begins by examining the practice of forced marriage as a social reality that developed in colonial society and the factors that supported its continuation. Next, the study analyzes various colonial legal regulations related to marriage and the protection of women. The study then discusses the responses of women's organizations and the mass media to the practice of forced marriage, particularly through criticism, ideas, and demands that emerged in various contemporary publications. Finally, the study reflects on the relationship between social practices, legal policies, and societal responses in explaining the persistence of forced marriage in Dutch East Indies society in the early 20th century. The interpretations are then arranged chronologically in the form of a historiographic narrative to explain the dynamics of the practice of forced marriage and child marriage, as well as the responses of the colonial government, women's organizations, and the mass media in the early 20th century.

Research Result

The Reality of Marriage Issues in Indigenous Communities

In the early 20th century, the issue of indigenous marriage was not only related to the relationship between men and women, but also reflected various social practices that developed in community life. In this context, the issue of marriage was primarily reflected in two interrelated phenomena: the practice of forced marriage and child marriage. These phenomena can be found in various colonial monographs discussing the customs and lives of indigenous communities. The writings of G. A. Wilken as a cultural expert and C. van der Lith as a legal expert show that marriage in indigenous communities is not merely understood as a relationship between two individuals, but has become part of family issues, customary practices, and social interests in society (Van der Lith, 1899). In line with this, Wilken added that the phenomenon of forced marriage and child marriage practices is still found in various regions, such as West Sumatra, Aceh, North Sumatra, and South Sulawesi (Wilken, 1889). This condition indicates that child marriage constituted an integral part of social reality in the Dutch East Indies.

One factor driving this practice is the strong role of the family in determining a child's future, particularly in matters of marriage. According to prevailing customs, parents often determine marriages involving underage children (*Bataviaasch Nieuwsblad*, 1915). This practice is seen as part of a traditional practice passed down through generations, as well as a manifestation of parental authority in managing family life. The family's dominance in determining a child's future is also understood as an effort to maintain the family's reputation and a form of respect for parents (*Bataviaasch Nieuwsblad*, 1915). As a result, decisions regarding marriage do not rest entirely with the child as an individual. In indigenous marriage practices, women often have to accept a life partner chosen by the family without sufficient opportunity to reject or choose a partner according to their own wishes (*De Sumatra Post*, 1918). This condition shows that parental authority in the family is often stronger than the individual will of the child.

The influence of the family in determining marriage was not evident in various contemporary news reports, but was also reflected in colonial statistics on child marriage. According to the 1930 Census, quantitatively, child marriage in the Dutch East Indies was recorded in Java and Madura, with approximately 47 married children per 10,000 minors. The rate of child marriage in other regions reached 42 per 10,000 in Timor, 37 in South and East Kalimantan, 30 in Maluku, 27 in Bali and Lombok, 25 in Sulawesi, 20 in Manado, and 18 in Kalimantan (Zaken, 1930). Although the proportion was relatively small compared to the total

number of child marriages, the practice was widespread throughout the Dutch East Indies. The high rate of child marriage demonstrated that marriage was not only related to age but also to the decision-making mechanisms within the family. In addition, the continued reality of a marriage was also narrated in the January 23, 1915 edition of *Bataviaasch Nieuwsblad*, which stated that marriages based on coercion would trigger various domestic conflicts, such as quarrels, infidelity, divorce, polygamy, and even a decline in the physical, moral, and psychological conditions of women (*Bataviaasch Nieuwsblad*, 1915). In this case, the consequences of the practice of forced marriage and underage marriage also limited women's space for movement in understanding their rights and position in society.

These various consequences not only affect women's domestic lives, but are also related to other social practices that develop in society, one of which is polygamy. Van der Lith, a legal expert, in his writings, noted that at the end of the 19th century, the practice of polygamy was more common among tribal chiefs and nobles (Van der Lith et al., 1896). However, the practice of polygamy also developed in the Dutch East Indies. Based on 1930 Census data, the practice of polygamy in Java and Madura had a percentage of 1.9%, 4.2% in Sumatra, 1.91% in Borneo, 2.96% in Bali and East Lombok, 4.01% in other islands, 8.7% in Minangkabau, and 2.50% in the Dutch East Indies (Zaken, 1930). This percentage data is seen as one of the problems that contribute to worsening the condition of women in the household. This condition is also reinforced by the narrative of *De Sumatra Post*, which emphasized "Avoid early marriage and forced marriage!" (*De Sumatra Post*, 1918). The various problems caused by the practice of forced marriage, underage marriage, and its impact on women's lives then gave rise to debate about the need for legal protection for women and children.

Regulation of Marriage of Indigenous Women

In the early decades of the 20th century, various problems arising from the practice of forced marriage and child marriage prompted the Dutch East Indies government to pay greater attention to the protection of women and children. As this concern grew, the government began to establish a number of regulations related to marriage issues. These regulations were reflected in the *Burgerlijk Wetboek* (Civil Code), *Wetboek van Strafrecht voor Nederlandsch-Indië* (Criminal Code of the Dutch East Indies), and *Staatsblad van Nederlandsch-Indië* (Official Gazette of the Dutch East Indies) of 1917 No. 12. These various provisions demonstrate the colonial government's efforts to provide protection for women and children within marriage. However, these efforts were not realized through a uniform legal approach. In practice, the colonial government maintained a number of provisions that provided space for family authority in marriage matters. This is reflected in Article 92 of the Civil Code, which stipulates that underage marriages retain legal legitimacy if they obtain the consent of both parents (Meilink, 1914). This situation demonstrates a dilemma in colonial legal policy. On the one hand, the government began to show concern for the protection of women and children through various marriage regulations. However, on the other hand, colonial civil law still maintained the authority of parents as the parties with significant authority in determining decisions regarding child marriage. As a result, the protection intended through regulations often clashed with social structures that continued to place the family as the primary decision-maker in marriage.

These provisions also demonstrate that the legal protection provided by the colonial government was still heavily influenced by the social structure prevailing in indigenous society. In this context, another dilemma arose for the colonial government, namely the desire to regulate through modern law and the policy of maintaining the validity of customary law that had long been rooted in community life. The authority of the family that remained strong in

colonial civil law could not be separated from the position of customary law in the Dutch East Indies legal system. In matters of marriage, the Dutch East Indies government generally continued to provide space for the application of customary law that developed in society. According to Mr. B. ter Haar, a legal expert in Batavia, Article 131 paragraph (2) of the Dutch East Indies Constitution essentially emphasized that customary law must be respected and maintained as long as there was no pressing social need to change it (Ter, 1939). As a result, the practice of forced marriage and underage marriage continued to gain legitimacy from prevailing customary practices, making it difficult for direct intervention by colonial law. Although customary law remained recognized, at the beginning of the 20th century, the colonial government also attempted to expand the application of European legal principles in certain legal fields. This effort was reflected in Article 75 paragraphs (3) and (6) of the Dutch East Indies Government Regulation, which began to apply European civil law principles to address issues not clearly regulated in customary law (Ter, 1939). However, after the implementation of policy changes at the beginning of the 20th century, the scope for applying European law to indigenous communities became increasingly limited. Based on Article 131 paragraph (6) of the Dutch East Indies Constitution and the *Staatsblad van Nederlandsch-Indië* of 1917 No. 12, the colonial government preferred to control and administer existing laws rather than directly replace them with European law (*Staatsblad van Nederlandsch-Indië*, 1917). This policy resulted in marriage issues remaining largely within the scope of customary law, which had become deeply rooted in the lives of the people, so that customary law and colonial law existed side by side in practice. This dilemma ultimately placed the colonial government in an ambiguous position. Although various policies began to be directed at strengthening oversight of indigenous social life, the government still chose to maintain a pluralistic legal system that allowed significant room for the continuation of customary practices. As a result, the protection efforts formulated through regulations were often not followed by tangible changes in daily marriage practices.

The limitations of civil law in intervening in marital practices indicate that the protection the colonial government sought to achieve could not be fully achieved through civil law mechanisms. In this context, the government began to rely on criminal law instruments as a means to provide more direct protection for women and children. This effort was reflected in the enactment of the *Wetboek van Strafrecht voor Nederlandsch-Indië*, which placed some marital issues within the realm of criminal law. Article 287 paragraphs (1) and (2) stipulated a prohibition on sexual relations with women under the age of fifteen, with the threat of a nine-year prison sentence (*Wetboek van Strafrecht Voor Nederlandsch-Indië*, 1941). This provision indicates that the colonial government began to place a woman's age as an important aspect in regulating sexual relations within marriage. Attention to the protection of women is also evident in Article 288 paragraphs (1), (2), and (3). This article stipulates that a man can be punished if sexual relations with his wife result in physical injury, serious injury, or death. The threat of punishment increases according to the consequences, starting from four years in prison if it causes physical injury, eight years in prison if it causes serious injury, up to twelve years in prison if it results in death (*Wetboek van Strafrecht Voor Nederlandsch-Indië*, 1941).

This provision demonstrates that the colonial government began to pay attention to the risks women, particularly those who married at a young age, faced. This protection was later strengthened through Article 289, which prohibits coercing someone into committing an act deemed immoral by using violence or the threat of violence. Violations of this provision are punishable by up to nine years in prison (*Wetboek van Strafrecht Voor Nederlandsch-Indië*, 1941). The provisions in Articles 287, 288, and 289 demonstrate the colonial government's efforts to provide legal protection for women and children. However, these regulations still

faced obstacles when confronted with the strong influence of custom and family dominance, which remained the primary basis for marriage decisions. This situation demonstrates that the existence of colonial regulations did not immediately change marriage practices that were deeply rooted in society and were often ineffective due to conflicts with family authority, the legitimacy of customary law, and the growing social interests within the community. As a result, the practice of forced marriage and child marriage persisted despite the existence of various legal instruments intended to limit them, as their application was still limited by family authority and the strong legitimacy of customary law within indigenous communities. Thus, the various regulations issued by the colonial government demonstrated a fundamental dilemma in marriage policy in the Dutch East Indies. On the one hand, the government attempted to expand legal protection for women and children through various civil and criminal instruments. However, on the other hand, the government maintained the legal and social structures that legitimized the authority of families and customary practices in determining marriage. This situation demonstrated a gap between the regulatory objectives formulated by the colonial government and the social realities that developed within society. This gap subsequently gave rise to various criticisms and demands for change from women's organizations, the mass media, and indigenous emancipation figures.

Anti-Forced Marriage Discourse and Protection of Indigenous Women

The limitations of colonial legal regulations in addressing the practice of forced marriage and child marriage prompted criticism from women's organizations, journalists, and emancipation figures, demonstrating that the issue of forced marriage and child marriage was no longer understood as a family issue, but rather as a social issue related to women's rights, child protection, public health, and the need for reform of marriage law. This development of thought demonstrated a growing awareness of the rights of women and children in marriage in the early 20th century. This change in perspective indicated the emergence of modern ideas regarding women's rights to choose their life partners and the importance of reforming marriage law as part of efforts to create a more just and equal family life. Therefore, their attention was not only focused on customary practices and family domination, but also on the ability of colonial regulations to provide real protection for women. A response to the implementation of these regulations came from the organization *Poetri Mardika*. In the February 1918 edition of its magazine, it stated that the existing regulations established by the government had not been able to eradicate the practice of forced marriage and child marriage that had become deeply rooted in society (*Poetri Mardika*, 1918). In practice, colonial law is still seen as having limited capacity to intervene in various practices that harm women. These limitations have also drawn attention from indigenous women. This view is reflected in an article titled "Polygamie" published in the newspaper *Poetri Mardika*, which states:

"The law states that only those with moral strength and wisdom can bring this problem to the best solution. However, in reality, the law is often only used as a reference when it benefits certain parties. Our law is a law that does not have enough power to prevent parties who deliberately distort and abuse it. The law should be able to carry out this function, but in reality, it is not so, and will likely continue to be like that. Our marriage law is also not separate from religion, and as long as this situation continues, and as long as husbands continue to think and act according to the current perspective, this problem will remain in the same condition" (*Poetri Mardika*, 1918).

This view demonstrates that some indigenous women believed that colonial marriage laws were ineffective in providing protection for women. Although various regulations had

been issued, their implementation remained limited due to the strong influence of custom, religion, and male authority in family life, resulting in the persistence of practices detrimental to women in society. The link between marriage and religious principles and the strong patriarchal culture that developed within society contributed to the difficulty of eradicating forced and child marriages from social life (*Poetri Mardika*, 1918).

Criticism of the limitations of colonial law ultimately brought the attention of women activists to a more fundamental issue: the strong influence of custom and family authority in the implementation of marriage. For them, the existence of regulations would be ineffective as long as social practices that perpetuate forced marriages persisted in society. A similar view emerged in the article "Adat Jang Haroes Kita Lenjapkan" (We Must Eliminate Customs) by Pr. According to him, forced marriage involving minors based on customary practices that are currently in force and implemented in the modern era is considered no longer in line with current developments and is therefore considered one of the greatest mistakes parents make in protecting their children from criminal acts (*Poetri Mardika*, 1915). However, in reality, many parents viewed underage marriage as a way to protect the family's honor from perceived negative social influences, which in turn created new problems. This authority was also supported by a social view that placed marriage primarily as a family matter. Obedience to parents, maintaining kinship ties, and efforts to maintain family honor were seen as reasons justifying family intervention in determining a child's life partner (*Poetri Mardika*, 1916). The growing authority within patriarchal families is evident in the series entitled "Lezing" (Reading) published by *Poetri Mardika*, which explains that as long as both parents are alive, the father's authority to regulate the lives of his children is seen as something that cannot be challenged (*Poetri Mardika*, 1916). The strong parental authority within the family ultimately not only influences the decision-making process in marriage, but also determines the position of daughters in social life. It is in this context that various criticisms began to be directed at the condition of women who often do not have the space to determine their own future.

Rejection of this customary practice grew stronger as various contemporary reports and articles demonstrated that family dominance was a major factor perpetuating forced marriage. The practice of forced marriage was also reported in the January 23, 1915, edition of the *Bataviaasch Nieuwsblad* newspaper. According to the report, forced marriage was motivated and caused by parental dominance (*Bataviaasch Nieuwsblad*, 1915). Furthermore, criticism and responses also emerged from indigenous organizations working to uphold women's equality, such as *Poetri Mardika* and Wanito Sworo, who actively voiced their opposition to the practice. In their publications, the practice of forced marriage was closely identified with the attachment of underage children, which was considered part of the customary practices that developed in life. In this context, it is seen in the newspaper entitled "Onze Adat En De Moderne Tijd" (Our Traditions and the Modern Age), which was conveyed by Ali in *Poetri Mardika*. He stated that customary practices that regulate marriage began to become a topic of debate in society because they were considered to limit women's space for movement in social life (*Poetri Mardika*, 1919).

In family relationships, unmarried women are often viewed as dependents, which can influence society's perception of parental honor. As a result, many daughters are married off by their parents at a young age, even though they are not yet ready for married life (*Poetri Mardika*, 1917). This phenomenon can be seen in Arnold Fraenkel's article, "Letters to the Reader," published in the *De Sumatra Post* newspaper. Arnold Fraenkel describes a thirteen-year-old girl forced into marriage by her parents without considering her free will. In his view, the forced marriage practice is not based on the child's individual will, but rather on the parents' decision to follow established customary practices (*De Sumatra Post*, 1916). This situation demonstrates

the limited space for women to choose their life partners. In line with this, the writings of S. Koesomo, an intellectual figure and progressive writer at the beginning of the 20th century, emphasized that the practice of forced marriage of minors and the practice of polygamy were closely related to various domestic conflicts that were detrimental to women (*Poetri Mardika*, 1916).

These criticisms demonstrate that the issue of forced marriage is no longer understood simply as part of family tradition, but is beginning to be viewed as an issue related to the rights and welfare of women and children. This awareness then led to the emergence of ideas regarding broader protection for the groups most impacted by the practice. The criticisms expressed by Ali and Pr in response to the practice of forced marriage and underage marriage began to provide a modern perspective in society to understand the forms of protection for children and women. Various criticisms of parental domination and the social impact of marriage then led to the emergence of broader ideas regarding the protection of women and children. In this context, several figures began to express views that place the interests of children as the primary consideration in marriage. In his writing, Abdoelrahman stated that the practice of forced marriage of underage children was often carried out without considering the child's wishes or readiness for marriage. Furthermore, the practice of marriage was carried out when the child had entered puberty (*Poetri Mardika*, 1915).

Criticism of forced marriage practices did not stop at rejecting customs deemed detrimental to women. As this criticism developed, ideas also emerged regarding the importance of protecting children and women in social life. Various protection efforts were also reported in the writings of Abdoel Rachman from the indigenous community entitled "De Europeesche dans in de Inlandsche maatschappij" (European Dances in Western Society) that protection for children and women was no longer understood in the form of restrictions on social interaction, but also through monitoring children's behavior, such as psychological conditions and respect for children's rights and status without family interference (*Poetri Mardika*, 1917). In the context of this protection, a number of emancipation figures began to recommend education for girls, which was seen as an important means to reduce the practice of forced marriage of minors. Education was not only understood as a means of increasing knowledge, but also as an instrument in building awareness for women to understand the status of children in social life (*Poetri Mardika*, 1915). This view was then voiced by women figures through organizations and the mass media, who actively criticized forced child marriage. One such figure was Siti Soendari, a journalist and founder of the magazine *Wanita Sworo* in 1913 (Teeuw, 1997).

Siti Soendari not only emphasized the importance of education as a first step in reducing forced and child marriages, but also criticized the practice of polygamy as a consequence of these practices. In her article published in the *Bataviaasch Nieuwsblad* newspaper, she stated that polygamy in domestic life is considered a practice that reinforces gender inequality in social status. Furthermore, Siti Soendari emphasized that changing the nation's progress regarding women's status can only be achieved if girls are given broader opportunities in the struggle for emancipation through education (*Bataviaasch Nieuwsblad*, 1915). As ideas about women's education and emancipation developed, the attention of women's activists also began to shift to the issue of individual rights in marriage. Education was seen as not only opening access to knowledge for women but also raising awareness of their right to make independent life choices. In addition to emphasizing the importance of education, various criticisms developing in women's mass media also began to highlight the issue of individual freedom in choosing a life partner.

Various criticisms conveyed by indigenous women's organizations through media coverage began to indicate a shift in the view of freedom of choice of partner as an essential part of marriage. This context was further reinforced by Sidodiër's press release, entitled "Jonge Huwelijken en Huwelijksdwang!" (Young Marriage and Forced Marriage!), published in *De Sumatra Post*. Sidodiër highlighted the habit of parents who did not give their daughters freedom in marriage. Instead, parents actually carried out the practice of marrying their daughters to men they did not know at all. This context showed that the marriages were not based on personal decisions and individual freedom of the daughters. Therefore, the practice of forced marriage and underage marriage was seen as something sad because the marriages were carried out as "marriages without love" (*De Sumatra Post*, 1916).

Criticism of the practice of forced marriage and child marriage was also voiced by R. Soemantri, a movement figure and writer who actively fought for the emancipation of indigenous women. He criticized the practice through his writing entitled "Denkbeelden Over Het Oude Huwelyksrecht" (Ideas regarding the old marriage law), which emphasized that women were the most disadvantaged parties in marriage practices dominated by family will and customary practices because women had to accept the consequences of marriages concluded with only one party (*Poetri Mardika*, 1917). Therefore, marriage should be understood as a relationship built on the basis of free will, love and a sense of responsibility between both parties (*Poetri Mardika*, 1916). This view indirectly challenged the pattern of family relationships that had previously placed parents as the parties who completely determined the decision to marry children. Therefore, criticism of forced marriage was also followed by the emergence of ideas about the need for changes in the relationship between parents and children in the family. Ultimately, developments in the criticism and responses of the indigenous population showed a change in views on the relationship between parents and children in the family regarding marriage (*Poetri Mardika*, 1916). In this context, it is seen in the newspaper entitled "Lain Doeloe Lain Sekarang" written by Bogoriaan, which states that parents are starting to be encouraged to give more space to children, and parents still have a role to guide and provide consideration throughout the process (*Poetri Mardika*, 1918).

This shift in perspective on parent-child relationships broadened the scope for criticism of the practice of early marriage. Public attention was no longer limited to the issue of freedom to choose a partner, but also began to highlight the various social consequences of marriages undertaken at an immature age. The development of criticism of family domination focused not only on the issue of women's freedom to choose a partner, but also on the social impacts of the practice of marrying at an excessively young age. One response to this practice was illustrated by a newspaper report titled "Weg Met Jonge Huwelijken en Huwelijksdwang!" (Reject early marriage and forced marriage!) written by Sidodiër, which emphasized that marriage should not be carried out on children who are too young or based on coercion, because the decision to marry is one of the important choices in determining a person's future (*Poetri Mardika*, 1918). Sidodiër's criticism began to show a rejection of the practice of forced marriage and underage marriage. In this context, practices that are detrimental to girls are no longer determined solely by their marriage, but also by parental domination. The view that marriage is carried out without sincere belief and agreement is only seen as producing a formal relationship, but in reality, it cannot create a harmonious family life (*Poetri Mardika*, 1918).

As criticism of women's rights in marriage grew, public attention also began to be directed to the social and health impacts of early marriage. Entering 1919, the phenomenon of forced marriage involving minors began to be linked to family and community welfare, child health, and issues of children's rights and parental responsibility in building a family (*Poetri Mardika*, 1919). This was reflected in the newspaper entitled "Het Recht van het Kind" written by the

women's movement, which emphasized that a child has the right to be born and raised in a family built on responsibility and affection from parents (*Poetri Mardika*, 1919). Criticism of children's health and parental responsibility was evident in the report of the Child Welfare Commission, which highlighted the high child mortality rate as one of the consequences of the practice of forced marriage. In this case, marriage was seen as an obstacle to the physical and mental development of women who had not yet reached maturity in marriage. Thus, the various criticisms voiced by women's organizations, the mass media, and indigenous emancipation figures demonstrate that the issue of forced marriage and child marriage in the early 20th century was no longer understood solely as a matter of family and custom. The issue evolved into a broader social concern related to women's rights, child protection, public health, and the need for reform of marriage law. On the other hand, the strong influence of custom, religion, and patriarchal culture, as well as the limited ability of colonial law to intervene in family life, indicated a dilemma in efforts to protect indigenous women. This situation demonstrates that changes towards a more equitable marriage system require not only legal regulations, but also changes in society's perspective on the position of women and children in social life.

Conclusion

This study demonstrates that forced marriage functioned as a site of contestation between customary authority, family power, colonial governance, and emerging modern ideas regarding women's rights in the Dutch East Indies. Marriage in indigenous communities demonstrates the emergence of changing perspectives on marriage. The presence of education, mass media, women's organizations, and increasing access to emancipation discourses fostered new understandings regarding the rights, status, and protection of women and children. Practices previously accepted as part of social life began to be questioned, debated, and subject to public criticism. The findings of this research also demonstrate that social change does not occur in a simple or linear manner. Various efforts made by the colonial government through the establishment of marriage regulations demonstrate a desire to regulate the social life of indigenous communities. However, the effectiveness of these regulations remained limited by the strong influence of custom, religion, and patriarchal structures that were deeply rooted in daily life. In the early 20th century, the phenomenon of forced marriage became a crucial issue in understanding the dynamics of change in colonial society. The criticisms conveyed by indigenous organizations, mass media, and emancipation figures show the process of forming a new social consciousness that was part of the transformation of Dutch East Indies society towards a more modern social order.

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