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BRIDGING BORDERS, PROTECTING RIGHTS: EVALUATING INDONESIA'S MIXED MARRIAGE POLICY FOR CITIZENS IN CHINA

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Abstract

This study examines the implementation of Indonesia's Mixed Marriage policy for Indonesian citizens residing in China. The rising number of mixed marriages between Indonesian women and Chinese men has brought about legal and social challenges, including cases of exploitation, human trafficking, and unclear legal status. A notable phenomenon is the emergence of informal Mail Order Bride arrangements, where Indonesian women relate to foreign spouses through

unregulated networks and digital platforms, often bypassing official procedures and facing significant risks. Using a qualitative descriptive approach, the research analyses the effectiveness of existing policies, identifies structural, legal, and social barriers, and evaluates the roles of both Indonesian and Chinese authorities in safeguarding citizens' rights. Data was collected through interviews, document analysis, and field observations. Findings reveal that weak inter-agency coordination, limited institutional capacity, and unclear bureaucratic procedures hinder effective policy implementation. These gaps leave Indonesian citizens vulnerable to rights violations and legal insecurity. The study recommends strengthening bilateral legal frameworks, providing pre-marital legal education for prospective spouses, and establishing joint verification and protection mechanisms to ensure the dignity, safety, and legal certainty of Indonesian citizens in transnational marriages. This study investigates how Indonesia's policies on mixed marriages are implemented for its citizens living in China. The increasing trend of marriages between Indonesian women and Chinese men has triggered a range of legal and social issues, including exploitation, human trafficking, and ambiguous legal standing. A particularly concerning development is the rise of informal "mail-order bride" arrangements, wherein Indonesian women connect with Chinese partners via unregulated digital channels and informal networks—often circumventing official legal processes and exposing themselves to serious risks. Adopting a qualitative descriptive methodology, the research evaluates the efficacy of current policies, pinpoints structural, legal, and societal obstacles, and assesses the roles played by both Indonesian and Chinese governmental bodies in protecting their citizens' rights. Data was gathered through in-depth interviews with embassy staff, analysis of official documents, and on-site fieldwork. The findings indicate that ineffective coordination among government agencies, insufficient institutional resources, and vague bureaucratic protocols significantly impede policy enforcement. These systemic shortcomings leave Indonesian nationals—particularly women—in vulnerable positions, susceptible to rights abuses and legal uncertainty. To address these challenges, the study proposes several key interventions: reinforcing bilateral legal agreements between Indonesia and China, instituting mandatory pre-marital legal education for couples entering transnational unions, and creating joint verification and protection systems. These measures aim to uphold the dignity, safety, and legal security of Indonesian citizens involved in cross-border marriages.

Keywords:

Mixed Marriage, Legal Protection, Transnational Migration, Mail Order Brides

1. Introduction

Human migration has occurred over an extensive period, driven by various factors ranging from trade activities to natural disasters. During the pre-Christian era, evidence indicates the occurrence of population movements from one geographical area to another across different regions of the world. This phenomenon is substantiated by the existence of linguistic similarities observed in various regions, serving as evidence of migratory patterns. Beyond linguistic evidence, cultural influences also demonstrate the historical interconnectedness between different geographical areas. Migration processes can occur rapidly when preceded by initial population movements from their places of origin to their intended destinations, creating subsequent waves of migration (Fauzan Alamari, 2020). Within these migration flows, the phenomenon of irregular migration (irregular immigration) emerges as a reflection of various contradictions inherent in the contemporary era. Irregular migration frequently gives rise to smuggling operations, human trafficking networks, and exploitative entrepreneurs, along with supporting actors such as ethnic networks, local governments (municipalities), social movements, and other civil society actors. These supporting actors play a crucial role in the lives of irregular migrants (Ambrosini & Hajer, 2023). The phenomenon of irregular migration acts as a facilitating factor that contributes to the increasing prevalence of mixed marriages in affected communities.

During the Dutch colonial administration in Indonesia, regulations concerning mixed marriages were established in the *Staatsblad* of 1896 Number 158 (Colonial Regulation Number 158 of 1896 Concerning Mixed Marriages), known as the *Regeling op de Gemengde Huwelijken* (Regulation on Mixed Marriages). This regulation constituted a legal framework specifically governing marriages between individuals from different legal backgrounds, whether based on nationality, ethnicity, or religion. Article 1 of the GHR (*Regeling op de Gemengde Huwelijken*) defined mixed marriages as: "marriages between two persons in the Dutch East Indies who are subject to different laws (Naswar et al., 2024). Post-independence era, Mixed marriages are regulated under Article 57 of Law No. 1 of 1974 on Marriage which defines them as marriages between two individuals who adhere to different legal frameworks in Indonesia due to differences in citizenship status, with one party being an Indonesian citizen (Law of the Republic of Indonesia No. 1 of 1974 on Marriage).

The mixed marriages referenced in this paper refer to instances of mixed marriage practices that are frequently subject to misuse, commonly known as mail-order brides. Mail-order

brides may constitute a form of human trafficking in which women are procured through intermediary brokers or agents and subsequently transported to the purchaser's location (Wim Khameswara & Ardianto, 2022). Numerous women and girls from Cambodia, Laos, Vietnam, Nepal, North Korea, Pakistan, and Myanmar are aware of their intended marital arrangements to Chinese men. While certain individuals are aware of their intended marital arrangements, others are subjected to deception. Likewise, although some eventually enter into consensual marriages, many others report experiencing violence, sexual exploitation, and forced labor conditions (CHHUN et al., 2022). Additionally, cultural and historical dynamics, coupled with patterns of gender, ethnic, and socioeconomic dominance, synergistically intensify the demand for "mail-order brides" originating from the Asia-Pacific region (Diva et al., 2024). Thus, this paper evaluates how migration policies are implemented and how various supporting actors—such as state institutions, non-governmental organizations, and transnational networks—influence policy effectiveness in addressing the phenomena of irregular migration. It further examines how the traditional practice of bride wealth in China contributes to the commercialization of matchmaking services, reinforcing transnational marriage markets and perpetuating vulnerabilities to exploitation.

2. Methodology/ Literature Review/ Case Presentation

This study employs a qualitative descriptive approach to analyze the phenomenon of irregular migration and the role of supporting actors within the context of public policy.

The research questions guiding this study are:

1. What are the characteristics and dynamics of mail-order bride practices within the context of irregular migration?
2. What factors within the traditional practice of bride wealth in China contributes to the commercialization of matchmaking services?

The qualitative approach is selected to provide a comprehensive understanding of the socio-political and economic dynamics underlying policy implementation related to migration, utilizing Edward III's theory (Edwards III, 1980; Haryaningsih & Mardhalena, 2021) which identifies four critical factors in evaluating the effectiveness of policy implementation at the operational level: communication (analyzing how policy information is transmitted and received by various implementing actors), resources (examining the availability and allocation of resources necessary for policy implementation), disposition (investigating the attitudes, motivations, and commitment

of policy implementers toward established objectives), and bureaucratic structure (analyzing the influence of organizational structure and bureaucratic procedures on implementation effectiveness).

These four indicators serve as analytical tools to evaluate how migration policies are implemented and how various supporting actors influence policy effectiveness in addressing irregular migration phenomena, while data is collected through literature review, in-depth interviews with key informants, and participant observation of policy implementation practices in the field.

3. Result

The phenomenon of bride trafficking involving perpetrators from China originated as a consequence of the One Child Policy implemented in 1979. Initially, during the period of 1950-1960, China experienced substantial population growth, increasing from 540 million inhabitants in 1949 to 940 million by 1976. This demographic surge was primarily attributed to the dramatic rise in birth rates during the 1950s and 1960s. Consequently, by 1970, China had become home to one-third of the world's population, despite occupying only 7 percent of the world's arable land. This population increase was driven by Mao Zedong's policies, which prohibited family planning programs and actively encouraged families to have as many children as possible. The expanding population was subsequently envisioned as a labor force to accelerate industrial growth and development. However, Mao Zedong's population policies eventually created significant challenges. The Chinese government encountered difficulties in managing population growth rates, leading to the implementation of new policies following Mao's death in 1976. Upon Deng Xiaoping's ascension to leadership in 1978, the Chinese government undertook extensive revisions to regulations pertaining to environmental, economic, and demographic policies. As a solution to address population concerns, the Chinese government instituted the One Child Policy. This policy aimed to control population growth by restricting families to a single child and offered various incentives to facilitate its implementation (Wim Khameswara & Ardianto, 2022).

This policy aimed to reduce the birth rate from 2.81% to 1.5% by the year 2000 to address population explosion. However, due to a cultural preference for male offspring, significant gender imbalances emerged, resulting in a ratio of 280 males aged 15-29 years compared to only 100 females by 2018. The policy was eventually discontinued due to its negative consequences, yet it

precipitated an increase in bride trafficking practices as an affordable solution for Chinese men, particularly in rural areas (Febrianti, n.d.).

The phenomenon of Mail-Order Brides (MOB) or arranged marriages through correspondence is not a contemporary development. This phenomenon has historical roots dating back several centuries. Historically, MOB emerged in the early 1600s in the United States following the establishment of English and French colonies. During this period, immigration to the United States was considered a matter of prestige and was highly esteemed by both nations, as it was deemed essential for colonial expansion and prosperity (Yoteni, 2021).

Migrant smuggling represents a transnational criminal activity that impacts nations globally. Motivated by financial gain, this illicit practice encompasses "the facilitation of illegal entry into a State Party by a person who is neither a national nor permanent resident of that state, undertaken with the intent to secure direct or indirect financial or material compensation. Criminal networks enable irregular migration for individuals propelled by diverse factors, including the pursuit of enhanced employment opportunities and remuneration, improved quality of life, educational access, family reunification objectives, and asylum-seeking activities. Within the Asia-Pacific region, migrant smuggling presents a multifaceted challenge. The geographical complexity arises from the fact that nations within this region simultaneously function as origin countries, transit zones, and destination points for smuggling operations. This phenomenon manifests through intra-subregional movements, inter-subregional transfers, and cross-continental trafficking patterns extending beyond the Asia-Pacific boundaries (United Nations Office on Drugs and Crime (UNODC), 2018).

Moreover, traditional Chinese marriage customs and protocols necessitate the provision of monetary gifts to the prospective bride or her family to secure marital consent. This practice is commonly referred to as "bride money" or "betrothal money," or more academically termed "bride wealth." The bride wealth system is crucial in analysing bride trafficking motivations, as it provides the justification and foundation for the financial gains acquired by traffickers. In certain remote Chinese villages, constrained financial resources limit unmarried men's independence and choices in bride selection and marriage negotiations. Economically disadvantaged unmarried men cannot afford the bride wealth ranging from 50,000 to 150,000 RMB (approximately 8,000 to 24,000 USD) typically required for Chinese brides. Foreign brides cost less than one-third of the bride wealth demanded for local brides, making them a

considerably more viable alternative. Due to their limited financial capacity, some socioeconomically marginalized and unmarried Chinese men must choose between purchasing a foreign bride or facing inevitable bachelorhood (Hung, 2021). Currently, traffickers generate substantial profits within the Chinese marriage market, earning between US\$20,000 and \$40,000 per successful arrangement, highlighting the commercialization of vulnerable individuals and the urgent need for strengthened legal enforcement, cross-border cooperation, and victim protection mechanisms (Klein, 2022).

Marriage within the mail-order bride model can constitute a form of human trafficking when it involves sexual and economic exploitation facilitated by fraud, coercion, and the infliction of suffering, particularly when accompanied by the confiscation of personal documents to prevent escape. The restriction of victims' access to information and communication with their families further exacerbates their isolation and vulnerability, reinforcing conditions of control and exploitation. In the context of transnational marriages involving Chinese nationals and women from neighboring countries such as Cambodia, these dynamics are increasingly evident. Despite legal prohibitions, marriage brokering in Cambodia remains deeply entrenched in human trafficking networks, operating under the guise of legitimate matchmaking services (AS et al., 2020).

Additionally, marriage intermediaries sometimes provide training or guidance to women on how to become suitable wives for Chinese men. These marriage intermediaries instruct prospective female brides to manage their emotions as effectively as possible during the meeting process with potential male partners. Prospective mail-order brides are essentially portrayed by these intermediaries as "commodities" that emphasize feminine characteristics such as beauty, youth, purity, slim figure, virginity, and affordable pricing. Consequently, the image of mail-order brides is constructed around traits of submissiveness, controllability, and willingness to manage domestic responsibilities, in contrast to Chinese women who tend to prioritize career advancement for personal development (Anggraini, 2020).

In Indonesia, human trafficking occurs due to a variety of factors, one of which is the lack of public awareness regarding this issue. Many of the individuals affected come from impoverished backgrounds in rural areas or urban slums. They often possess limited education and knowledge, and face significant economic, political, and social challenges. Family members may experience economic crises—such as loss of income due to illness or the death of a spouse or parent—leading

to children dropping out of school. Victims may also suffer from physical, psychological, or sexual violence. Other vulnerable groups include job seekers (including migrant workers), women and children living on the streets, kidnapping survivors, divorced widows resulting from early marriages, and individuals pressured by family or community to work. Even sex workers may perceive overseas employment as offering higher income potential. (Huda et al., 2024)

Crucially, The legal framework governing marriage in Indonesia is grounded in Law of the Republic of Indonesia No. 1 of 1974 on Marriage and in the same law (Article 13[2]) allows intervention when one prospective spouse is under legal guardianship and the marriage would clearly cause harm or suffering to the other party or related family members. That is empowers guardians, family members, and state officials to prevent marriages involving vulnerable individuals — such as minors or persons under legal guardianship and who detect signs of trafficking (e.g., sudden marriage proposal from foreign national, payment involved, underage bride) have both the right and duty to block such unions before they lead to severe human rights abuses — thereby serving as a preventive safeguard against trafficking. When such prevention fails, the annulment mechanism under Articles 22–25 & 27 offers a corrective legal pathway.

The legal framework, Law of the Republic of Indonesia No. 1 of 1974 on Marriage which establishes that a marriage is voidable if it violates essential legal conditions, including lack of free and informed consent (Article 27), underage union (Article 7), bigamy (Article 9), or prohibited kinship relations (Article 8). Annulment may be sought by affected parties (Article 22-25,27), which permits the judicial dissolution of marriages that lack substantive validity under:

Article 22

A marriage may be annulled if either party fails to meet the legal requirements for its valid celebration.

Article 23

The following persons may file a petition for annulment of marriage:

- a. Direct lineal relatives (ascending) of either the husband or wife;
- b. The husband or wife themselves;
- c. A competent state official, but only while the marriage is still ongoing and has not yet been legally dissolved;
- d. Any appointed official who has a duty to prevent the solemnization of a marriage if there is a violation of the provisions under:

- (i) Article 7(1): minimum age requirements for marriage [the prospective groom has

attained the age of nineteen (19) years and the prospective bride has attained the age of sixteen (16) years];

(ii) Article 8: prohibitions on marriage due to blood, marital, fosterage, or affinity relationships;

(iii) Article 9: prohibition on bigamy unless judicially permitted, under conditions related to physical incapacity, illness, or infertility that may justify polygyny under specific circumstances;

(iv) Article 10: re-prohibition of remarriage after two divorces between the same parties, unless otherwise allowed by their respective religious laws;

(v) Article 12: procedural requirements for the solemnization of marriage as regulated by separate legislation.

However, any person with a direct legal interest in the marriage may only file such a petition after the marriage has been legally terminated.

Article 24

Any person who remains legally bound by an existing marriage to one of the parties may petition for the annulment of a subsequent marriage entered into by that party, provided that the prior marital bond has not been lawfully dissolved. This right is exercised without prejudice to the provisions under Article 3(2) and Article 4 of this Law, which allow judicial permission for polygynous marriages under exceptional circumstances:

- Article 3(2): which allows judicial permission for polygyny under exceptional circumstances; and
- Article 4(1): which requires a husband seeking polygynous marriage to file a formal application with the court in his place of residence.

Furthermore, the court referred to in Article 4(1) may only grant permission for a man to take more than one wife if:

- a. The current wife is unable to fulfill her marital duties;
- b. The wife suffers from a permanent physical disability or incurable illness; or
- c. The wife is unable to bear children.

Article 25

An application for annulment of marriage shall be submitted to the court within the jurisdiction where the marriage was solemnized, or where the spouses (jointly or individually) reside.

Article 27(1)

Either spouse may petition for the annulment of a marriage if it was contracted under unlawful threats or coercion.

This provision serves as a protective shield for vulnerable individuals, such as minors, persons with disabilities, or those in economically precarious situations. These preventive powers reflect a proactive legal strategy to stop marriages that could serve as vehicles for exploitation—particularly where consent is compromised due to manipulation, fraud, or abuse of vulnerability. When prevention fails, the law provides corrective justice through judicial annulment, included:

- Prevention:
 - Officials and family members can block unlawful marriages (Art. 23[a]).
 - State officials may intervene only before or during the marriage.
- Remedy:
 - Annulment is available post-facto for violations of essential marriage requirements (Art. 22–25, 27[1]).
 - Private parties with indirect interests (e.g., extended family) may act only after dissolution, reflecting a balance between public order and personal rights.

Thus, while the general rule presumes jurisdiction at the respondent's domicile, Indonesian procedural law permits flexibility in favor of the victim when coercion, violence, or exploitation is involved. This exception reflects a broader legal commitment to ensuring that procedural requirements do not impede substantive justice, particularly for vulnerable individuals seeking redress from forced or fraudulent marriages. Together, these articles establish a post-facto remedy for violations of core marital requirements, ensuring that even after a ceremony, an invalid or coercive union can be declared null and void by the court. In this context, forced or fraudulent marriages can constitute trafficking, especially when:

- A woman is "married off" under false pretenses (e.g., job offer abroad),
- She is transferred across borders and subjected to domestic servitude or sexual exploitation,
- Her movement is controlled, documents confiscated, and consent obtained through deception.

Additionally, many of Mail Bride Order cases are indicative of violations — particularly those involving coercion, deception, or exploitation of vulnerability — overlap directly with the

definition of human trafficking under Law No. 21 of 2007 (Article 1) of this law defines human trafficking as the recruitment, transportation, harboring, transfer, movement, or receipt of persons, as well as the abuse of a person's vulnerable position, for the purpose of exploitation, including forced marriage. Furthermore, Article 11 of Law No. 21 of 2007 (of the same law) stipulates that anyone who plans or engages in a criminal conspiracy to commit human trafficking shall be punished with the same penalty as the principal offender. Consequently, the presence of any of these elements can serve as evidence to substantiate actions indicating the commission of exploitation-related criminal offenses. Then, if it is proven that manipulation occurred, the perpetrators—including marriage brokers, family members who sold the victim, or the foreign national groom—may be prosecuted under criminal provisions, particularly Article 2 of Law No. 21 of 2007 on the Eradication of the Crime of Human Trafficking, which stipulates:

“Any person who recruits, transports, harbors, transfers, moves, or receives an individual through threats, use of force, abduction, confinement, forgery, fraud, abuse of power or of a position of vulnerability, debt bondage, or by offering or providing payment or benefits—even when consent has been obtained from a person in a position of control over the victim—for the purpose of exploiting that individual within the territory of the Republic of Indonesia, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years, and a fine of at least IDR 120,000,000 (one hundred twenty million rupiah) and up to IDR 600,000,000 (six hundred million rupiah).”

In accordance with the principle of victim protection enshrined in Law No. 21 of 2007 on the Eradication of Human Trafficking Crimes and Law No. 23 of 2004 on the Elimination of Domestic Violence and establishes victim protection as its foundational principle, criminalizing all forms of domestic violence and guaranteeing victims access to recovery services and responsive legal enforcement:

First, the Law defines four categories of domestic violence (Article 5):

- Physical violence (Article 6): acts causing pain, illness, or serious injury.
- Psychological violence (Article 7): acts inducing fear, loss of self-confidence, helplessness, or severe psychological suffering.

- Sexual violence (Article 8): includes (a) forced sexual relations with a spouse, and (b) compelling a spouse to engage in sexual acts with a third party for commercial or other specified purposes.
- Domestic neglect (Article 9): includes (a) prohibits the abandonment or failure to provide life-sustaining support, care, or maintenance to a household member, and (b) intentionally induce economic dependence by restricting or prohibiting a household member

Second, the Law provides emergency protection mechanisms. Under Article 35, police may arrest without a warrant any perpetrator who violates a Protection Order—even outside the officer’s jurisdiction—provided that an official arrest and detention order is issued within 24 hours. Notably, such detention cannot be suspended, underscoring the state’s prioritization of victim safety.

Third, victims are entitled to comprehensive recovery services (Article 39), including medical care, social workers, volunteer companions, and spiritual counselors—reflecting a multidisciplinary approach to rehabilitation.

Fourth, criminal sanctions are graded according to severity:

- Physical violence: imprisonment ranges from 4 months to 15 years and a fine of at least IDR 5,000,000 and up to IDR 45,000,000, depending on whether it causes minor injury, serious harm, or death (Article 44).
- Psychological violence: punishable from 4 months (minor cases) up to 3 years’ imprisonment (severe cases) and a fine of at least IDR 3,000,000 and up to IDR 9,000,000 (Article 45).
- Sexual violence:
 - Forced sexual relations with a spouse: up to 12 years’ imprisonment and a fine up to IDR 36,000,000 (Article 46).
 - Compelling a spouse to engage in sexual acts with a third party (e.g., forced prostitution): 4 to 15 years’ imprisonment and a fine at least 12,000,000 and up to IDR 300,000,000 (Article 47).
- Where sexual violence results in permanent injury, severe mental impairment lasting at least four consecutive weeks (or one non-consecutive year), miscarriage, or reproductive organ dysfunction, the penalty increases to 5 to 20 years’ imprisonment and a fine at least IDR 25,000,000 and up to IDR 500,000,000 (Article 48).

Thus, when a marriage is contracted under false pretenses — such as when a woman is deceived into marriage under the guise of employment or familial arrangement, only to be subjected to sexual exploitation, domestic servitude, or forced labor — such an act constitutes not merely a civil violation under the Marriage Law, but a criminal offense under the Anti-Human Trafficking Law. Furthermore, Law No. 21 of 2007 on the Eradication of Human Trafficking Crimes and Law of the Republic of Indonesia No. 1 of 1974 on Marriage, This dual legal architecture reflects Indonesia’s commitment to aligning domestic family law with international human rights norms — particularly Article 16 (1) of Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1981 which obligates States Parties to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

“(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;”

This principle is further reinforced by Palermo Protocol, 2000. Thus, recognizing it as forced marriage as a grave violation of human dignity and a form of modern slavery under Article 9 of the Palermo Protocol (art. 1&5), 2000:

“1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.”

“5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.”

The phenomenon of transnational mail-order bride arrangements involving Indonesian women, particularly in the context of cross-border marriages with Chinese nationals, has increasingly been

associated with human trafficking, exploitation, and forced migration. While regulatory frameworks exist to protect citizens abroad, the implementation of policies aimed at preventing and addressing these exploitative practices remains ineffective. While Indonesia's normative framework offers robust provisions—including marriage annulment under Articles 13, 22, and 27 of Law of the Republic of Indonesia No. 1 of 1974 on Marriage and criminal prosecution under Law No. 21 of 2007 on the Eradication of Human Trafficking Crimes (notably Article 2, which prescribes 3–15 years' imprisonment and a fine of at least IDR 120,000,000 and up to IDR 600,000,000), and comprehensive victim protection under Articles 48–59 (of the same law)—its practical implementation remains fragmented. Drawing upon Edward III's theory framework of policy implementation—comprising four key dimensions: communication, resources, disposition (institutional attitudes), and bureaucratic structure (Edwards III, 1980; Haryaningsih & Mardhalena, 2021) —this analysis identifies systemic barriers that undermine the effectiveness of current interventions.

First, effective implementation begins with clear and consistent communication across all levels of governance. Currently, inconsistent interpretation of what constitutes trafficking through marriage—and divergent procedures between Religious Courts (for Muslims) and District Courts (for non-Muslims)—hinders unified action. Standardized operational guidelines, disseminated through inter-ministerial circulars and judicial training modules, are essential to align understanding among judges, prosecutors, KUA officers (registering Muslim marriages office), and social workers. Equally critical is public communication: targeted awareness campaigns in vulnerable rural communities can disrupt the cultural normalization of “marrying a foreigner as social mobility,” thereby strengthening primary prevention.

Second, adequate resources—human, financial, and technical—are indispensable. Many victims forgo legal remedies due to procedural costs and lack of access to legal aid. Expanding court-based legal assistance (*pos bantuan hukum*), funding trauma-informed counseling, and digitizing an integrated national database linking KUA (registering Muslim marriages office), Civil Registry, Immigration, and police systems require significant investment. Without reliable funding and trained personnel, even well-designed verification protocols for international marriages—such as mandatory in-person interviews and foreign identity validation through embassies—will remain symbolic.

Third, institutional disposition, or the attitudes and willingness of actors to implement policy, plays a decisive role. Deep-seated biases—such as viewing forced or transactional marriage as a “private family matter” rather than a criminal offense—can undermine enforcement. Training programs must go beyond technical knowledge to transform institutional culture, fostering empathy and a victim-centered (trauma-informed) approach among police, judges, and local officials. The disposition of foreign embassies and international partners also matters; bilateral cooperation is vital to verify foreign grooms’ backgrounds and prevent “visa shopping.”

Finally, bureaucratic structure must support, not obstruct, coordination. The current siloed structure—with responsibilities dispersed across the Ministry of Religious Affairs, Ministry of Law and Human Rights (Kemenkumham), Ministry of Women Empowerment and Child Protection (Kemen PPPA), Ministry of Home Affairs, National Police, Witness and Victim Protection Agency (Lembaga Pelindungan Saksi dan Korban), Immigration, Attorney General’s Office, and civil society organizations and local governments—leads to delayed responses and gaps in victim protection. Establishing a National Task Force on Marriage-Related Trafficking, backed by formal memoranda of understanding (MoUs), would clarify mandates, streamline referral pathways, and institutionalize data sharing. Such a structure would also facilitate the fast-tracking of annulment cases and ensure that economic empowerment programs (e.g., microfinance and skills training) are systematically linked to anti-trafficking efforts.

4. Conclusion

In conclusion, curbing exploitative “mail-order bride” practices demands more than legal provisions—it requires systemic alignment through Edward III’s theory, 1980 implementation pillars. Only when policies are communicated clearly, resourced sufficiently, embraced by committed institutions, and embedded in a coherent bureaucratic architecture can Indonesia translate its normative commitments into lived justice for victims of trafficking through marriage. bride trafficking cannot be understood merely because of individual criminal acts, but rather as a structural phenomenon arising from the convergence of multiple systemic forces. The demographic crisis in China—driven by the legacy of the One Child Policy and a persistent cultural preference for male offspring—has resulted in a significant gender imbalance, leaving millions of rural men without viable prospects for marriage. This shortage is exacerbated by the traditional practice of bride wealth, a substantial monetary payment required to formalize

marriage in many Chinese communities, which often ranges between 50,000 and 150,000 RMB (approximately USD 8,000–24,000)—a sum far beyond the financial capacity of many rural bachelors. As a result, foreign brides from economically disadvantaged neighboring countries are increasingly sought after as more affordable and socially compliant alternatives, often available for less than one-third of the cost of local brides. This economic disparity has fostered a thriving illicit market in which marriage brokers and traffickers operate under the guise of legitimate matchmaking services, facilitating exploitative transnational marriages that frequently involve deception, coercion, and human rights violations.

By integrating these norms into national legislation—through the annulment provisions of Law No. 1 of 1974 on Marriage, Law No. 23 of 2004 on the Elimination of Domestic Violence, and the criminal prohibitions of Law No. 21 of 2007 on Human Trafficking—Indonesia recognizes forced or fraudulent marriage not only as a violation of familial and civil law, but as a grave breach of human dignity and a manifestation of modern slavery. This demonstrates a holistic legal approach that simultaneously safeguards individual autonomy, combats gender-based exploitation, and fulfills Indonesia’s obligations under international human rights and anti-trafficking instruments.

The persistence of this practice is rooted in broader structural conditions, including state-led population policies, deeply entrenched patriarchal norms, systemic economic inequality, and institutional failures in both sending and receiving countries. Key Implications for Legal Practice and Policy: Courts adjudicating annulment petitions must assess whether underlying facts suggest trafficking, and where appropriate, refer cases to law enforcement. Marriage registrars and social workers should be trained to identify red flags (e.g., age discrepancy, payment for marriage, foreign groom with no prior relationship). Inter-agency collaboration between the judiciary, police, child protection agencies, and NGOs is essential to ensure holistic victim support.

Addressing this complex form of gender-based exploitation requires a comprehensive, transnational response that extends beyond criminal prosecution. Effective intervention necessitates the establishment of specialized anti-trafficking agencies, the development of harmonized bilateral agreements to regulate cross-border marriages, the provision of gender-sensitive consular support, and the implementation of public awareness campaigns to inform potential victims of their rights. Furthermore, robust reintegration programs must be in place to support survivors upon repatriation, ensuring their social, psychological, and economic recovery.

Only through coordinated, rights-based, and victim-centered policies can governments dismantle the systems that perpetuate the commodification of women and uphold the fundamental principle of human dignity within the global marriage market.

Systemic reform is not about creating more laws—it is about ensuring existing laws are implemented effectively, cohesively, and with compassion for victims. By adopting a preventive, responsive, and victim-centered approach, the Indonesian government can significantly reduce exploitative “mail-order bride” practices and uphold the dignity and rights of all individuals.

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