Forced Marriages and Lack of Sufficient Canonical Investigation in Ruteng Diocese

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Abstract. This study explores the causes of forced marriages which ended in sending a petition for annulation in the tribunal of the Ruteng diocese. The study focused on 20 cases that involved Catholic couples who failed in marriage and their close relatives/friends who knew about the marriage. It used a qualitative approach, and the data were collected through the document of petitions and witnesses given in front of judges in the tribunal during the last five years. It finds four types of coercions: psychological, social, cultural, and religious coercion. Unfortunately, the parish priest or the Church officer could not detect them early because of insufficient canonical investigation. It concludes that forced marriages and lack of sufficient canonical investigation give much space for failed marriages, separations, and annulations among the Catholics.

Keywords: Force marriage, arranged marriage, Catholic marriage, canonical investigation

1. Introduction

Forced marriage means a marriage that occurs in a situation of pressure (coercion) because of any threat and or great fear. It is a marriage in which one or both parties are married without their free will or consent. Consent means that one has given his/her entire, accessible, and informed agreement to marry his/her intended spouse and to the timing of the marriage. Forced marriage involves one or more elements of force, fraud, or coercion. In such a marriage, the exchange of marriage vows (marriage consent) is given to each other not based on free consciousness and decisions but by force. Here the man or the woman does not have freedom in choosing the marriage or the partner; they marry each other because of the threat or great fear. Lon [1] mentions two types of coercion in marriage: physical and psychological.

Forced marriage is against the principle of freedom in human rights [2]-[6]. Freedom gives everyone the right to marry or not to marry. Freedom also gives a person the authority to choose and determine his/her partner for life. Marriage is an act of free will between a man and a woman. The spouse must have the freedom to choose marriage, exchange marriage vows, have the intention or willingness to marry for life, be loyal to one another and be open to the birth of children. Forced marriage is a form of human rights abuse because it violates the principle of freedom and autonomy of individuals. The Universal Declaration of Human Rights clearly says that a person's right to choose a spouse and enter freely into marriage is central to human life, dignity, and equality (Article 16, 2). The right to personal choice regarding marriage is inherent in the concept of individual autonomy [7]. It becomes a prerequisite for the validity of a marriage. The Law of the Indonesian Republic on Human Rights No. 39 of 1999 confirms that a legal marriage can only occur at the parties' free will

under the legislation's provisions (Article 10, 2). According to the rules of the Catholic Church, marriage is invalid if it is entered into due to force or grave fear inflicted from outside the person, even when inflicted unintentionally (Canon 1103). A valid Catholic marriage requires the married couple to declare consent or marriage agreement in a healthy, accessible, honest, mature, free, and responsible state [1].

Ironically, even though they are considered illegitimate, forced marriages are still common in this digital age where individual rights and freedoms are highly respected [2], [8], [9]. Even in some places, the number of people forced to marry is increasing [10] [11]. The data in the tribunal of Ruteng Diocese [12] shows that more than 90% of marriage annulments are closely related to forced marriages. Factors causing forced marriages vary widely, such as economic, cultural, educational, parental and family, or environmental factors [13], [10], [14]-[16]. Most previous studies found that forced marriages are related to arranged marriages, where parents force their children (mostly women) to marry against their will [13], [17], [18]. There is also evidence for a high prevalence of depression, other emotional and health issues, divorce, self-harm, and even suicide in forced marriages [19] [8].

For the Catholic Church, forced marriage should have special attention because marriage is a permanent sacrament. Church regulations require careful and comprehensive marriage pastoral preparation so that any sacred marriage confirmed by the official representatives of the Church and that occurs in official Church ceremonies is genuinely a legal marriage. There are various stages of activities before the ratification of marriages to ensure that the spouse (bride and bridegroom) enters the marriage according to Church regulations, and thus the marriage becomes valid. The bride and bridegroom must take marriage preparation courses to have a complete understanding and awareness of the nature of Catholic marriage. They are also investigated through canonical inquiry to ensure that they have no legal or natural barriers to entering into the marriage and have the correct understanding, full awareness, and freedom in choosing the marriage. Even the spouses are obliged to have status liber, and the faithful have the space to report to the authorities if they find out the brides have obstacles or are forced to choose the marriage. Pastors must see that the marriage is carried out according to the Church's regulations (Canon 1063).

This article will specifically analyze the forced marriages of Catholic couples in the Ruteng Diocese. Several fundamental questions will raise: What causes forced marriages in Ruteng dioceses? Why do forced marriages often occur between Catholic couples in Ruteng Diocese"? What happened to the marriage pastoral preparation process, especially pre-wedding canonical inquiry? Why could forced marriage not be detected earlier in the canonical investigation stage? So far, there has been no specific study on forced marriages between Catholic couples in Indonesia, especially in the Ruteng diocese.

2. Method

This study analyzes 20 cases of failed and forced marriages in the tribunal of the Ruteng diocese. The couple married in the Catholic Church between 2000-2014. Their marriages lasted between 1-7 years. The study used a qualitative approach, and the data were collected through the document of petitions and witnesses given in front of judges in the tribunal during the last five years. The petition document includes a letter of the petition and the history of

marriage, which covers all information since they met each other until they separated. Have the witnesses given before judges are mostly related to the following questions: How did they (the couple) know each other? What was happening before coming to marry in the Catholic Church? What were their motivations for marrying the Catholic Church? What happened after Church marriage? The collected data were selected and classified according to the types of coercion.

3. Findings of Study

The data found in this study indicate four types of pressures in forced marriages in the Ruteng Diocese: psychological pressure, social pressure, cultural coercion, and religious coercion. First, psychological pressure refers to the psychology of parties in a situation of coercion so that they choose the path of marriage. There are several forms of psychological coercion: 1) psychological pressure related to premarital sex, pregnancy, and living together before the Church's marriage. More than 90% of forced marriage cases, due to psychological coercion, are related and begin with unwanted sex and pregnancy. Generally, the woman did not want sex to happen, but because she fell by the man's seduction, she was forced to have sex and was very sorry for the incident. Then the woman was forced to choose to marry for psychological fear. There was potential damage to a woman's reputation, and the subsequent acceptance of marriage helped to restore that reputation. This was because, after unwanted sex and pregnancy, the woman was no longer assumed to be a virgin. Here the woman felt frightened and imagined the negative and fatal impacts if she did not choose the marriage. She became depressed, ashamed, anxious, and afraid. Her anxiety and fear escalated when she was pregnant, so she chose to live together and marry in the Church. Maria (pseudonym) said:

> At first, I refused to have sex with him because there was no love for him. However, because he constantly seduced me, I was tempted and fell into an intimate relationship as husband and wife. Nevertheless, I regret, cry, worry, and fear the intimate relationship. I was very anxious and afraid of other people, especially my parents. I was also anxious and afraid that I might be pregnant; I was afraid and worried that the man was not responsible. I was anxious and afraid for my future that there was no way any other man would want to be with me. I was anxious and afraid that the campus would give sanctions. In such a situation, I had no choice but to marry the man who had taken my virginity. I also urged the man to take responsibility.

Johny (pseudonym) said that his ex-wife married because she was pregnant. He said:

> We initially had sex just for fun and to express our lust, but after six months, she became pregnant. At that time, she asked me to be responsible. I did not immediately answer yes, because I knew she had many boyfriends and even an intimate relationship with them. However, when her extended family pressured me, I was willing to take responsibility. To be sure, we got married just because she was pregnant. If she was not pregnant, we, indeed, were not married. Precisely because she was pregnant, we were ashamed and afraid of our parents, the community, and the campus. We were powerless not to get married.

2) The second form of psychological coercion relates to the fear of losing one's job or being fired or dropped out of campus. People choose to marry, not to be fired from their jobs or status as students or civil servants. This form of psychological coercion is generally related to premarital sex and pregnancy before marriage in the Church and the existence of work or campus rules prohibiting cohabitation. Martin (pseudonym) said:

> *I was forced to marry because of moral responsibility; I felt guilty because I already had sex with her; we already had a child; we married in the Church so that we would not be fired from the campus and the neighbours and the community would not kick us out, and we also were afraid of disappointing our parents.*

When asked about their motivation for getting married, Paul (pseudonym) said:

> *My motivation for marrying her was for the sake of my work. I feared being fired as a civil servant (fear of losing my job). I was afraid of being ashamed of my family and community. Meanwhile, she married me because of these reasons, namely a) she was threatened to be expelled from her work if she did not immediately have a marriage certificate, b) she also wanted to save her parent's reputation, c) and she already had two children.*

3) The third form of psychological coercion is unrelated to premarital sex or pregnancy before marriage in the Church. However, it relates to the fear of negative things happening to her/his parents. The bride or bridegroom imagines that negative things will happen to people she/he respects and loves, especially her/his parents, if she/he does not follow them to marry. So the party does not want the marriage but is forced to choose it so that his father/mother does not experience fatal and harmful things. This case is infrequent. Generally, the party does not love his/her partner, but his/her father or mother likes him/her. Martina (pseudonym) said:

> *I married him because I feared something negative would happen to my father. At that time, he was sick with high blood pressure. His relationship with him (his former husband) was perfect. He often praised him in front of me. I realized that my father wanted me to marry him. If I did not marry him, my father might get furious, and it might cause him to have a stroke or die. Therefore, I just accepted him to marry, even though there was no feeling of love. So I married to make my father happy and free from stroke or death.*

Second, social coercion refers to the pressure that comes from other people. The coercion generally comes from the woman and her family, who hold the man responsible for molesting or impregnating her. Martha (pseudonym) said:

> *I asked him to be responsible. He answered me, "yes", but the intonation of the answer was flat. My inner situation was getting more and more anxious and powerless. Then I informed him that I was pregnant. He was shocked, surprised, and refused to take responsibility; he even asked me to abort my pregnancy. However, I did not want to. I also reported to my parents. They were angry and demanded that he is responsible. He and his family also came for the naring lembak (apologizing) on ..... So he married me because my family and I forced him to; he married me as a simulation only. He never took care of our child and me.*

As the parent of the bride, Sarjono (pseudonym) stated the following witness:

I continued to force them (bride and bridegroom) to marry in the Church with the following considerations: [1] Bride and bridegroom could receive communion. They might practice their faith typically, and [2] they had been already living together, [3] the bride has given birth to a child, and [4] so that she could continue/complete her studies. In addition, [5] I felt ashamed of my daughter's situation, who gave birth to a child out of marriage… Since we were the ones who insisted on getting married, we prepared everything, including all the costs. At the time, everything went well at the blessing ceremony at the Church and the reception; there were no ominous signs or adverse events.

Social coercion was usually accompanied by various physical threats or social sanctions that created fear on the bridegroom's part. Sony (pseudonym) witnessed:

At that time, she (the bride) came with her family to hundreds of people. They immediately searched my parents' house. They demanded responsibility from my parents and me for impregnating their daughter (the bride). My parents investigated me. I had to confess, even though I knew her pregnancy was not due to having sex with me. I confessed because, at that time, they threatened to burn down my parents' house.

Moreover, I did have sex with her. At that time, I was afraid of their threat. I did not want my parents to be victims because of my relationship with her. ...Not long after that, we were married in the Church. Honestly, my heart was not ready to get married. In my heart, I rejected the child in her womb. After the wedding, I went to Kalimantan, and since then, we have separated.

Social coercion often occurs because of feelings of shame and for social prestige. Such kind of social coercion was stated by Albin (pseudonym):

We got married at her parent's insistence because she was already heavily pregnant, and it was nearly Christmas. I just gave up then, even though I was not ready to get married. If there had been no pressure from her parents, I would not want to get married. We married more to save the good names of both prominent families. At that time, I could not fight against my parents because I had mistakenly impregnated her before the Church's blessing.

In some cases, social coercion occurs for economic reasons. Since (pseudonym) stated:

At first, I felt hard because I was still a child; I was not ready to get married, but because I was afraid of my parents, I married him in the Church in August 1997. My family urged his family to get married as soon as possible, mainly because of economic motivation. He was economically better off at that time and could guarantee my future. He already had a private house and was the first to have a house with tiled floors. He also owned a motorcycle, a small store, and a milling machine. My parents had damaged my future; I had no love for him; I wanted to study at the university.

The third is cultural coercion. Church marriages had to follow cultural ties. This coercion is related to cultural practices and demands in the Manggarai community in the Ruteng diocese. According to local customary law, the spouses must be faithful to each other after their traditional engagement. Whoever cancels the bond or violates the consensus is obliged to pay customary sanctions. If the man is not faithful to the bond, he is obliged to give

a giant pig (*ela podo wa'u*) to the woman's family; he and his family also lose all bridewealths that have been paid. If the woman cancels the customary bond, she is required to pay back the bridewealths that have been received and are accompanied by a large buffalo to recover their shame (*Kaba cemu ritak*). If the sanction has been paid, then both of them are considered brothers and sisters (*weta Nara laing*) and are free to marry another man or woman (kolé okan kaba, kolé ramin japi). Ani (pseudonym) said:

> Before getting married in the Church, we lived together for less than three years. During this period, our family situation was very broken. Every day we quarrelled and fought. There was no day without violence. There were harsh words, swear words, and harassment words. I was even slapped, kicked, and thrown with spoons. I suffered a lot. I just wanted to leave him. However, it seemed impossible. The two prominent families had agreed about our marriage. My parents had already received most of the bridewealth. I felt powerless and hopeless..My heart was very chaotic on the day of the Church's wedding (in mass). I asked myself: Will my husband change his behaviour? I even prayed for a miracle to happen. As time passed, our situation worsened, and we eventually separated.

Fourth religious coercion. It refers to a situation in which the spouse experiences depression because of Church regulations regarding sacramental and administrative services that require the Catholic faithful to marry officially in the Church. Catholics who live together (cohabitate) without official marriage in the Church are not allowed to receive communion and Church administration services. In addition, there is a stigma that those who live together without Church marriage are sinners. As a result, some couples are forced to marry in the Church to get a positive stigma and Church service even though they are not ready yet or do not want it from a sincere heart. Marcelina (pseudonym) stated:

> We were forced to marry in the Church because I was pregnant; we wanted to get out of darkness/sin and to be free from the sanction of not receiving communion for the sake of the good name of my father, who was the chairman of the parish pastoral council. My father, as chairman of the parish council, did not want me to get pregnant before getting married in the Church. Nevertheless, I had already been pregnant for two months. If I did not get married soon, I would live in darkness and could not receive communion; worse, my parents were also sanctioned not to receive communion. So my father urged us to get married as soon as possible.

Regarding the administration of the Church, Rian (pseudonym) made this statement:

> Her mother urged her to marry in the Church on the grounds 1) so that the child's status was clear, 2) the child was allowed to receive the sacrament of baptism, and 3) the child could have a certificate document for school registration. Meanwhile, her family forced us to marry in the Church because they were ashamed of the community and other people.

The four factors that cause forced marriage above are generally related. It is infrequent that forced marriage is caused by one sole factor. Most cases begin with psychological coercion due to premarital sex and pregnancy (before marriage in the Church); then, the pressure is reinforced by social coercion (especially from their parents and community) and followed by cultural coercion and religious coercion.

4. Discussion

Freedom is a fundamental and primary element in marriage. Freedom gives everyone the right to marry or not to marry. Freedom also gives a person the authority to choose and determine his/her partner for life. This authority cannot be revoked or replaced by another person, and Convention on Civil and Political Rights considers it a human right (article 23). Accordingly, in the Catholic Church, marriage requires the act of the will by which a man and a woman surrender and accept each other (Canon 1057). The act of the will to marry must be personal, internal, deliberative, healthy, and responsible.

Free will is one of the prerequisites for the validity of a marriage. The Law of the Republic of Indonesia concerning Human Rights Number 39 of 1999 states that a legal marriage can only occur at the bridegroom's and bride's free will under the legislation's provisions (Article 10 paragraph 1). Therefore, forced marriage is declared invalid. Canon 1103 of the 1983 Code of Canon Law states, "Marriage is invalid if it is carried out because of coercion or great fear imposed from outside, even if it is not intentional so that to escape from that fear, a person is forced to choose marriage". Here coercion makes a person marry even though he does not want it.

To guarantee free will in marriage and, at the same time, prevent a forced marriage, the Catholic Church requires thorough and comprehensive preparation for marriage. Before the legalization of marriages in the Church, the spouse must take marriage preparation courses to have a complete understanding and awareness of the nature of Catholic marriage. They are also investigated through canonical investigations to ensure that they have no legal or natural barriers to entering into the marriage and have the correct understanding, full awareness, and free will in choosing the marriage. They are also required to have a liber status letter. Even the Church requires the announcement of the names of spouses in the parish church a few weeks before the wedding day so that Church officials and the faithful can report to the authorities if they find out that spouses have obstacles or are forced to choose the marriage.

The findings of this study confirm that there were still so many cases of forced marriages occurring among Catholics in the Ruteng Diocese. The study also found that psychological pressure preceded social and cultural pressures in these forced marriages. This finding is, of course, quite different from the forced marriages related to arranged marriages. In an arranged marriage, parents and traditions force children to marry against their will [17]. This study found that most forced marriages were related to psychological fear. Spouses married without free will because they felt frightened of negative things that were fatal if they did not choose the marriage. Most spouses experienced psychological pressure related to premarital sex, pregnancy, and living together before the Church's marriage. The data indicated that more than 90% of forced marriage cases due to psychological coercion were related and began with unwanted sex and pregnancy. Generally, the woman did not want sex to happen, but because she fell by the man's seduction, she was forced to have sex and was very sorry for the incident.

Furthermore, the findings of this study also question the effectiveness of marriage preparation activities (especially the effectiveness of canonical inquiry activity) in the Catholic Church. The effectiveness of canonical investigation is related to the competence of parish

priests and other canonical investigation officers. Miyawaki [20] asserts that "competency includes the aptitude necessary to enhance basic abilities and to raise job performance to a higher level. According to Robert A. Roe [21], competence includes understanding, skills, and attitudes toward work. Data on forced marriages among the Catholics in Ruteng Diocese illustrate parish priests' or canonical investigators' shortcomings and weaknesses. These weaknesses can be in the form of an incomplete view or understanding of the parish priest or official about the nature and purpose of the canonical inquiry. The parish priest or official needs to understand that one of the primary purposes of canonical investigation is to ensure that the spouse has the will and chooses the marriage or that there is no coercion. This lack of understanding can cause the priest or official to be inappropriate and not careful in canonical investigation activities. Officials carry out canonical investigations just as administrative matters without looking at the substance of the activity.

It may also happen that the priest or officer understands the purpose of canonical inquiry well but needs to be more skilled at making it. Skills significantly affect work performance and productivity [23]-[25] and attitudes towards a job [24]. Work attitudes include feelings, beliefs, and thoughts about a job. Alternatively, the officer might have the skills but does not conduct a proper and objective canonical investigation because of the close subjective relationship with the spouses or their families. Pastors or canonical investigators do not conduct canonical investigations properly because of their close relationship or emotion with their spouses or parents. The data on forced marriages should raise questions about the understanding, ability, thoroughness, skill, and attitude of the parish priest or officer in carrying out canonical investigations.

The findings may also illustrate the complexity of forced marriages in the Ruteng diocese. Forced marriage includes psychological, social, cultural, and religious dimensions. Forced marriages involve a) the personal problems of the spouse, b) the cultural burdens and religious rules, and c) the prestige, good reputation, and social status of the extended family. In the Manggarai community, marriage is not just a personal event between a man and a woman but is also a social, cultural, and religious event. In fact, in many cases, the portion for the personal dimension is smaller than the social and cultural dimensions. As a result, individual autonomy in marriage becomes smaller. Individuals have no sufficient space to freely determine their right to marry and choose his/her partner in marriage.

On the other hand, the social status of a large family and a good name are crucial elements in marriage. Furthermore, they get support and legitimacy from cultural (adat) and religious (Church) institutions. As a result, the motivation for marriage is no longer a personal choice but a social choice, especially a large family choice. Even for the sake of the parents' good name, respect for customary law, and enforce Church rules, the spouse must act dishonestly during canonical investigations and wedding celebrations, especially in pronouncing marriage consent. Spielman [25] said that in stressful situations, the spouse rushes to make a marriage decision and focuses more on fulfilling social standards or parents' wishes due to parents' dominance. The situation makes the spouse forced to marry. In other words, the social situation, which is dominated by social prestige and social status, does not provide adequate space for the individual to have free will and free choice in marriage.

The lack of effective canonical investigation may be related to the honesty of the spouses and their families. According to Thomas Aquinas [26], honesty is a state of honour or a character worthy of respect. Honesty is a fundamental virtue that affects the character of a

human being and the obedience of the believer's faith. Humans should act honestly for the sake of their dignity as human beings. Honesty is the key to obedience to the faith of believers. Means to follow the voice of the heart, the voice of God. Going against honesty means going against God's will, which is considered a sin. Jesus said: If yes, then say yes; if not, you should say no. Anything more than that comes from the evil one (Matt. 5, 37). Forced marriages may show the existence of fraud or dishonesty against the parish priest and canonical investigators and even fraud against the Church (people of God) when pronouncing marriage consent in the Church. Fraud or dishonesty occurred because the spouse was frightened of not being allowed to marry in the Church. They feared rejection of the Catholic marriage if it was known that one or both spouses were forced to marry. They feared telling the truth so the priest would not refuse to bless their marriage. Honesty presupposes the ability to accept risks, including the refusal of the priest to bless their marriage. In forced marriages, due to social-cultural contexts, spouses have no courage to face the risk of not choosing the marriage.

5. Conclusion

The study concludes that forced marriages and lack of sufficient canonical investigation give much space for failed marriages, separations, and annulations among Catholics. Most forced marriages in the Ruteng diocese were related to psychological pressure, social pressure, cultural coercion, and religious coercion. These four factors are interrelated and mutually support each other. Usually, forced marriages began with premarital sex or pregnancy and were followed by social-cultural pressure (the pressure of the families and the community). Social-cultural coercions were legitimized in customary bonds (customary marriages) and Church marriages. So, psychological pressure preceded social-cultural pressure and Church marriage.

Unfortunately, the parish priest or the Church officer could not detect them early because of insufficient canonical investigation. Such lack may indicate the weakness of parish priests or officers; they may need to be more competent, unskilled, and unobjective in canonical investigations. Besides, such lack may be related to the complexity of the social, cultural, and religious factors that did not provide adequate space for autonomy and personal freedom. In such a situation, the spouse has no courage to tell the truth or to be honest in telling the truth during the canonical investigation.

It recommends that the Catholic Church provide sex education and promote safe sex in marriage preparation. Furthermore, parish priests must carry out canonical investigations more carefully and under oath. They also need to explicitly state the element of coercion as an obstacle to valid Catholic marriages in marriage announcements.

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