

Customary Marriage vs. Human Rights: Legal Challenges of *Kawin Tangkap* in Sumba, Indonesia

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Abstract: Marriage, as a social and legal institution, reflects the cultural values of a society. In Sumba, the practice of *kawin tangkap* (forced marriage by abduction) persists despite legal and human rights concerns. This practice, in which a man "captures" a woman to make her his wife, raises various issues, particularly regarding individual freedom and gender equality.

Purpose: This study aims to analyze the practice of *kawin tangkap* in Sumbanese society from a human rights perspective and evaluate the legal protections for women subjected to this practice.

Design/Methodology/Approach: This research employs a normative legal approach, incorporating legislative and conceptual analysis. It examines relevant legal frameworks and their interaction with customary law practices still observed in Sumba.

Findings: The study finds that *kawin tangkap* contradicts Indonesia's positive law, including the Criminal Code (KUHP), Law No. 35/2014, and Law No. 12/2022. Furthermore, this practice violates human rights instruments such as the Universal Declaration of Human Rights (UDHR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). A key challenge in addressing *kawin tangkap* lies in the disparity between customary law and state law, which complicates law enforcement within indigenous communities.

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Originality/value: This study provides new insights into how national law can adapt to local traditions without compromising human rights protections. It also offers strategic recommendations for harmonizing customary law with positive law to uphold justice for women in indigenous communities.

Keywords: *kawin tangkap*; customary law; human rights; women's protection

Paper Type: Research-Article

Introduction

Marriage, as both a social and legal institution, represents a manifestation of deeply rooted cultural values within society (Reed, 2021). In Indonesia, the diversity of local customs and traditions imparts distinct characteristics to marriage practices across various ethnic groups (Damayanti et al., 2025). These customary norms, passed down through generations, serve as a reflection of a nation's identity and as an expression of a community's collective consciousness in regulating social order, including the institution of marriage. However, amid this diversity of customary marriage practices, various challenges emerge when such traditions come into conflict with the principles of positive law, particularly those concerning the protection of human rights.

One of the customary marriage practices that has generated significant controversy within the context of law and human rights is *kawin tangkap* (marriage by capture), which continues to be practiced among the Sumba people in East Nusa Tenggara (Doko et al., 2021; Toriq, 2023; Wiwin et al., 2025). Within Sumba's patrilineal kinship system, clan exogamy serves as the principal norm in determining marital partners, thereby shaping the social structure and influencing local marriage customs. *Kawin tangkap*, as a deeply embedded cultural practice, generally involves a man "capturing" a woman he desires to marry, either with the consent of the families involved or without the victim's knowledge

(Nurani et al., 2023). This practice often takes place in public settings such as markets, traditional ceremonies, or even at the woman's home, and is sometimes used as a means to circumvent lengthy and costly formal engagement processes.

Although from the customary perspective, *kawin tangkap* is still regarded as a legitimate and accepted tradition within the local community, from the standpoint of positive law, this practice may be classified as a violation of human rights, with detrimental effects on women's dignity and well-being. Customary norms that support the practice of *kawin tangkap* often disregard the principle of consent in marriage as stipulated in both national and international legal frameworks, including Law No. 16 of 2019 on Marriage (Law No. 16/2019), which requires the mutual consent of both parties to a marriage. Furthermore, this practice potentially contravenes the provisions of Law No. 35 of 2014 on Child Protection (Law No. 35/2014), Law No. 39 of 1999 on Human Rights (Law No. 39/1999), as well as various other legal instruments governing the protection of women and children. *Kawin tangkap* not only raises issues concerning the legality of marriage but also has broader implications for the protection of women's rights within the household. Women subjected to *kawin tangkap* are often placed in legally and socially vulnerable positions, rendering them susceptible to domestic violence, exploitation, and restrictions in accessing their fundamental rights (Habsy et al., 2025; Sugitanata et al., 2023). Moreover, this situation underscores the existing gap between customary norms and positive law, which creates dilemmas in the enforcement of legal provisions within customary communities. Efforts to harmonize customary law and national law thus constitute an essential challenge in ensuring that prevailing cultural practices remain consistent with the principles of justice and the protection of human rights.

Every individual, without exception, possesses the right to freely choose their spouse without any form of coercion (Kennedy, 2025). This principle is guaranteed under various international legal instruments, including Article 16 of the Universal Declaration of Human Rights (UDHR), which affirms that marriage shall be entered into only with the free and full consent of the intending spouses (Mehmood & Saeed, 2023). Accordingly, the continued practice of *kawin tangkap* within Sumbanese society may be construed as a violation of human rights, particularly in relation to women's rights to freedom and autonomy in determining the course of their personal lives.

The enforcement of law in addressing the practice of *kawin tangkap* often encounters significant challenges, particularly within communities that continue to uphold their customary values with strong adherence. Indigenous groups who prioritize customary law over state law tend to perceive the intervention of positive law as a form of denial or infringement upon ancestral traditions. The existence of various legal instruments governing the protection of women and children should, in principle, serve as a robust foundation for efforts to eliminate the practice of *kawin tangkap*. However, the effectiveness of these legal frameworks largely depends on the extent to which law enforcement officials and relevant stakeholders can internalize and apply the principles of protection within the social realities of these communities. Accordingly, there is a pressing need to strengthen legal capacity and enhance legal awareness among indigenous communities so that law does not remain merely as written norms but can also be accepted, internalized, and effectively implemented within the fabric of social life.

Given the complexity of the issues involved, this study aims to analyze the practice of *kawin tangkap* within the Sumbanese community from a human rights perspective and to examine the legal protection afforded to women subjected to this practice.

Through this research, it is expected that a deeper understanding will be gained regarding the challenges and opportunities in harmonizing customary law and positive law, as well as in formulating recommendations that may serve as a reference for achieving equitable law enforcement grounded in the principles of justice and the protection of human rights.

Methods

This study employs a normative legal research method (Peter Mahmud Marzuki, 2016). Legal research constitutes a process aimed at discovering coherent truths concerning legal norms, legal principles, and relevant legal doctrines to address the legal issues under examination, namely, the legal protection afforded to women subjected to the practice of *kawin tangkap* among the Sumbanese people. In legal research, specific approaches are required to serve as a foundation for systematically and accurately compiling and analyzing relevant information. The approaches adopted in this study include the statute approach, which is utilized to examine applicable laws and regulations, and the conceptual approach, which is employed to explore and interpret legal concepts pertinent to the issue under investigation.

Discussion and Findings

***Piti Rambang*: A Tradition that Abducts Women's Rights**

Sumba Island is located in the southeastern part of Indonesia, within the province of East Nusa Tenggara. The island is renowned for its unspoiled natural beauty, rich cultural heritage, and distinctive traditions. (Jocom et al., 2021) Sumba possesses a unique cultural identity that continues to attract both domestic and international visitors. Geographically, Sumba lies between Flores and Timor Islands, covering an area of approximately 11,000 square kilometers. It is bordered by the Savu Sea to the north and the Indian Ocean to the south (Solikhah et al., 2020). Administratively, Sumba is divided into four regencies,

West Sumba, Southwest Sumba, Central Sumba, and East Sumba, each with its own cultural, economic, and tourism characteristics.

On Sumba Island, there exists a customary practice known as *kawin tangkap* or *Piti Rambang*, a term in the Sumbanese language meaning “marriage by capture” (Habsy et al., 2025). In the Central Sumba dialect, this practice is also referred to as *Yappa Mawinni* or *Yapawine*, which translates to “capturing a woman,” while in the East Sumba dialect it is known as *Piti Marangganggu*, meaning “taking during a gathering,” and *Piti Rambangu*, meaning “taking by force.” All of these terms refer to the same act, where a man captures or takes a woman to make her his wife. This event is typically premeditated and organized by the man and his family, with the woman being taken from public spaces such as roads, traditional markets, cultural gatherings, gardens, or even from her own home (Doko et al., 2021). Following the abduction, the man’s family notifies the woman’s family by presenting customary symbols, such as tying a horse in front of the woman’s house or placing valuable items like gold under her pillow. These gestures signify, under customary law, that a marriage process has commenced. In the modern era, this practice has sparked significant controversy as it is widely regarded as a violation of human rights. *Piti Rambang* is carried out in an inhumane manner, where the woman being captured often has no opportunity to resist the physical force of the group of men who abduct her (Wiwin et al., 2025). The victim’s family is also placed in a difficult position, often compelled to consent to the marriage of their daughter after the abduction. This lack of resistance is largely driven by social pressure and fear of stigma that may arise within the community should they choose to reject the proposed marriage.

During the abduction, women who fall victim to *Piti Rambang* are often subjected to violent and degrading treatment. They are pulled, restrained, and forcibly taken to the perpetrator’s

residence. In many instances, they experience physical harassment, including sexually suggestive touching by their abductors. Upon arrival at the man's house, the victim is frequently confined to a room with the perpetrator and pressured to accept his marriage proposal. In some cases, the perpetrator even commits rape to coerce the victim into consenting to marriage. This practice positions women as objects of negotiation or targets of pursuit, rather than as subjects possessing autonomy and the right to choose. Victims suffer harm on multiple levels: sexual, physical, psychological, social, and spiritual. Today, *Piti Rambang* is more widely recognized as a form of forced marriage. However, according to Martha Hebi, an activist and speaker in the webinar "*Kawin Tangkap: Manifestation of Sexual Violence through Cultural Manipulation*," the term *kawin tangkap* does not, in fact, exist within the original Sumbanese customary terminology (BBC News, 2023). The term was first introduced by Salomi Rambu Iru, a Sumbanese women's rights activist and Director of the Sumba Women's Forum, in the early 2000s (Stefany, 2023). Initially, the practice was carried out with the woman's consent, where the symbolic "abduction" formed part of an agreed-upon marriage ritual. Over time, however, this practice has been distorted, transforming from a mutually understood cultural performance into an act of intimidation and violence against women.

In earlier times, the practice of *Piti Rambang* was not an arbitrary or informal customary marriage process. The woman chosen to be the bride in this practice was typically from the groom's maternal uncle's clan, a union considered appropriate and permissible within the Sumbanese kinship system. Moreover, the execution of this practice required careful deliberation, as it necessitated approval from the *Marapu* (the revered ancestral spirits in the Sumbanese belief system) and involved the payment of a substantial *belis* (bride price) (Anjani et al., 2025). *Belis* serves

as a customary dowry in Sumbanese marriage traditions, symbolizing respect for the woman and the institution of marriage itself. In ordinary customary marriages, the amount of *belis* is typically negotiated between the two families. However, in *Piti Rambang*, the man and his family are obligated to provide whatever amount is requested by the woman's family. The payment of *belis* also signifies that the man has attained maturity and independence in life. In Sumbanese culture, the concept of marriage extends beyond the union of two individuals; it encompasses the collective ties between their extended families and ancestors. For this reason, the traditional practice of *Piti Rambang* was once carried out with considerable prudence, respect, and a strong sense of responsibility.

However, over time, the practice of *Piti Rambang* in the modern era has undergone a significant shift in meaning, increasingly involving elements of coercion and violence. In 2009 alone, twenty cases of *Piti Rambang* were officially reported, with similar incidents continuing to emerge in subsequent years. This practice has provoked strong reactions from various stakeholders, including church institutions, human rights organizations, and customary communities in Sumba. Traditional and religious leaders have emphasized that *Piti Rambang* involving violence constitutes a distortion and misuse of customary law, contradicting the fundamental cultural values of Sumbanese society. In Sumbanese culture, women (*mawinne*) are symbolized by the *mamuli*, a traditional feminine emblem representing love, honor, and dignity. Accordingly, any form of violence or coercion has no rightful place within customary marriage practices and is fundamentally incompatible with the cultural and moral principles of the Sumbanese people (Toriq, 2023).

Reverend David Maundima of the Sumba Christian Church (*Gereja Kristen Sumba - GKS*) explained that *Piti Rambang* does indeed exist within Sumbanese culture; however, its execution

must adhere to the teachings of marapu and may not be carried out arbitrarily (Tuasikal, 2020). A forced marriage, he emphasized, cannot occur without the approval of the marapu, and the process must follow the established customary procedures. Referring to the anthropological study by Oe H. Kapita in his book “Masyarakat Sumba dan Adat Istiadatnya”, there are two forms of marriage by capture in Sumbanese culture: *Piti Marangganggu* (taking during an encounter) and *Piti Rambang* (taking by force). In a practice that is legitimate under customary law, the “capture” process takes place with the consent of both families and is accompanied by customary symbols signifying that the marriage negotiations are underway (Kapita, 1976). However, in practice, many modern cases of *Piti Rambang* have deviated from these traditional norms, transforming into acts of violence against women. Alfred Samani, the Chair of the Sumba Christian Synod, emphasized that culture is often exploited as a justification for acts of lawlessness (waingapu, 2021). Beyond the practice of marriage by capture, the payment of *belis* also contributes to the perpetuation of gender-based violence. Some men perceive that once the *belis* has been fully paid, they acquire absolute ownership over their wives, including the perceived right to commit acts of violence. Accordingly, customary practices such as *Piti Rambang* and *belis* require critical reassessment to prevent their misuse as instruments legitimizing the subjugation and harm of women. From a legal perspective, the practice of *kawin tangkap* may be classified as abduction and violence against women, both of which are in direct contravention of human rights principles and Indonesia’s positive legal framework.

The practice of *kawin tangkap* in Sumba can be critically examined through the lens of natural law theory, which emphasizes that a valid and legitimate legal system must reflect universal principles of morality and justice. Natural law theory, as developed by both classical and contemporary legal philosophers,

asserts that law should not merely rely on customs or long-standing social norms but must conform to ethical standards that uphold human dignity and fundamental human rights (Sopiński, 2023). The practice of *kawin tangkap*, which involves elements of coercion and violence against women, stands in clear contradiction to the fundamental tenets of natural law, which demand respect for individual autonomy and the protection of basic human rights. Any act that nullifies the element of free consent between parties in a legal transaction, including marriage, may therefore be classified as a violation of natural law principles and, as such, lacks both juridical and moral legitimacy.

Furthermore, the practice of *kawin tangkap*, which disregards a woman's autonomy in determining her life partner, cannot be categorized as a form of just law. Within the framework of natural law theory, customary law or local norms may only be recognized as valid insofar as they do not conflict with higher principles of justice, including respect for individual freedom and gender equality. This implies that the practice of kawin tangkap in Sumba must be regarded as a violation of the principles of natural law, which require that every legal norm, whether written or unwritten, must embody justice, morality, and the protection of inherent human rights vested in every individual.

From the perspective of positive law, the practice of *kawin tangkap* in Sumba may be categorized as a criminal offense, as it clearly violates statutory provisions safeguarding individual rights against abduction, violence, and sexual assault. Positive law is grounded in the principle of legality, as stipulated in Article 1 paragraph (1) of the Indonesian Criminal Code (Kitab Undang-Undang Hukum Pidana, KUHP), which provides that no act shall be punishable except by virtue of a prior legal provision. This means that any conduct involving coercion or violation of individual rights must be assessed according to the prevailing legal norms. In the context of *kawin tangkap*, the act of taking a

woman away without her consent can be legally classified as the crime of abduction, as regulated under Article 328 of the KUHP, which states that: "Any person who intentionally removes another person with the intent to place such person under his or another person's control unlawfully shall be punished with imprisonment of up to twelve years." Furthermore, if the act involves violence or threats of violence leading to coerced sexual intercourse, it may constitute the crime of rape under Article 285 of the KUHP, which provides that: "Any person who, by means of violence or threats of violence, compels a woman to have sexual intercourse outside of marriage shall be punished with imprisonment of up to twelve years." In addition, *kawin tangkap* that negates a woman's consent also contravenes Article 8 of Law No. 12 of 2022 on the Crime of Sexual Violence (Law No. 12/2022), which explicitly defines forced marriage as a form of sexual violence. Therefore, although the practice may be rooted in customary tradition, national law retains supremacy in protecting individual rights, and any customary practice that contradicts statutory or human rights norms cannot be invoked as a justification for acts that harm or violate fundamental human rights.

Examining the Legal Legitimacy of the *Kawin Tangkap* Practice in Indonesia

The continuing occurrence of *kawin tangkap* (bride abduction) in several regions of Indonesia raises significant concerns from a human rights perspective. Although it is often perceived as part of cultural tradition, this practice fundamentally contravenes core human rights principles, particularly those related to individual autonomy, gender equality, and the protection of women and children. From the standpoint of positive law, *kawin tangkap* constitutes an act that is incompatible with the fundamental legal principles safeguarding human rights, individual freedom, and the protection of women (Toriq, 2023). Normatively, this practice can be classified as a form of legal

violation that not only conflicts with national legal norms but also breaches the principles of human rights enshrined in various international legal instruments to which Indonesia is a party. Thus, despite its cultural framing, *kawin tangkap* lacks any legitimate basis under both domestic and international human rights law, as it undermines the universal principles of justice, dignity, and equality before the law.

Under Indonesian positive law, the validity of marriage is comprehensively regulated under Law No. 16 of 2019 concerning Amendments to Law No. 1/1974. Article 6(1) of Law No. 16/2019 explicitly provides that a marriage may only be lawfully concluded upon the explicit consent of both prospective spouses (Efrinaldi et al., 2022). This provision embodies a fundamental principle of marriage law, namely *consensus facit nuptias*, which asserts that the free will of the parties constitutes a constitutive element in the formation of a legally valid marital bond. Furthermore, Article 8(a) of the same law expressly prohibits any marriage conducted under coercion or duress. This means that any marriage entered into without *voluntas liberata*, free and genuine consent, may be deemed legally defective, thereby rendering the marriage invalid under Indonesian law. This provision aims to ensure legal protection for individuals, particularly women, from any form of marriage that contravenes the principle of freedom to choose one's life partner, as guaranteed under both the national legal framework and international human rights law. In practice, this regulation functions as both a preventive and repressive legal instrument to deter and penalize acts of forced marriage, which not only violate domestic legislation but also contravene international human rights conventions. Accordingly, the Indonesian marriage law firmly upholds the principles of justice, equality, and the protection of individual rights within the institution of marriage, reaffirming

that consent is indispensable to the legal and moral legitimacy of any marital union (Nuruddin & Jannah, 2025).

Under Indonesian criminal law, the practice of *kawin tangkap* (forced or capture marriage) may be classified as a criminal offense that violates several provisions of the KUHP. Article 332 KUHP criminalizes the act of abducting or carrying away a woman without her consent, which, in the context of *kawin tangkap* fulfills the elements of the offense of deprivation of liberty, as the victim is forcibly removed from her social environment without her free will. The offense carries a maximum imprisonment of seven years, reflecting the law's unequivocal stance in criminalizing acts that deprive an individual, particularly a woman, of her liberty to choose her life partner. In addition, Article 333 KUHP addresses crimes against personal liberty, providing a legal basis to prosecute perpetrators of *kawin tangkap* due to the presence of elements of unlawful detention and coercion. In practice, victims of *kawin tangkap* are often subjected to physical confinement or movement restrictions, which may be legally qualified as unlawful deprivation of freedom. Moreover, Article 289 KUHP criminalizes sexual violence, which frequently occurs in the execution of *kawin tangkap*. Numerous cases demonstrate that victims are coerced into non-consensual sexual relations, which, under criminal law, constitute coerced sexual acts, thereby fulfilling the elements of the offense as defined in this article. Furthermore, Article 368 KUHP governs acts of extortion or coercion committed through threats of violence to obtain a benefit or advantage. In this context, perpetrators often employ threats or intimidation to compel victims to accept an unwanted marital union. Taken together, the practice of *kawin tangkap* not only violates the principle of individual autonomy recognized under civil law but also satisfies the constituent elements of criminal offenses relating to personal liberty, sexual violence, and coercion under Indonesian criminal law.

Within a more specific legal framework, Law No. 23 of 2004 on the Elimination of Domestic Violence (Law No. 23/2004) serves as a key legal instrument protecting women who become victims of *kawin tangkap*. The provisions of this law explicitly prohibit all forms of domestic violence, including physical, psychological, sexual, and economic abuse. Article 5 of Law No. 23/2004 unequivocally prohibits any act of domestic violence that causes suffering to a family member, including a spouse. In the context of *kawin tangkap*, marriages that are not founded upon *voluntas liberata* (free will) tend to establish unequal power relations within the marital structure, thereby creating a fertile ground for physical and psychological violence. Consequently, *kawin tangkap* can be legally qualified as a form of domestic violence, as prohibited under Indonesian legislation. Furthermore, Article 8(a) of Law No. 23/2004 stipulates that domestic violence encompasses forced sexual relations that contravene the will of the victim. This condition is frequently observed in *kawin tangkap* practices, wherein victims are subjected not only to violations of privacy but also to coerced marital intercourse, which, from a criminal law perspective, constitutes sexual violence within marriage. Accordingly, Law No. 23/2004 provides a robust legal foundation for the protection of women against the practice of *kawin tangkap*, which not only violates the principle of free consent in marriage but also constitutes a form of exploitation and violence expressly prohibited under the Indonesian national legal system (Luthfi & Aunuh, 2025).

Law No. 12/2022 provides a more stringent legal framework against the practice of forced marriage, including within the context of *kawin tangkap*. This statute broadens the scope of legal protection for victims of gender-based violence, particularly for women who experience coercion within marital relationships. Article 4(2)(c) of Law No. 12/2022 explicitly stipulates that forced marriage constitutes a criminal act of sexual

violence subject to penal sanctions. This provision affirms that any form of marriage conducted without the free and informed consent of either part, especially when accompanied by violence, threats, or coercion, constitutes an unlawful act and may be prosecuted under criminal law. By virtue of this provision, kawin tangkap may be legally classified as a criminal act of sexual violence in the form of forced marriage, carrying legal consequences in accordance with the applicable penal framework. Furthermore, Article 10 of Law No. 12/2022 underscores the state's obligation to ensure protection, recovery, and assistance for victims of gender-based violence, including women subjected to forced marriage through *kawin tangkap*. Such protection encompasses legal, psychological, and social dimensions, as well as access to justice for victims seeking to challenge the validity of the marriage or to pursue criminal accountability against perpetrators. Through this progressive legal framework, Indonesia's positive law demonstrates an enhanced commitment to addressing *kawin tangkap* not merely as a violation of individual rights, but as a criminal offense that stands in direct contravention of the principles of legal protection for women embedded within the national criminal justice system.

From a human rights perspective, the practice of *kawin tangkap* constitutes a violation of fundamental rights guaranteed under Law No. 39/1999. This statute affirms that every individual possesses the right to freely choose a spouse, without coercion, threats, or pressure from any party (Anjani et al., 2025). Article 10(1) of Law No. 39/1999 expressly provides that "every person has the right to form a family and to enter into marriage of their own free will, without coercion." This provision reinforces that the right to marry is a fundamental human right which must be based on the principle of free consent, an essential element of a valid marriage under both domestic law and international human rights norms. In the context of *kawin tangkap*, the element of coercion

clearly contradicts this right, thereby constituting a substantive violation of human rights law. Furthermore, Article 34 of Law No. 39/1999 mandates that the state is obliged to provide special protection for women from all forms of violence and discrimination. In practice, women subjected to *kawin tangkap* often experience deprivation of liberty, which may subsequently lead to physical, psychological, sexual, and economic violence. Accordingly, the state bears a constitutional duty to prevent, prosecute, and provide redress for victims of *kawin tangkap* as part of its obligation to protect women's rights and to ensure gender equality within society. Based on this reasoning, *kawin tangkap* not only contravenes the principles of civil and criminal law but also represents a grave violation of human rights, thereby necessitating stronger legal intervention by the state to guarantee the protection of individual rights, particularly those of women, within the institution of marriage.

The practice of *kawin tangkap* stands in clear contradiction to various legal instruments ratified by Indonesia that guarantee the individual's right to marry freely and without coercion. The UDHR, under Article 16, explicitly states that marriage shall be entered into only with the free and full consent of the intending spouses (Kennedy, 2025). This provision underscores that consent constitutes an essential element for the validity of marriage under international human rights law standards. The *kawin tangkap* practice, which inherently involves elements of coercion and the absence of free consent from the woman, is therefore in direct violation of this principle and can be classified as a breach of human rights. Furthermore, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Indonesia through Law No. 7 of 1984, explicitly guarantees women the right to freely determine their life choices, including the right to enter into marriage. Article 16 of CEDAW obliges State Parties to ensure that women have equal rights with men in

entering marriage, including the right to choose a spouse freely and without any form of pressure or coercion. Accordingly, the practice of *kawin tangkap* not only violates national law but also contravenes Indonesia's international obligations to uphold the principles of gender equality and women's human rights. As a State Party to various human rights treaties, Indonesia bears the responsibility to take effective measures to eliminate *kawin tangkap*, whether through legislative reform, stricter law enforcement, or the implementation of policies that prioritize the protection of women's rights (Nengi & Latumahina, 2024). Such actions are consistent with Indonesia's broader commitment to strengthening human rights protection and promoting gender justice within both its national and international legal frameworks.

In light of these legal provisions, the practice of *kawin tangkap* may be classified as a criminal act that violates the right to individual liberty, particularly that of women, and stands in direct contradiction to the fundamental principles of human rights recognized under both national and international law (Nengi & Latumahina, 2024). Consequently, the enforcement of law against such practices must be carried out rigorously through the application of existing criminal provisions, accompanied by the strengthening of more specific regulatory frameworks to ensure optimal legal protection for women who fall victim to *kawin tangkap*. Furthermore, preventive measures must also be pursued through legal education and the promotion of public awareness concerning the importance of individual rights, especially the right to freely and voluntarily determine one's life choices without coercion or undue pressure.

Conclusion

The practice of *kawin tangkap* in Sumbanese society is, on one hand, still regarded as part of customary tradition, yet on the other hand, it contradicts the principles of positive law and human

rights. This practice, which is typically carried out without the woman's consent, highlights gender inequality rooted in the local social and cultural structure. While *kawin tangkap* continues to receive legitimacy from a customary law perspective, in the context of national and international law, it constitutes a violation of individual freedom, particularly a woman's right to freely choose her life partner. This study demonstrates that *kawin tangkap* can be classified as a criminal act of abduction, sexual violence, and a human rights violation that conflicts with various national legal instruments, such as the KUHP, Law No. 35/2014, and Law No. 12/2022. Additionally, *kawin tangkap* violates norms enshrined in the UDHR and the CEDAW, which Indonesia has ratified. One of the major challenges in addressing this practice is the gap between customary law and positive law. Indigenous communities that strongly uphold their traditions often perceive state legal intervention as a threat to their inherited cultural values. Therefore, harmonizing customary law and positive law is crucial to ensuring human rights protection while preserving the cultural essence that remains respected within local communities. As a recommendation, concrete steps must be taken to prevent and enforce the law against *kawin tangkap*. The government, law enforcement agencies, traditional leaders, and civil society organizations must collaborate to raise awareness about the dangers and negative impacts of this practice from both legal and social perspectives. Legal education for indigenous communities is essential to help them understand that *kawin tangkap* not only harms victims on an individual level but also hinders broader social and cultural development toward justice. Furthermore, a human rights-based approach should be incorporated into policies concerning women and children, ensuring that evolving cultural values align with the principles of justice and fundamental human rights protection.

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