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A Study on the Coordinated Regulation of Non-autonomous Marriage and Marriage Transaction Conducted by Public and Private Law and Its Improvement

Zhengyao Xie*

School of Law and Public Administration, Yibin University, Yibin, Sichuan, China

****Author to whom correspondence should be addressed.***

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Abstract: Non-autonomous marriage and marriage transaction conduct are acts prohibited by Article 1042 of China's Civil Code. However, against the background of continuously rising high bride prices, they have shown a substantive resurgence, and their regulation depends on evaluating the conclusion of a marriage that violates the will of the parties involved. Taking a cross-provincial forced marriage incident as a sample, this paper systematically examines the normative basis for regulating non-autonomous marriage and marriage transaction conduct, and distinguishes marriage transaction conduct from customary bride price payment, the specific purpose requirement in relevant criminal offenses, non-autonomous marriage, and other related concepts. The study finds that this regulatory system has problems at the private law, public law, and coordination levels: civil remedies for the right to marital autonomy and the right to education are weak; the bride price return rules lack protection for the party subjected to a non-autonomous marriage arrangement; there is disagreement over the determination of specific purpose among relatives and an absence of administrative-criminal linkage; and there is leakage of personal information at the stage of public power intervention and a lack of a pluralistic coordination mechanism. In view of this, it is recommended to strengthen the private law pathway for civil remedies for the right to marital autonomy and the right to education, clarify the rules for determining relevant criminal offenses among relatives and establish an administrative-criminal linkage mechanism, remedy loopholes in personal information protection in the exercise of public power, and improve the pluralistic coordinated remedy mechanism, so that private law remedies, public law sanctions, and coordinated safeguards form an institutional synergy aimed at safeguarding marital autonomy.

Keywords: Non-autonomous marriage and marriage transaction conduct; Marital autonomy; High bride price; Relevant criminal regulation; Public-private law coordination

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1. Introduction

Marriage freedom occupies a foundational position in China's marriage and family system. Article 2 of the Marriage Law of 1950 proclaimed the abolition of the "feudal marriage system of arranged and forced marriage, male superiority and female inferiority, and disregard for the interests of children," and expressly prohibited "any person from demanding property by taking advantage of marriage." Article 1041, paragraph 2, of the Civil Code still provides: "A marriage system based on freedom of marriage, monogamy, and equality between men and women shall be implemented." Article 1042, paragraph 1, provides: "Arranged marriage, mercenary marriage, and other acts interfering with freedom of marriage shall be prohibited. Demanding property by taking advantage of marriage shall be prohibited." The legislative attitude is unmistakably clear. Yet behind the legal prohibition, such conduct still appears in real life. In the transformation of the rural economic structure in some areas, the marriage market has gradually become imbalanced, bride price has risen, and property has in many cases become the actual consideration for concluding marriage. The old custom of demanding property by taking advantage of marriage is quietly returning in a new guise. The 2026 No. 1 Central Document specifically proposed "continuously rectifying high bride price in rural areas and strengthening coordinated governance in contiguous provincial border areas," which is a direct response to this reality.

A cross-provincial forced marriage incident that occurred in August 2026 presented, in an extreme form, the real appearance of arranged and mercenary marriage and the difficulties of regulating it. An 18-year-old girl from Gansu was betrothed by her parents to another person without her knowledge, and a considerable bride price followed. She had been admitted to high school but was forced to interrupt her education. At a dead end, she posted a request for help online. After a public-interest organization verified the situation, it placed her in a coffee shop in Shenzhen to work, giving her temporary relief. Her parents then found her whereabouts through the local police station, hired three men to drive to Shenzhen, first staked out around the coffee shop, then disguised themselves as customers to scout inside, and finally forcibly abducted her into a car, driving in shifts for more than 20 hours all the way toward Lanzhou. The girl was rescued after police surveillance and control. A careful analysis of these links shows that almost every one of them steps on the soft spots of the current regulatory system. Privately "betrothing" her and accepting a high bride price may infringe marital autonomy; interrupting her education may deprive her of the right to education; hiring people to detain and transport her across provinces for more than 20 hours may trigger the crime of unlawful detention, and even approach the crime of trafficking in women.

In this case, the girl was completely unaware of the "betrothal." Her parents accepted a high bride price and planned to take her back home to complete the marriage. The bride price had in fact become the price of marriage, and custom offers no defense. Then, if marital autonomy and the right to education are infringed, how should remedies be provided? How can remedies be provided? First, consider private law. Marital autonomy is certainly a personality right and interest under Article 990 of the Civil Code, but the remedial channel is quite narrow. The grounds for a voidable marriage stop at "coercion." The bride price collected by the parents does not impose a return obligation on the daughter, but she also cannot share in it. When the right to education is infringed, claiming compensation from the guardian lacks a basis of claim. Next, consider public law. There are obvious difficulties in the criminal characterization of intra-family infringement. For example, can parents' "marrying off a daughter for property" be characterized as having a "purpose of sale"? Does blood relationship preclude the establishment of the crime of trafficking in women? Judicial

practice has long been divided, and many cases ultimately conclude with the crime of unlawful detention as a fallback, so the punishment is disproportionate to the harm. There is a lack of a transfer and linkage mechanism between administrative enforcement and criminal prosecution. Finally, at the coordination level, if the local police station provided the parents with the address information of their adult daughter without statutory grounds such as case handling, was there a lack of lawful basis? This is suspected of violating the Personal Information Protection Law and the Civil Code provisions on personal information protection. Has information leakage in the public power link become an "assist" to the infringing conduct?

For this reason, the governance of arranged and mercenary marriage is by no means something a single branch of law can accomplish. Weak private law remedies leave victims unable to obtain compensation afterward; hesitant public law sanctions leave actors without fear beforehand; and the absence of coordination mechanisms leaves the two tracks disconnected. In various rule-of-law countries, for the conclusion of marriage against the parties' will, "personal appearance and a genuine expression of intent" is taken as a requirement for the formation of marriage, and a tiered liability from civil invalidity to criminal sanctions is allocated to acts interfering with freedom of marriage. Its internal logic is precisely the coordinated exertion of private law and public law. China's norms regulating arranged and mercenary marriage are not lacking; the crux is that various branches of law each fight alone and fail to form a normative synergy directed at protecting marital autonomy. This judgment is also supported by empirical research. Bride price disputes are highly dependent on grassroots judicial organs. As of October 2024, cases under the cause of action "marriage contract property disputes" had reached nearly 190,000, nearly 90% of which were heard by basic-level courts. Regional differences in the contractual and payment attributes of bride price directly shape differentiated models of judicial governance, and a single regulatory means is difficult to be effective [1].

2. Normative basis for public-private law coordinated regulation of arranged and mercenary marriages

For a long time, China's regulation of arranged and mercenary marriage remained at the level of negative evaluation in private law. Influenced by the mindset of "family affairs," public law sanctions were long absent; such conduct was mostly absorbed within the family, and victims found it difficult to obtain public remedies. With the awakening of awareness of protecting women's rights and interests and the successive exposure of egregious cases, legislatures and judicial organs gradually changed their views and began to construct a regulatory system in which private law evaluation and public law sanctions operate in parallel. This institutional construction began with the complete negation of arranged and mercenary marriage in the Marriage Law of 1950, was reaffirmed by the Marriage Law of 1980, refined by the 2001 Amendment to the Marriage Law, and systematically integrated into the Marriage and Family Book of the Civil Code that took effect in 2021. It subsequently developed through the 2022 revision of the Law of the People's Republic of China on the Protection of the Rights and Interests of Women and the 2024 Provisions of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Bride Price Disputes (hereinafter the 2024 Bride Price Provisions), ultimately forming a multi-dimensional normative pattern linking private law, administrative law, and criminal law. It can be said that after more than 70 years of practical exploration, China has initially constructed a regulatory system for arranged and mercenary marriage.

2.1. Private law regulatory framework

At present, China has introduced many norms in the following three aspects, initially building a private law protection framework for marital autonomy. The first is the principle of voluntary marriage. Article 1042, paragraph 1, and Article 1046 of the Civil Code jointly construct a dual guarantee of voluntary marriage from the perspectives of prohibiting conduct and marriage formation requirements. The former targets interference by parents and other third parties; the latter makes clear that the expression of intent to marry must be "completely voluntary" and made by the person concerned. Thus, even if parents act in the name of "custom," as in this case, their act of "betrothal" is not confirmed by law from the outset because it lacks the person's genuine expression of intent. Academic theory clearly echoes this. If payment of bride price is interpreted as a gift with obligations, then the party receiving the bride price would bear the obligation to marry the other party, and this obligation could be enforced, which obviously violates the principle of freedom of marriage. Chinese law does not recognize the personal coerciveness of marriage [2]. Article 1052 of the Civil Code provides that a marriage concluded due to coercion is a voidable marriage, granting the coerced party a unilateral right of revocation. This realizes a legislative shift from the void marriage evaluation in the Marriage Law of 1950 to an orientation toward autonomy of will. As for arranged and mercenary marriage, if the marriage has been registered due to abduction or coercion, the victim may follow this path to request revocation, making the marriage void ab initio.

The bride price return rules function to cut off the profit channel of demanding property by taking advantage of marriage. Article 1 of the 2024 Bride Price Provisions states at the outset: "Demanding property by taking advantage of marriage is prohibited. Where one party demands property by taking advantage of marriage in the name of bride price, and the other party requests return, the people's court shall support it." Article 5 of the Interpretation (I) of the Supreme People's Court on the Application of the Marriage and Family Book of the Civil Code lists three circumstances in which a party requests the return of bride price paid according to custom [3]. These rules function, on the one hand, to distinguish customary payment of bride price from "demanding in the name of bride price," and to clarify the return obligation in the latter; on the other hand, to lock the subject of the return obligation onto the person who actually received the property. The arranged party neither bears the return obligation, nor is her autonomous will bound because her parents received bride price. Regarding the nature of bride price payment, academic opinion remains disputed. The prevailing view interprets bride price payment as a gift with a resolutory condition [2]. Some scholars argue that bride price payment is a "purpose-oriented gift," and that the return of bride price when the purpose of payment is not achieved is a return of property arising from unjust enrichment, emphasizing that whether marriage registration has been completed should be the principled boundary for whether the purpose of bride price payment can be realized [4]. New research attempts to reshape the marriage registration standard with the element of "family member," taking high bride price as a decisive element for the establishment of the right to request return of bride price, or advocates applying by reference the changed circumstances rule in Article 533 of the Civil Code, taking whether the parties have lived together for a long time as the core requirement for the establishment of the right to request return of bride price [5–6].

Norms on personality rights protection and personal information protection are established to provide tort law remedies for marital autonomy. Marital autonomy is a typical form of the "other personality rights and interests arising from personal liberty and human dignity enjoyed by natural persons" under Article 990, paragraph 2, of the Civil Code. Under Article 995, where a personality right is infringed, the victim has the

right to request the actor to bear civil liability such as cessation of infringement, removal of obstruction, and elimination of danger, and this right of request is not subject to the statute of limitations. At the same time, in response to the risk of information leakage in the public power link, Article 1039 of the Civil Code expressly provides: "State organs, statutory institutions exercising administrative functions, and their staff members shall keep confidential the privacy and personal information of natural persons learned in the course of performing their duties, and shall not disclose or illegally provide it to others." This article echoes Article 34 of the Personal Information Protection Law, which provides that "state organs processing personal information to perform their statutory duties shall do so in accordance with the authority and procedures prescribed by laws and administrative regulations, and shall not exceed the scope and limits necessary for performing their statutory duties," providing a private law basis of claim for victims to hold the public power subject that leaked information liable.

2.2. Public law sanction system

Criminal law provides a system of charges for extreme acts infringing personal liberty and human dignity. Article 240, paragraph 2, of the Criminal Law provides for the crime of trafficking in women: "Trafficking in women or children refers to any of the acts of abducting, kidnapping, buying, selling, transporting, transferring, or taking in women or children for the purpose of sale." The charge takes "purpose of sale" as a necessary element and six types of conduct as alternative elements. The design of the charge adopts a composite structure of purpose crime and conduct crime. In this case, after accepting a high bride price, the parents "betrothed" their daughter to another and hired persons to abduct and transport her across provinces. The appearance of their conduct closely matches the conduct elements of "selling," "transporting," and "transferring." The focus of debate is whether kinship status can preclude the determination of "purpose of sale." In this regard, the 2010 Opinions of the Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, and Ministry of Justice on Punishing Crimes of Trafficking in Women and Children According to Law clearly provide that selling one's biological children for the purpose of illegal profit shall be punished as the crime of trafficking in women or children, thereby denying at the normative level the exempting effect of blood relationship. As for the buying side, Article 241 of the Criminal Law provides for the crime of buying an abducted woman or child. If the man's family knowingly pays bride price to "take in" a woman who has been trafficked, this constitutes that crime.

The crime of unlawful detention is a fallback gate. Article 238, paragraph 1, of the Criminal Law provides: "Whoever unlawfully detains another person or unlawfully deprives another person of personal liberty by other means shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, control, or deprivation of political rights." In this case, the conduct of abduction and overnight transport for more than 20 hours may constitute a suspicion of this crime even if it does not constitute the crime of trafficking in women. In addition, regarding information leakage in the public power link, Article 253A, paragraph 2, of the Criminal Law provides: "Whoever, in violation of state regulations, sells or provides to others citizens' personal information obtained in the course of performing duties or providing services shall be given a heavier punishment in accordance with the preceding paragraph." If police station staff provide an adult daughter's address to her parents without statutory grounds, this may constitute the aggravating circumstance of this paragraph.

Administrative law and special legislation provide obligatory safeguards for marital autonomy and the

right to education. Articles 9 and 37 of the Education Law of the People's Republic of China provide for the equal rights of education recipients in enrollment and advancement and the obligation of parents or other guardians to ensure that school-age persons receive education. Articles 35 and 37 of the 2022 revised Law of the People's Republic of China on the Protection of the Rights and Interests of Women further confirm women's right to equal access to education and freedom from discrimination. Although the above norms do not directly provide sanctions against parents, they provide a basis for administrative organs to intervene and order correction. In connection with this, Article 2 of the Anti-Domestic Violence Law of the People's Republic of China includes "restriction of personal liberty" within the scope of domestic violence, and victims may apply for a personal safety protection order under Article 23, providing a procedural channel for public power to intervene promptly in coercive conduct within the family. On the private law wing, the principle of voluntary marriage and voidable marriage provide validity remedies, bride price return rules cut off profit paths, and personality rights and personal information norms provide the basis for tort claims; on the public law wing, the chain of criminal charges and administrative law obligations respectively supply handles for criminal sanctions and administrative intervention. The two wings have their own divisions of labor and complement each other, jointly building the current regulatory system.

3. Normative connotation of mercenary marriage and distinction from related concepts

3.1. Mercenary marriage and customary payment of bride price

Payment of bride price has deep customary roots in some regions, and theoretical research and judicial practice have always treated it as a component of marriage custom. From the historical changes in the nature of bride price, it can be seen that under the pressure of reproduction in traditional patriarchal families, rural families prioritized economic resources for sons' marriages, while daughters' material security was sought through bride price demands on the man's family. Bride price as "indirect dowry" was in essence an alienated expression of the daughter's property rights, and marital exchange was thereby shadowed by "sale" and "transaction" [7]. Against the background of increasing marital fragility, bride price has been reconstructed by some rural young women as "compensation" for childbirth and "security funds" against risk, becoming a strategy for managing intimate relationships and enhancing self-protection [8]. On the surface, mercenary marriage and customary payment of bride price are both accompanied by transfers of property, and the boundary between them seems blurred; on closer examination, however, they differ.

First, the constitutive requirements differ. The establishment of mercenary marriage requires simultaneously "violating the parties' will" and "the purpose of demanding property." Subjectively, a third party, usually parents, promotes the marriage in order to obtain property; objectively, the conclusion of marriage violates or disregards the parties' autonomous will. Customary payment of bride price is exactly the opposite: it presupposes the parties' autonomy and voluntariness, and the transfer of property is merely a customary procedure for concluding marriage. The agreement to pay is reached by both parties to the marriage, or at least made with their knowledge and consent. The state of the parties' will is the watershed between the two. In this case, the girl knew nothing of the "betrothal," and her parents directly accepted the gift, which is a typical mercenary marriage. In an ordinary marriage, if the bride price is known to both the man and the woman and does not violate their wishes, it is a customary payment.

Second, legal evaluation differs. Mercenary marriage is expressly prohibited by Article 1042 of the

Civil Code and is an unlawful act subject to negative legal evaluation; customary payment of bride price falls within the customary space tolerated by the prohibition on "demanding property by taking advantage of marriage" in that article, and the 2024 Bride Price Provisions regulate it precisely on the premise of "payment according to custom." It is worth noting that judicial practice emphasizes substance over form when distinguishing the two. Where property is demanded in the name of bride price, even if it has a customary appearance, it is prohibited; where it is truly customary, and the amount is commensurate with the local economic level and the payer's ability, it cannot be characterized as mercenary marriage merely because the amount is relatively high. This "substance over form" distinction is consistent with the discretionary structure of bride price return rules, which are based on the principle of fairness and consider multiple factors such as actual use of bride price and dowry, cohabitation and childbirth, and fault of both parties in determining whether and in what proportion to return [4].

Third, legal consequences differ. Property constituting consideration for mercenary marriage is illegal gain from demanding property by taking advantage of marriage and should in principle be returned in full; if a crime is constituted, it should also be recovered under Article 64 of the Criminal Law. The return of customary bride price applies the discretionary rules of Article 5 of the 2024 Bride Price Provisions, and the court comprehensively determines it by considering facts such as actual use of bride price and dowry, cohabitation and childbirth, and fault of both parties. As for the validity of marriage, where mercenary marriage is accompanied by coercion, the victim may request revocation under Article 1052 of the Civil Code; in a marriage against the background of customary bride price, as long as it is voluntary, its validity is not defective because of bride price.

3.2. Consideration in mercenary marriage and the "purpose of sale" in the crime of trafficking in women

The crime of trafficking in women takes "purpose of sale" as a necessary element, while mercenary marriage has the appearance of accepting property. The two exhibit a concurrence in the structure of "property in exchange for person." The constant focus of practical controversy is whether, in the context of kinship, "marrying off a daughter for property" can be determined to have a "purpose of sale." This must be clarified at the conceptual level and through multiple objective factors.

The normative protective purposes differ. Mercenary marriage is first a concept of marriage and family law; its negative evaluation points to the state of marital autonomy being infringed, and the regulatory focus is correcting a distorted marriage conclusion process. The crime of trafficking in women is a criminal concept infringing personal rights; the protected legal interest is the victim's personal liberty and human dignity, and it punishes conduct treating a person as an object of transaction. The former asks "how the marriage was concluded," while the latter asks "whether the person was bought or sold."

The logic for determining "purpose of sale" differs. In normal folk "marrying off a daughter," although parents accept bride price, the marriage is based on both parties' voluntariness; the parents' intention is to promote the marriage rather than exchange the daughter for property, and the person has not become an object of transaction. Selling one's biological child is another matter. The 2010 Opinions on Punishing Crimes of Trafficking in Women and Children According to Law draw a line: where a child is sold as a commodity in exchange for money, rather than placed for adoption out of consideration for the child's future, and a crime is constituted, it shall be punished as the crime of trafficking in women or children. It can be seen that the core of determining "purpose of sale" is whether the person has become consideration

for profit-making. Whether the property accepted clearly exceeds customary scope, whether the parties' will is excluded from consideration of the marriage, and whether there is coercive conduct controlling and transferring the person are all important materials for judgment. In this case, the parents "betrothed" their daughter to another without her knowledge, accepted a high bride price, and hired people to abduct her across provinces. The person had completely become the consideration of the "price." Whether the "purpose of sale" can be determined still needs comprehensive judgment in light of other factors in the case.

The scope of responsible subjects differs. In the context of mercenary marriage, responsible subjects are mainly parents and other third parties who arrange the marriage and demand property. The criminal law's network of responsibility is broader: persons hired to abduct, transport, transfer, or take in the woman, if they know of "marrying off a daughter for property" and a crime is constituted, constitute accomplices in the crime of trafficking in women; if they do not know, and a crime is constituted, they may at least be considered accomplices in the crime of unlawful detention. If the man's family knowingly pays bride price to "take in" a trafficked woman, and a crime is constituted, they constitute the crime of buying an abducted woman; if they conspire in advance and participate in the abduction, and a crime is constituted, they are accomplices in the crime of trafficking in women. The network of responsibility woven by criminal law concepts is far denser than that of marriage and family law concepts. This is precisely the premise for coordinated public-private law regulation.

3.3. Arranged marriage and mercenary marriage

Arranged marriage and mercenary marriage are listed in parallel in Article 1042, paragraph 1, of the Civil Code, and in practice often accompany each other, but the two concepts do not overlap.

First, the constitutive requirements differ. Arranged marriage does not require property; its core illegality lies in a third party, including parents, arranging and forcing marriage against the parties' will. Mercenary marriage requires both "arranging" conduct and the purpose of "demanding property," and is an aggravated form of arranged marriage. In short, mercenary marriage must be arranged, but arranged marriage is not necessarily mercenary.

Second, the degree of harm differs. Arranged marriage infringes the legal interest of marital autonomy. Mercenary marriage, in addition, has the nature of instrumentalizing the person as a means of profit, tramples more severely on human dignity, and is more socially harmful. For this reason, arranged marriage generally only raises issues of validity evaluation in private law, while mercenary marriage may trigger public law sanctions such as the crime of trafficking in women.

Third, regulatory paths differ. Where a marriage has been concluded by coercion, the remedy for arranged marriage is mainly the voidable marriage under Article 1052 of the Civil Code; for mercenary marriage, in addition to validity remedies, return of bride price and even recovery of illegal gains must be initiated, and if the circumstances are serious, it should be transferred for criminal prosecution. Treating the two separately helps allocate tiered liability for conduct of different degrees of harm and avoids a "one-size-fits-all" approach.

4. Problems in regulating arranged and mercenary marriages

4.1. Problems in private law regulation

The primary problem in private law regulation is the weak civil remedies for marital autonomy and the

right to education. The function of private law regulation is to provide the arranged party with a full chain of remedies—confirmation of rights, correction of validity, and compensation for damage—thereby safeguarding the victim's ability to restore an autonomous life. To achieve this function, comparative law generally configures civil liability for acts interfering with freedom of marriage in a relatively thorough manner. China's current private law remedies are fragmented, and the civil remedy channels for marital autonomy and the right to education are both obstructed.

Specifically, first, the availability of tort remedies for marital autonomy is insufficient. Although Article 990, paragraph 2, of the Civil Code includes marital autonomy within "other personality rights and interests arising from personal liberty and human dignity enjoyed by natural persons," Article 1052 only provides "coercion" in marriage as a ground for voidable marriage. It is difficult to directly include forms such as "betrothal," of which the person is completely unaware, and soft coercion exerted in the name of custom. In this case, the girl's "betrothal" occurred without her knowledge. Had the cross-provincial abduction not been exposed, the fact that her marital autonomy was infringed would hardly have entered the judicial field of vision. In addition, the notion in the marriage and family field that "even an upright official finds it hard to judge family affairs" still has influence. In cases where victims sue their parents for cessation of infringement and compensation for mental damage, difficulties in filing and winning coexist in practice.

Second, the basis for civil remedies for infringement of the right to education is insufficient. Parents' forcibly interrupting education violates Articles 9 and 37 of the Education Law and Articles 35 and 37 of the Law on the Protection of the Rights and Interests of Women, but these norms are public law behavioral norms and do not establish corresponding civil claims between parents and children. Claiming civil compensation from parents for infringement of the right to education faces the obstacle of lacking a basis for a claim under the current legal framework. On the one hand, the parental duty of education and protection under Article 1068 of the Civil Code is difficult to directly transform into a claim for damages; on the other hand, proof of the amount of damage is extremely difficult. In practice, such issues are mostly handled through administrative assistance, return-to-school aid, and other paths, and civil remedies are effectively left idle.

Finally, bride price return rules lack protection for the arranged party. According to Article 1 of the 2024 Bride Price Provisions, the normative structure takes the "other party," that is, the payer, as the subject of the right of request, and the woman subjected to arranged marriage is absent from the normative text. In the circumstances of this case, the high bride price paid by the man's family was collected by the parents. The girl herself neither profited nor could prevent the payment. If the man sues for return, the girl may also be joined as a party and drawn into litigation, suffering secondary harm. This legal relationship inferred from property law technique easily induces reverse incentives for bride price as "status consideration." A conditional gift lacking initial property rights allocation implicitly recognizes the legality of interfering with and controlling another's marriage, and may implicitly incentivize the woman's parents to pressure her to obtain a high bride price, seriously departing from the legislative spirit of the Civil Code's prohibition on interfering with freedom of marriage. Therefore, some scholars advocate interpreting the initial distribution of bride price as a gift with obligations to the woman herself, so that property attribution and responsibility bearing are consistent, and the woman's parents are merely factual custodians [9]. It can be seen that the current bride price rules revolve around a bilateral structure of "payment and return" and fail to set a procedural status of knowledge, objection, and damages claim for the arranged party.

4.2. Problems in public law regulation

Problems at the public law level are concentrated in two areas: the difficulty of determining "purpose of sale" among relatives, and the absence of administrative-criminal linkage. Many foreign countries have independent charges for forced marriage with relatively clear constitutive requirements. China has no independent charge, and for extreme forms of arranged and mercenary marriage can rely on charges such as trafficking in women and unlawful detention, but faces a double dilemma in subsumption.

The first dilemma is divergence in determining "purpose of sale." The crime of trafficking in women takes this purpose as a necessary element, but in cases where parents "marry off a daughter for property," the customary appearance of bride price often obscures the illegality of the purpose. Some courts hold that parents accepting bride price for their children's "establishing a family" is customary and lacks the purpose of sale; other courts adopt a substantive judgment position, focusing on whether the property constitutes consideration for the person and whether the parties' will is excluded. Divergent understandings affect charge determination, and sentencing gaps also widen. The judicial dilemma of determining "fault" in the field of bride price return can serve as a mirror. An empirical study of 128 judgment documents involving women claiming fault on the man's side shows that women's factual defenses of fault are not typified and are difficult for judges to recognize; fault judgments are biased and have existed widely before and after the application of the Bride Price Return Provisions. The deep causes lie in legislative gaps, weak operability of existing norms, differing judicial understandings of tilted protection of women's rights, and the "who asserts must prove" allocation rule aggravating the burden of proof on women in a disadvantaged position in the private sphere [3]. It is worth noting that academic circles have long disagreed on whether fault should be considered in bride price return. Based on the functional positioning of unjust enrichment, some scholars argue that fault of both parties should not be a discretionary factor in bride price return [4]; others emphasize the institutional value of fault doctrine for judicial protection of faultless women [3]. Where the crime of trafficking in women is established, the punishment is fixed-term imprisonment of not less than five years but not more than ten years; where it is downgraded to the crime of unlawful detention, the sentence is mostly not more than three years. In this case, the parents accepted a high bride price and hired people to abduct and transport the daughter overnight across provinces for more than 20 hours; the social harmfulness of the conduct already approaches trafficking. Of course, the specific circumstances behind the case still need further verification, but if it is evaluated only as unlawful detention, the imbalance between the severity of sanctions and the degree of harm is obvious.

The second dilemma is the lack of a bridge between administrative enforcement and criminal prosecution. Cases of arranged and mercenary marriage often first enter the field of vision of grassroots self-governing organizations and administrative organs before entering criminal procedure, but current norms do not establish a clear transfer mechanism for "administrative-criminal linkage." The Law on the Protection of the Rights and Interests of Women provides for the handling duties of relevant departments regarding acts infringing women's lawful rights and interests, but does not clarify their transfer obligations and procedures upon discovering clues of suspected crimes. Faced with the family-affair appearance of "parents taking an adult daughter home to marry," grassroots police stations usually mediate as a family dispute, and hidden clues of trafficking and unlawful detention are easily missed. The social harm caused by high bride price is no longer purely a family affair. Empirical research shows that bride price payment leads to family debt, and intergenerational and intragenerational exploitation intertwine. In some areas, homicide cases have occurred

due to bride price disputes. The negative impact of marriage-related borrowing on rural young people's marital satisfaction has stage characteristics, with debt pressure mainly affecting the first four years after marriage [10]. In this case, the parents had already carried out preparatory and substantive acts such as cross-provincial staking out, scouting, and abduction. Had the taxi driver not been alert and called the police, the crime could very likely have succeeded. The delay in administrative-criminal linkage is evident.

4.3. Problems in coordinated regulation

Problems at the coordination level are concentrated in personal information leakage in the public power intervention link and the absence of multi-actor coordination mechanisms. Governance of arranged and mercenary marriage depends on the cooperation of public power, social organizations, and private law remedies. What this case exposes is precisely a double break in this coordination chain.

Regarding the personal information protection loophole in the public power link: in this case, the parents "found her specific address in Shenzhen through the local police station." If the query and provision lacked statutory grounds such as case handling, then Article 13 of the Personal Information Protection Law (processing personal information must have a lawful basis), Article 34 (state organs processing personal information must not exceed the scope and limits necessary for performing statutory duties), and Article 1039 of the Civil Code (confidentiality obligation of state organs) were all violated. The address of an adult child is whereabouts trajectory information involving personal safety. Providing it to a third party intending to abduct may objectively "hand a knife" to the infringing conduct. Regulating such conduct itself also faces obstacles. On the one hand, there is a lack of detailed standards for interpreting the "scope necessary for performing duties," and practice is divided on whether a police officer providing information out of the motive of "helping family find a relative" exceeds the boundary. If the parents were indeed seeking the daughter out of a motive of family reunion, providing information might not be improper; if their motive was to take the man's bride price and bring her back to marry, providing the address is suspected of "assisting" infringement. On the other hand, victims' civil claims against state organs are constrained by the division between state compensation liability and civil liability, and the path is obstructed; only serious circumstances fall under Article 253A, paragraph 2, of the Criminal Law, and the accountability mechanism thus shows an imbalance between "too light" and "too heavy."

Regarding the absence of a multi-actor coordinated remedy mechanism: after the arranged party escapes her original family, she needs residential placement, employment assistance, return-to-school aid, psychological intervention, and legal aid—all of these are needs, and they exceed the duties of any single organ. Although current norms contain scattered arrangements such as the personal safety protection order under the Anti-Domestic Violence Law and the scope of aid under the Legal Aid Law, there is a lack of a special coordination mechanism for victims of arranged and mercenary marriage. There are no procedures for information sharing and joint handling among public security, education, civil affairs, the Women's Federation, and social organizations, and public-interest organizations' rescue acts also lack normative positioning and institutional support. In this case, the girl's rescue depended to a large extent on the contingency of the taxi driver's personal alertness and the police's emergency surveillance and control. The absence of an institutionalized coordination mechanism is precisely refuted by this.

5. Improvement of public-private law coordinated regulation of arranged and mercenary marriages

5.1. Improving private law paths for civil remedies for marital autonomy and the right to education

It is suggested that the scope of application of voidable marriage be expanded to cover marriage formation forms in which "the person is unaware." The current Article 1052 of the Civil Code takes "coercion" as the sole ground for voidable marriage and cannot easily include "betrothal" of which the person is completely unaware and soft coercion exerted in the name of custom. Therefore, when amending the Civil Code or formulating judicial interpretations in the future, the grounds for voidability should be expanded to all forms of "violating the person's genuine expression of intent." Specifically, two rules may be adopted. First, it should be made clear that the determination of "coercion" includes personal coercion and mental coercion, and coercive pressure formed by utilizing subordinate relationships or economic control should also be recognized. Second, a general clause should be added providing that where the conclusion of marriage is not based on the person's autonomous intent, the person may request revocation of the marriage. In this way, the situation in this case, where the girl was unaware of the "betrothal" but forced into marriage, can enter the remedy track of voidable marriage without waiting for evidence to reinforce coercion.

Although the right to education is a constitutional right, private law compensation for its infringement is not entirely impossible. First, it is suggested to activate the normative potential of Article 1068 of the Civil Code, and through judicial interpretation clarify that the parental duty of education and protection includes the specific content of ensuring school-age children receive education. Where parents, without justified reason, forcibly interrupt their children's schooling, this constitutes a violation of guardianship duties, and the child may claim compensation on an independent basis of claim other than Article 1188. Second, by reference to the structure of the personality right claim in Article 995, the educational interest should be included in the protective reach of "personality rights and interests arising from personal liberty and human dignity," granting victims the right to request cessation of infringement and removal of obstruction. Third, in proving damages, a discretionary method should be adopted. Indirect losses such as delay in further education and reduced employment opportunities caused by interrupted schooling may be discretionarily determined by the court in light of local education levels and the circumstances of the individual case, alleviating the difficulty of proof.

When improving the Bride Price Provisions in the future, three procedural and substantive positions should be set for the arranged party. First, the arranged party's independent litigation status in bride price return litigation should be clarified; she may apply to participate in litigation and assert that the bride price is consideration for mercenary marriage, not bound by a return agreement between her parents and the man. Second, the arranged party's right to know and right to object regarding bride price should be established. Where parents collect bride price without informing the person or against her will, she has the right to demand from her parents return of her due share or claim compensation for mental damage. Relevant academic explorations may be drawn upon: an agreement concluded by the parties on bride price return should be deemed binding on both parties where the expression of intent is genuine [5]; some scholars, from the perspective of law and economics property rights allocation, argue that the law need not directly intervene in bride price pricing, but should clarify that initial property rights in bride price belong to the woman herself, activating a rational pricing and bargaining mechanism in family internal governance and dissolving the generative drivers of high bride price [9]. Third, the scope of return in the case of "demanding property

by taking advantage of marriage" should be clarified as full return, and the return responsibility should be prohibited from being shifted to an arranged party who neither profited nor consented, institutionally eliminating the absurd result of "the victim bearing responsibility."

5.2. Clarifying rules for determining trafficking in women among relatives and building an administrative-criminal linkage mechanism

It is suggested to establish typified rules for determining "purpose of sale." In response to divergences in judicial practice, the highest judicial organs may establish typified rules through guiding cases or judicial interpretations, taking whether property constitutes consideration for the person as the core judgment and comprehensively considering four factors: whether the property accepted significantly exceeds customary scope; whether the parties' will is excluded from consideration of the marriage; whether there is coercive enforcement accompanied by personal control and transfer; and the ultimate attribution and use of the property. As for kinship status, the position of the 2010 Opinions should be clearly reaffirmed: blood relationship does not constitute an exemption; where parents "marry off a daughter for property," if a crime is constituted, it shall be punished as the crime of trafficking in women. Where parents merely help their child "establish a family" and do not violate her will, no crime is constituted. In addition, persons who know of "marrying off a daughter for property" and are hired to abduct, transport, transfer, or take in the woman, if a crime is constituted, shall be punished as accomplices in the crime of trafficking in women; those who participate in abduction without knowledge, if a crime is constituted, shall at least be punished as accomplices in the crime of unlawful detention; where the man's family knowingly pays bride price to "take in" a trafficked woman, if a crime is constituted, they shall be punished as the crime of buying an abducted woman, and if they conspire in advance and participate in abduction, as accomplices in the crime of trafficking in women.

It is suggested to build an administrative-criminal linkage mechanism for cases of arranged and mercenary marriage. When amending the Law on the Protection of the Rights and Interests of Women or formulating implementing rules in the future, three aspects may be provided. First, clarify the transfer obligation: education, civil affairs, Women's Federation, grassroots self-governing organizations, and others, upon discovering clues of arranged and mercenary marriage in the performance of duties, shall promptly transfer them to public security organs, and public security organs shall not refuse to accept them on the ground of family disputes. Second, establish a case filing supervision channel: where a public security organ should file a case but does not, the victim and her legal representative or the Women's Federation may apply to the procuratorial organ for case filing supervision. Third, expand the scope of application of personal safety protection orders by interpretation, clarifying that they may extend to personal threats in arranged and mercenary marriage scenarios, so that the procedural resources of the Anti-Domestic Violence Law can be used for protecting marital autonomy. At the same time, where civil trial of bride price return disputes reveals clues of suspected trafficking or buying crimes, the court shall ex officio transfer them to the investigative organ, realizing reverse linkage from civil procedure to criminal procedure.

5.3. Closing public power personal information protection loopholes and improving multi-actor coordination mechanisms

It is suggested to refine rules for state organs processing personal information and strengthen accountability. In response to the loopholes exposed by this case, improvements may be made in three aspects. First, refine

the interpretive rules for the "scope and limits necessary for performing statutory duties" in Article 34 of the Personal Information Protection Law. Public security organs should issue law enforcement guidelines clarifying that providing adult citizens' whereabouts and address information to relatives must be premised on statutory grounds; "helping find a relative" does not constitute a statutory ground; and query and provision acts should leave a full record and be registered for the record. Second, improve the dual track of accountability: public officials who violate discipline or rules shall be given sanctions under Article 68 of the Personal Information Protection Law; if the circumstances are serious, criminal liability shall be pursued under Article 253A, paragraph 2, of the Criminal Law; at the same time, it should be made clear that victims may obtain relief under the State Compensation Law, bridging the "imbalance between too light and too heavy." Third, establish a reverse notification mechanism: for adults at risk of being abducted or coerced, when a public security organ receives a relative's query request, it should first verify the person's will and may not disclose her whereabouts information without her consent.

It is suggested to build a multi-actor coordinated remedy mechanism for victims of arranged and mercenary marriage. The proposals are as follows. Proposal one: public security, education, civil affairs, the Women's Federation, and other departments jointly formulate coordinated handling procedures, clarifying the division of duties in victim assistance. Public security organs are responsible for personal protection and criminal prosecution; education departments are responsible for return-to-school placement; civil affairs departments are responsible for temporary shelter and livelihood assistance; the Women's Federation is responsible for rights protection support and follow-up visits. Proposal two: provide normative positioning for the rescue acts of social organizations and public-interest institutions, include them in the scope of government purchase of services, and clarify their functions and boundaries in links such as clue verification, temporary placement, and psychological intervention. Proposal three: clearly extend the coverage of legal aid to victims whose marital autonomy and right to education are infringed, so that they receive professional support in procedures such as marriage revocation, bride price objection, and criminal accusation. Grassroots governance experience also shows that for bride price disputes with strong contractual attributes, basic-level courts joining with township government cadres and village committee staff to conduct joint mediation and form a social governance community can achieve good dispute governance effects [1]. For comprehensive governance of high bride price, it is necessary to adhere to "government guidance, mass participation, economic support, rule of law safeguards, and cultural infusion," and coordinate policy guidance, publicity and education, economic support, and supervision under laws and regulations [11]. Supervision and management of matchmaking service platforms should also be standardized, illegal and unlawful matchmaking service acts should be vigorously cracked down on, phenomena such as "marriage fraud" and "marriage sale" should be reduced, and the lawful rights and interests of rural age-appropriate groups should be protected [12]. Questionnaire research shows that rural people have a split cognition of high bride price: they acknowledge that it causes debt and conflict, yet worry that lowering bride price will damage face and their children's marriage opportunities. Pure moral persuasion is difficult to be effective [11]. Only in this way can the contingent rescue in this case, which relied heavily on the taxi driver's personal alertness, be transformed into institutionalized coordinated relief, and can victims' reconstruction of autonomous life after escaping their original families have stable institutional support.

6. Conclusion

To move from the lucky rescue of an individual case to the normal guarantee of institutions, people must confront the deep structure behind arranged and mercenary marriage. Every link in the cross-provincial forced marriage incident—the "betrothal" without knowledge, the interrupted education, the leaked address, the hired abduction—is not an isolated accidental failure, but the manifestation in institutional crevices of residual ideas that, driven by high bride price, alienate marriage into a transaction and regard children as property. The rescue of the individual case depended on the taxi driver's alertness and the police's surveillance and control, carrying considerable contingency. Only by transforming contingent luck into institutional necessity can victims' rights protection not fall away as public opinion recedes.

To achieve effective protection of marital autonomy, a public-private law coordinated regulatory approach must be maintained. Private law remedies provide victims with validity correction and damage compensation; public law sanctions draw an insurmountable deterrent boundary for actors; and coordination mechanisms provide organizational and informational safeguards for connecting the two tracks. The three are interlocking and indispensable. To advance coordinated governance of arranged and mercenary marriage, it is also necessary to go beyond legal texts and reach the reconstruction of ideas and society. Transforming customs is a long historical process. Law cannot forcibly transform custom, but through clear behavioral evaluation and responsibility allocation, it can set a direction for the evolution of custom. When "marrying off a daughter for property" may lead to prosecution for trafficking in women, when the boundary between customary bride price and mercenary marriage becomes clearly identifiable through typified rules, and when every arranged party can obtain perceivable, assertable, and obtainable legal remedies, the transaction logic carried by high bride price will gradually lose the soil in which it breeds.

Rights on paper become reality in life only through continuous institutional efforts by private law, public law, and coordination mechanisms. Facing the deep game of ideas and interests in the field of marriage conclusion, people must firmly believe in the power of the rule of law to transform outdated ideas into modern civilization, protect every individual's marital autonomy through the coordinated operation of public and private law norms, and provide solid institutional guarantees for the full realization of the constitutional value of freedom of marriage.

Disclosure statement

The author declares no conflict of interest.

References

[1] Li YJ, Kang L, 2025, A Typological Study on Grassroots Judicial Participation in the Governance of Rural Bride Price Disputes. Hebei Law Science, 43(7): 70–89.

[2] Long J, 2024, The Theoretical Basis and Structure of Claims for the Return of Bride Price. Study & Practice, 2024(10): 65–75.

[3] Xiang Y, Sui XH, 2025, Judicial Application of the Fault Principle in Disputes over Betrothal Property: A Perspective Based on Article 6 of the "Provisions on the Return of Bride Price". Journal of Beijing Institute of Technology (Social Sciences Edition), 27(5): 32–41.

[4] Xue NL, Cui D, 2024, On the Nature of Bride Price Payments and Rules for Their Return. Collection of Women's

Studies, 2024(5): 87–98.

[5] Teng JY, 2026, Dynamic Adjustments to the Factors Governing Bride Price Return. China Law Review, 2026(3): 190–205.

[6] Liu N, 2025, Reconstructing the Rules for Bride Price Return from the Perspective of "Change of Circumstances". Politics and Law, 2025(5): 111–128.

[7] Chen YT, 2026, From Providing Dowries to Demanding Bride Price: Changes in Rural Marriage Exchange from a Patrilineal Family Perspective. China Youth Study, 2026(5): 54–61 + 82 + 119.

[8] Huang LF, 2026, "Compensation" and "Security Fund": On the Nature of Rural Bride Price. Seeker, 2026(4): 176–186.

[9] Wang, 2026, The Dual Distribution Structure and Legal Governance of Bride Price from the Perspective of Law and Economics. Social Sciences in Gansu, 2026(2): 103–112.

[10] Sun BB, Jin XY, Yang J, 2026, The Impact of Marriage-Related Debt on Marital Satisfaction Among Rural Youth: Implications for the Comprehensive Governance of High Bride Prices in Rural Areas. Population and Development, 32(4): 75–86.

[11] Wang HJ, 2026, Research on the Underlying Causes and Comprehensive Governance Strategies Regarding High Bride Prices in Underdeveloped Western Regions. Study & Practice, 2026(8): 131–140.

[12] Ping YX, Tan RY, 2024, Research on the Current Status of Rural Bride Prices and Governance Pathways from the Perspective of New Marriage and Childbearing Culture: A Study Based on Province H in the Central-Western Region. Agricultural Archaeology, 2024(1): 197–208.

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