

Economic Violence and Property Rights in Informal Family Relationships: A Gender-Based Analysis from Colombia

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HOW TO CITE:

Victoria Eugenia Ramírez Vélez,
Adriana Patricia Arboleda López
(2026). Economic Violence and
Property Rights in Informal Family
Relationships: A Gender-Based
Analysis from Colombia.
International Journal of Special
Education, 41(11s), 162-1144

ABSTRACT:

The common-law family has emerged as one of the most widespread types of family groupings in Colombia, and it is an example of significant social changes in the contemporary family. Women's rights, although legally acknowledged, are not properly protected, and remain unfulfilled in practice, with particular regard to the issues of property rights and economic autonomy. Drawing on the lens of gender-based violence, this study explores its effects on the establishment, management, and termination of common-law marriage. The research is grounded in a qualitative hermeneutic and socio-legal approach, and is based on legal and jurisprudential analysis and empirical evidence gathered through fifty semi-structured interviews with women having lived common-law relationships in a variety of socioeconomic contexts. The results show that economic and patrimonial violence are also ongoing gender inequalities, frequently expressed in the form of economic control, hiding assets, contractual simulation, and restrictions on access to justice. Moreover, the study shows that the traditional civil law institutions, such as contractual simulation can be tools of economic abuse that affect women's property rights, and perpetuate power imbalances. Moreover, the findings underscore the lack of recognition of unpaid domestic and caregiving work as a meaningful contribution to patrimonial partnerships. The article suggests in turn legal and social approaches to reinforce gender sensitive judicial interpretation, access to justice and introducing a human rights and gender approach in family property law. The research may help in the current discussions about the phenomenon of economic violence, gender justice and the safeguarding of women's patrimonial rights in non-marital family forms..

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Keywords: Gender-based violence; economic abuse; common-law unions; patrimonial partnerships; contractual simulation; women's property rights; access to justice; gender perspective; family law.

1. Introduction

Gender-based violence remains one of the critical issues in the effective protection of women's human rights in LAC. ECLAC (2023) states that the multiple forms of physical, psychological, sexual, economic and patrimonial violence remain structural expressions of inequality that disproportionately impact women in various aspects of social, economic and familial life.

Diversification of family structures is now one of the most important social changes of the last few decades. One of these transformations is the rise of common-law unions, which are now a central modality of family organisation in many Latin American countries, especially in Colombia, where cohabitation is now the preferred form of intimate relationship to marriage. While the rights of cohabiting partners have been increasingly acknowledged in a series of legislative changes, key issues persist on how to ensure that women's rights are effectively secured in cohabiting relationships, particularly in respect to property, economic independence and justice.

Intimate partner violence (IPV) has traditionally been looked at from a physical, psychological and sexual lens. Economic and patrimonial violence, however, have become a central focus of contemporary scholarship and international human rights, as structural mechanisms that help to reproduce gender inequalities. These types of violence are not limited to physical violence and are used not only by directly threatening physical harm, but also by controlling access to monetary resources, limiting economic independence, interfering with property rights and appropriating assets. This, in turn, restricts women's right to exercise their basic rights and to equitably access and manage the administration of collective property.

Among Colombian legislative developments, there are important laws designed to enhance protection of women from gender-based violence, such as Law 54 of 1990, Law 1257 of 2008 and Law 2126 of 2021. Similarly, judicial and constitutional rulings have increasingly recognized common-law partnerships and the patrimonial results. However, there is a significant divide between recognition of the rights of women in law and in practice. Economic and patrimonial violence is often not perceived in the context of legal proceedings concerning the establishment, operation and termination of cohabiting partnerships.

An important aspect of this issue is the extent to which the apparently neutral civil law institutions are used to maintain economic control and exclusion. Contractual simulation, for instance, can be used as a way to disguise, transfer or re-organize assets as a way to evade settlement of those assets within the estate. These practices result in and perpetuate structural inequalities by limiting women's access to economic opportunities and legal remedies, and also have an impact on land ownership. Furthermore, women are particularly vulnerable in these relationships, because there are evidentiary barriers, institutional constraints and a history of undervaluation of unpaid domestic and care work.

There has certainly been a lot of literature published on family law, GBV and women's rights, but there are still gaps in the research. Most of the research conducted so far has been looking at the recognition of common-law unions, domestic violence, or patrimonial disputes separately. By contrast, there has been less work on the intersection between economic and patrimonial violence and family property law, as well as the impact of these forms of violence on women's experience in non-marital unions. In

a similar way, there are few empirical studies that link the analysis of law with the experiences of the women living with such violence.

The aim of this study is to fill these gaps by analyzing the effects of gender-based violence on patrimonial relationships between cohabiting partners in Colombia. In particular, it aims to analyse the legal and social mechanisms which produce economic and patrimonial violence, to determine the main obstacles to women's access to justice and to assess how well current legal structures protect women. The study draws together doctrinal, jurisprudential, and empirical approaches to shed light on the connection between gender inequality, economic abuse and property rights.

The method used in the study is a qualitative hermeneutic and socio-legal method, which is a qualitative method that relies on the analysis of legal sources and judicial decisions as well as empirical evidence gathered through the use of a semi structured interview with the informants, namely women who have experienced common law unions. The interdisciplinary approach is meant to suggest that the economic and patrimonial violence should not just be understood as a side-effect of gender inequality, but as an integral mechanism of the perpetuation of structural power imbalance in intimate relationships.

The findings highlight the importance of transcending formal discourses on equality towards substantive approaches that can overcome material realities of the lives of women. To this end, the article calls for the inclusion of a gender perspective in family property law, including the recognition of the unpaid work of domestic and patient care as an actual contribution to the patrimonial partnership and the consolidation of institutional frameworks that ensure fair access to justice. In sum, the socio-legal implications of the study present a contribution to general debate of gender justice, economic violence, and human rights, and provide insights that could be useful for legal

reforms and public policies that strive to achieve substantive equality in the current family system.

2. Methodology

Research Design

The method applied in this study is qualitative research with a hermeneutic and sociological approach in a legal aspect. The qualitative design was chosen because it enables gaining more in-depth knowledge of the legal, social and experiential aspects of GBV in common-law unions with a specific focus on how it impacts property rights and patrimonial partnerships. The socio-legal approach allows for the consideration of legal norms, judicial interpretations and social practices as interwoven aspects of a larger phenomenon: gender inequality.

The research is descriptive-analytical design. It is descriptive since it aims to describe the expressions of economic and patrimonial violence suffered by women in common-law couples. It is analytical in that it explores the legal and social institutions and processes involved in how such forms of violence impact on women's access to property rights, economic autonomy and justice.

Sources of Information and Data Collection

The study uses both documentary and empirical sources of information. The documentary part consisted of a systematic review of the Colombian constitutional, civil and family laws that address common-law marriages, patrimonial partnerships, gender-based violence and women's rights. The special focus was on Law 54 of 1990, Law 1257 of 2008, Law 2126 of 2021 and relevant decisions of the Constitutional Court and Supreme Court of Justice.

The empirical part involved fifty semi-structured interviews with women who experienced common-law unions and reported economic or patrimonial violence situations. Sample was purposively chosen because they had first-hand experience with the phenomenon being studied. The interviews addressed issues of property management, economic resource allocation,

recognising domestic and caring work, legal action, and experiences of justice and institutional support.

Semi-structured interviews were chosen as this gives enough room to go in and out of the topic while still keeping consistency among the interviewees. This method helped to recognise repeated patterns and to record a range of economic and patrimonial experiences of violence.

Data Analysis

The analysis of the data was done by using qualitative content analysis and thematic coding. The documentation used was examined to uncover the nature of the legal categories, the judicial criteria and the normative developments concerning the protection of women's patrimonial rights in common-law marriage.

Data from the interviews were coded and then organized by means of thematic categories which were created on the basis of the theoretical framework and the empirical findings. The major analytical categories were economic violence, patrimonial violence, contractual simulation, access to justice, unpaid domestic work, economic autonomy, and property rights. In this process, links between legal frameworks and participants' lived experiences were identified. NVivo qualitative data analysis software was used to support the coding and thematic organization process, as it helped to manage the data, develop categories and to identify common themes in the interviews.

Triangulation of legal, jurisprudential and empirical evidence was used. The method increased the analytical dimensions of the study and helped to have a more complete picture of the relationship between the legal norms and social realities.

Validity and Trustworthiness

To increase the trustworthiness of the results and credibility of the findings, methodological triangulation was utilized by the integration of various sources of information such as

legislation, judicial decisions, academic literature and information obtained from interviews. In addition, the analysis process was carried out continuously by comparing the interpretation of the findings with the legal interpretation, so that there was uniformity and coherence in the interpretation of the findings.

Theoretical triangulation was also applied, with the use of theory from the fields of family law, gender studies, human rights law, and socio-legal scholarship. This interdisciplinary approach paved the way for a more comprehensive approach to understanding the structural aspects of economic and patrimonial violence.

Ethical Considerations

The research respected basic ethical standards for research with human subjects. All interviews participants signed a consent form, and their participation was voluntary. The confidentiality and anonymity of the respondents was ensured during the research process, and any information that could identify participants was deleted from the analysis and presentation of results.

Considering the sensitivity of the issue of GBV, precautions were taken to ensure not to put respondents at further risk or emotional harm when participating. The study was conducted in line with the principles of respect, dignity, privacy and protection of vulnerable groups.

Analytical Framework

An interdisciplinary methodology, in combination with gender theory, human rights and socio-legal perspectives on family property relations, was adopted to guide the analysis. This framework acknowledges that economic and patrimonial violence are structural forms of gender inequality, which impact on women's capacity to enjoy autonomy, resources and access to justice in equality.

The study therefore explores common-law unions as legal institutions but also as social spaces where power dynamics, economic dependency and gender norms influence resource distribution and opportunities. This lens provides

a richer picture of the ways in which formal legal protections might coexist with ongoing modes of economic exclusion and discrimination.

3. Results and Discussion

A. Legal Effects and Limitations of the Common-Law Union and the Patrimonial Partnership Between Permanent Partners

The exploration of gender-based violence in common-law unions or patrimonial partnerships with permanent partners is part of a transdisciplinary realm of analysis that brings together family law, legal sociology and feminist studies. This is a way to challenge a reductionist view of violence and to see it as a structural aspect of unequal power relations, not as something happening in isolation, in physical, psychological, sexual, economic, patrimonial aspects.

Internationally, the scale of the phenomenon has been highlighted by international organisations which have reported that a large number of women have been victims of violence in the context of intimate partner relationships, placing this issue as one of the most pervasive human rights abuses. The literature in Latin America has examined the link between gender-based violence, structural inequality, economic dependence and institutional weakness, and the necessity to act beyond the criminal arena and engage civil, family, administrative and public policy approaches.

In this context, the development of the definition of GBV has meant a shift from focusing on physical violence to a wider one that also encompasses other less visible forms of violence, such as psychological, economic or patrimonial violence. The expressions of reproduction of domination relations have been undervalued in the legal sphere, and are often invisible, thus ensuring the persistence of material inequalities that are sometimes defined in these expressions.

The Colombian situation is similar, in that, while the law has incorporated the concept of violence against women as a violation of fundamental rights, there are gaps in both theory and practice.

There is a normative convergence for domestic violence, but a nascent analysis of the effects of patrimonial violence in common-law wedlocks.

While these relations from a legal point of view have been well analysed and described in terms of their legal set-up and patrimonial consequences, little attention has been paid to the analysis of the power dynamics, of economic control, and of barriers to justice that affect women in common law marriages.

Regarding this, the patrimonial collaboration of permanent partners has particular significance, being a form of articulation of the affective dimension linked to the distribution of assets, the recognition of the unpaid domestic labour and the access to the common property. Several studies have demonstrated that patrimonial violence is not just a matter of directly stripping away assets, but also one of concealment, unilateral administration and simulation, or disposal of assets without authorization, forming complex mechanisms of economic subordination.

However, there is a research gap in the linkage between gender-based violence and family patrimonial law, and especially in relation to common-law unions. There is limited research that combines law with women's lived experiences, and research on the impacts of the violence dynamic on economic independence and the efficacy of institutional protection measures is lacking.

International human rights law has acknowledged that GBV is a type of structural discrimination. The duties of States under this Convention, as under other international instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), particularly under General Recommendation No. 35, involve measures of prevention, protection, investigation, punishment and reparation, which require a substantive understanding of equality. Here it is not enough to pay attention to abstract rights to property; the question becomes whether

they can be exercised in real conditions of independence.

In the Inter-American system, the Convention of Belém do Pará gathered the concept of violence against women as violence in both the public and private spheres, which is a violation of human rights. This expansion is especially significant in regard to common-law unions, where economic and patrimonial violence is manifested in various ways, such as the deprivation of income, exclusion from the administration of property, and limiting access to resources.

The gender approach from a theoretical perspective enables these dynamics to be understood as expressions of historical structures of domination. Simone de Beauvoir (1949), Joan W. Scott (1986) and Judith Butler (1990) have shown that gender is a social construct that reinforces patterns of power and that Pierre Bourdieu (1998) has explained how these inequalities become inscribed in the symbolic orders that constitute them. Rita Segato and Marcela Lagarde have highlighted the structural dimension of gender-based violence in Latin America.

1. Contractual Simulation as an Instrument of Economic Abuse and Gender-Based Violence in Colombia

The architecture of the Colombian civil law has been being progressively dismantled, for decades limiting the legal subjectivity of women. The institution of marital authority, which was established by the Civil Code of 1887, gave husbands control over the person and property of married women, all in one package. The adoption of Law 28 of 1932 was a watershed moment as it removed the patrimonial aspects of such authority and acknowledged women's full rights to manage their property and make independent legal decisions.

Later, the legal recognition of common-law unions, through Law 54 of 1990 and modified by Law 979 of 2005, was a great improvement, for it bestowed patrimonial effects on cohabitation relationships. This is consistent with Article 42 of

the 1991 Political Constitution which provides for the family as the basic unit of society, created by nature or law, thus allowing for a gradual convergence between marriage and common-law unions. However, this equalisation has largely been superficial and has not been successful in ensuring substantive equality in environments where gender-based violence is present.

In the past, such forms of union were invisible and legally unprotected, particularly for women, who were not acknowledged as "patri" and were integrated as part of a structure of domination. Normative evolution has made them visible but there are lacunae in effective protection, especially in patrimonial conflicts where power imbalances are reproduced in apparently neutral legal processes.

1.1. Economic Control

Economic control includes measures which limit access to and control over resources. It is expressed in the idea of financial accountability, unilateral administration of household finances and the lack of inclusion of women in the decision-making regarding the economy, leading to increased structural dependency.

1.2. Economic Exploitation

Economic exploitation takes place when the victim's assets are directly diminished, for instance through the misuse of property or the creation of debts, or by taking advantage of legal devices, including contractual simulation, to deprive the victim of assets that belong to the common patrimonial estate.

1.3. Economic Sabotage

Economic sabotage involves actions or activities taken to hinder a woman's ability to earn money or make progress and develop herself by disrupting her work, school or career. These practices have a direct impact on her economic ability, but also on her life prospects and independence in the future.

The categories reflect that the phenomenon of economic violence is not a peripheral problem,

but rather a gender-based violence structural axis. In this context, the simulated legal transaction is the perfect tool for implementing patrimonial exclusion, by which transactions could be carried out to divert assets, change ownership or make them harder to discover in patrimonial liquidation proceedings. As such, contractual simulation needs to be rethought from a gender lens, not just as a fraud on third parties, but as a tool for economic violence which directly impacts the effective protection of women's patrimonial rights in domestic relations.

2. Contractual Simulation: Legal Mechanics and Fraudulent Purposes

In marital and common-law unions, contractual simulation is not a neutral institution of private

law, but rather is a tool that has the potential for being misapplied against a spouse or permanent partner. Technically, simulation involves an intentional misrepresentation between the parties, which they intend to make known to third parties, such as a spouse or permanent partner, that is intended to mislead the third parties.

According to this thought, simulation has a functional aspect in the patrimonial power organization, because it allows the imaginary organization of assets to detach them from the protection of the marital or patrimonial partnership. The principal modalities may be systematized as follows:

Table 1. *Types of Contractual Simulation and Their Effects on Patrimonial Partnerships*

Type of Simulation	Technical Definition	Impact on the Marital or Patrimonial Partnership
Absolute Simulation	The parties appear to enter into a legal transaction without any genuine intention of producing legal effects.	The asset is formally excluded from the estate in order to conceal it from liquidation proceedings, while potentially being returned to the simulator's estate through undisclosed agreements.
Relative Simulation	The parties execute a genuine transaction but disguise it under the appearance of a different legal act (e.g., estate, the classification of assets, and the sale that is actually a donation).	The nature of the act or ownership of the asset is altered, affecting the composition of the marital estate, the classification of assets, and the determination of compensatory claims.

Note. Adapted from the original text.

This legal mechanism has become a significant area of intervention by Colombian jurisprudence, particularly in correcting power asymmetries that materialize within the patrimonial sphere of intimate relationships.

3. Jurisprudential Evolution of the Supreme Court of Justice: From Formal Restriction to Gender-Sensitive Protection

The Civil Cassation Chamber of the Supreme Court of Justice has been key in shaping legal protections for contractual simulation in intimate relationships.

The jurisprudence goes back to the case of Adelaida Navarro (1937) in which the Court

allowed a woman to impugn simulated contracts that her husband executed in order to eliminate assets from the marital society. The judgment was a first step toward the recognition of women's procedural capacity.

Since the enactment of Law 68 of 1946, however, there have been strong limitations, which will be discussed shortly, on the filing of a simulation claim without the prior dissolution of the marital partnership. It was a formalistic approach which

significantly hindered women's access to justice and led to delayed action against fraudulent patrimonial maneuvers.

This paradigm was later overturned by the current jurisprudence, as in the judgments SC16280-2016 and SC5233-2019, which allowed for the affected spouse or permanent partner to attack simulated transactions even prior to the dissolution of the patrimonial partnership. This jurisprudential change is a very important step toward the successful enforcement of patrimonial rights in unequal situations.

A recent, perhaps especially pertinent, technological advancement is the notion that women can be classified as “third parties” with regard to the mocked legal transaction. Third parties have evidence unfettered restrictions and have the ability to establish a simulation by indicia and presumptions, unlike successors. It is a key distinction in situations of economic violence because documentary evidence may be difficult to obtain because of the nature of control over the documents operated by the perpetrator.

4. Typology of Simulated Transactions in Contexts of Economic Abuse

Contract law, however, is far from being neutral; it can be a tool for the reproduction of economic violence when it is instrumentalized for the aim of patrimonial exclusion. In this context, there are various types of simulated transactions that can be distinguished.

4.1. Exploitation Through Fictitious Transfers

This involves performing simulated contracts, typically sales transactions, on behalf of close associates or relatives to remove assets from the common estate and thus also their admission in liquidation, thus directly influencing women's rights of participation in asset distribution.

4.2. Residential Control and Restriction of Autonomy

Simulation can also serve as a proxy personal control mechanism. In a few instances, the family

home is wrongfully transferred to a third party who then files an action to obtain the home, throwing the woman out. Such manoeuvre is an example of what is known as economic violence and psychological violence.

4.3. Manipulation of Debts and Compensation Systems

Technically, debts are a complicated issue after dissolution. The “social nature of debts” is expressed in the idea that the credits which are generated by payments made for the preservation of common assets are compensable. Failure to include such contributions, however, or their fraudulent manipulation – through overvaluation or simulation – can be considered a form of patrimonial violence because it can affect the economic balance of the liquidation process.

5. Recognition of “Invisible Work” and the Gender Perspective (2023–2024)

Recent developments in Colombian jurisprudence show that the concept of “invisible work” is beginning to be considered as a legally relevant category in patrimonial relationships. This omission is linked in this context to economic violence, by reproducing patterns of devaluation of women's contributions to the process of creating the common patrimony (domestic work, caring, emotional support).

Judgment STC8525-2023, rendered by the Civil Cassation Chamber of the Supreme Court of Justice, is a precedent-setting decision. In this scenario, the claimant wanted to remove his permanent partner from the liquidation of the patrimonial partnership because she had not made direct financial contributions. The Court did not accept this argument, arguing that domestic/ caregiving work is a significant part of the shared life project and that, therefore, the *animus societatis* and the patrimonial partnership exists.

In effect, this decision eliminates a mere economic understanding of family “patrimonial” law and establishes a “substantive” understanding of the concept of “contribution”,

based on international standards of substantive equality.

B. Diagnosis of Gender-Based Violence in Common-Law Unions and Patrimonial Partnerships in Colombia: Empirical and Legal Analysis

In common-law unions and patrimonial partnerships, the case of gender-based violence in Colombia shows a structural, multidimensional and persistent phenomenon that entails convergence of power inequalities across various personal, economic, social and institutional dimensions. Although there has been a legal framework that considers gender-based violence as an issue of public concern, especially with the enactment of Law 1257 of 2008 and Law 2126 of 2021, there was still so much that could be done to better realise the rights.

Law 1257 of 2008 created an exhaustive definition of violence against women, which explicitly includes psychological, economic, and patrimonial violence, from a legal point of view. These provisions, however, face significant difficulties in practice when applied to common-law unions, given the evidentiary challenges, the informal character of these unions, and the institutional obstacles to obtaining prompt protection and reparation.

The findings of the empirical analysis of 50 women aged 15-40 who have been in cohabiting relationships support the finding that GBV in cohabiting relationships is a relational phenomenon that is maintained over time. In this context, violence is manifested in a multidimensional way, combining the physical, psychological, sexual and economic aspects.

The predominant form of violence is psychological and emotional violence – systematic acts of disqualification, control, manipulation, and threat. This type of violence is less conspicuous and is the structural thread of the cycle of domination, as theorized by Lenore Walker, a theorist who identified these behaviors as the first step in a series leading to more extreme forms of violence.

Closely related to this, high levels of economic violence were found, such as control over the financial resources, limitations on access to funds, deprivation of income and the unilateral administration of assets. Such violence takes a more pronounced form in common-law relationships because the existence and legal consequences of patrimonial partnerships are not clearly determined, making it easier for the processes of dispossession to take place. According to the studies conducted by Adams, et al. (2008), one of the main factors that keeps women in abusive relationships is their economic dependency. Arenas-Arroyo, Fernández-Kranz, and Nollenberger (2021) show that economic hardships and forced living together further expose women to the risk of intimate partner violence, and thus perpetuate patterns of dependency and control.

Likewise, the analysis reveals the presence of social isolation mechanisms aimed at weakening family and community support networks. These practices correspond to what Evan Stark conceptualizes as “coercive control,” understood as a set of strategies designed to restrict the victim’s autonomy and consolidate the aggressor’s dominance.

Similarly, the analysis shows that the social isolation measures are designed to undermine family and community support networks. These practices are in line with Evan Stark's concept of “coercive control”, which refers to a collection of practices aimed at limiting the victim's freedom and strengthening the aggressor's power. One of the key discoveries is the general lack of awareness about common-law spousal rights. Many women are not aware of the concept of patrimonial partnerships and of the legal tools to enter into such a partnership. This creates opportunities for the misuse of assets, the hiding of property and the lack of women in economic decision making. The discovery sheds light on the gap between legal and social appropriation.

In the family context, the instrumental use of children as a tool of emotional control was found, which further reinforces women's subordination

and complicates the process of breaking up with them. Likewise, modifications in women's personal and professional lives could be noted with respect to the discontinuance of education projects, the limited access to employment and the economic stagnation, which are all in line with Naila Kabeer's theoretical work on economic autonomy.

From a developmental perspective, the age-group analysis reveals a progressive pattern of violence. In the first stages (15–20 years), emotional violence is more pronounced, followed by economic violence in the 20–30 year period, which is related to the experience of cohabitation and asset accumulation; economic violence is more apparent in the 30–40 year period, related to asset accumulation; and the cumulative effects are apparent in the 30–40 year period, where patrimonial violence and obstacles to justice are more evident.

Another relevant finding is sexual violence as a means of control, punishment, and domination of women's bodies, which highlights the continuity of the patriarchy. In some urban settings, these dynamics are linked to objectification and normalisation of violence.

Further, the simultaneous unions and parallel relationships were also detected, which created complicated patrimonial cases, aggravating women's vulnerability, especially if assets or children are shared. This phenomenon is indicative of the absence of adequate legal provisions and of effective protection of rights.

On the institutional level, the diagnosis shows that there is institutional violence, in the form of procedural delays, poor legal guidance, re-victimisation and problems in the recognition of

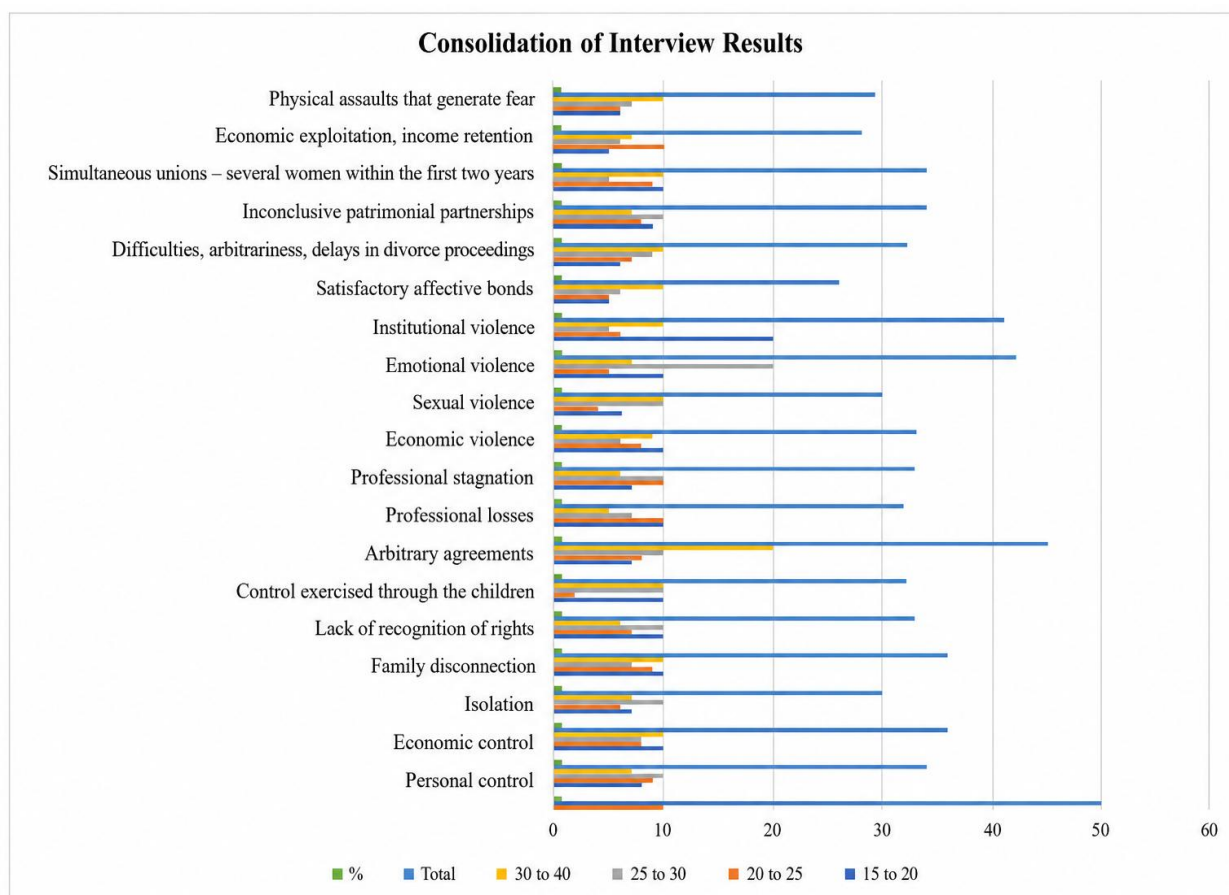
rights. While Law 2126 of 2021 has made strides, Family Commissioners' Offices remain structurally constrained, which has an impact on their response capacity. As such, Bodelón (2022) suggests that justice systems can also perpetuate gender inequalities if they are not equipped with adequate tools to acknowledge the unique nature of violence against women, and to effectively protect women's rights.

These results were confirmed by official statistics. According to the report presented by the National Institute of Legal Medicine and Forensic Sciences, domestic violence is one of the social problems most frequently observed, particularly among women in the context of the relationship with an intimate partner, thus confirming the structured nature of the problem.

In summary, it is clear that gender-based violence in common-law marriage infringes on women's physical and psychological integrity and directly on women's economic autonomy, their personal development and the effective protection of their patrimonial rights.

Therefore, there is a need to transcend the current divide between family and patrimonial law and integrate the gender dimension, while also addressing violence as a core component of the creation, proof and dissolution of patrimonial relationships.

To sum up, however, the empirical findings indicated that, although the legal framework is strong, there is a structural mismatch between law and reality. There is still gender-based violence in common-law unions, and there is a need for a coordinated, comprehensive and gender-sensitive legal response that can effectively guarantee women's rights.

Figure 1. *Distribution of Gender-Based Violence Indicators Identified Through Semi-Structured Interviews*

Note. Prepared by the authors based on the interviews conducted during the research process.

Discussion of the Empirical Findings

The reality that the case studies validate is that gender-based violence in common-law unions can't be minimized as just 'episodic cases of violence'. Instead, it is a complex group of practices which impact on women's ability to enjoy patrimonial rights and obtain economic independence. Economic dependence, the invisibility of domestic labour and the use of patrimonial control mechanisms demonstrate that structural inequalities persist and continue to impact family relations.

In a legal context, the results of this research support the statement that when women have significant difficulties in exercising their patrimonial rights, formal recognition is not enough. Economic violence frequently takes the form of legally savvy and insidious practices

which are hard to detect and oppose with conventional legal means.

Likewise, and for the same reasons, the study emphasizes the need to adopt a human rights and gender approach to the interpretation and application of family law. This integration is vital to the effective protection of women from violence, which can be invisible, but can still have a significant impact on women's economic security and personal autonomy.

The results also corroborate with international studies that have established economic and patrimonial violence as two important dimensions of gender inequality. As a result, the importance of enhancing legal literacy, providing more specialized legal support and fostering gender responsive judicial approaches becomes evident as key actions to be taken to enhance the

protection of women's rights in common-law unions.

C. Legal and Social Strategies for the Protection of Women's Patrimonial Rights

The results of the documentary review, jurisprudential analysis and empirical results have led to the identification of a series of legal and social strategies to strengthen the protection of the patrimonial rights of women in common-law unions.

Firstly, it is crucial to strengthen the gender perspective in judicial processes related to patrimonial disputes. It is important for judges to be aware that seemingly neutral legal institutions can have discriminatory effects if not used judiciously, while taking existing power asymmetries into account.

Second, more must be done to educate the public on the legal implications of common-law relationships and the rights of patrimony that come along with such relationships. Lack of legal awareness was observed among the participants and it is recommended that women empowerment through education and legal awareness programme should be created and strengthened.

Third, strengthen institutional mechanisms to improve access to legal assistance, especially for women in economic precarious situations. Facing specialized legal service is a prime mechanism to guarantee effective protection from economic and patrimonial violence.

Fourth, public policies must explicitly acknowledge the value of unpaid domestic and caregiving labour to family wealth and social reproduction. It is important to foster such recognition, as it is necessary to promote substantive equality and to mitigate different forms of patrimonial exclusion based on traditional gender roles.

Limitations of the Study

- Sample restricted to 50 women.
- Non-probabilistic sampling.

- Colombian context.
- Results not statistically generalizable.

D. Conclusions and Future Challenges

The findings of this research show that gender-based violence in common-law unions and patrimonial partnerships between permanent partners is not a marginal or ancillary phenomenon, but rather a structural issue, and it is reproduced and accepted as such in classical institutions of civil law. This is where contractual simulation comes into the picture, being one of the most advanced forms of economic violence since it enables the reorganisation of assets to appear legal.

In this regard, the study makes it possible to formulate three fundamental conclusions for contemporary legal practice:

1. Contractual Simulation as a Manifestation of Residual Marital Authority

Contractual simulation functions as a functional mechanism of patrimonial control and reproduces the past relations of subordination by allowing for the concealment, transfer, or fictional absence of assets that belong to the common estate, in this context. In this respect, Céspedes, Cardozo and Camargo (2024) suggest that simulated legal transactions can be considered as a form of economic abuse against women because they allow women's property rights to be violated through seemingly legitimate channels of private law.

2. The Substantive Equivalence of Contributions and the Recognition of Invisible Work

Legal and jurisprudential analysis reiterates the necessity to break with the traditional view of the importance of direct economic contribution to shift towards a more model of substantive equivalence between monetary contribution and domestic and care work.

Not recognizing these activities is not only reinforcing gender stereotypes, but also a violation of the right to substantive equality and

equitable access to property. As such, the notion of “invisible work” needs to be integrated as a structural criterion in the creation, proof and dissolution of patrimonial partnerships.

3. Toward a Reinterpretation of Civil Law from a Gender Perspective

The study shows that private law cannot sufficiently respond to cases of economic violence because it is supposed to be neutral. Thus, the civil judge should actively consider the gender perspective as a hermeneutic instrument and avoid formalistic interpretations which obscure the power relations.

Contracted simulation is interpreted from this point of view not only as a contractual aberration but, in some cases, as a patrimonial aggression, worthy of increased judicial attention.

Future Challenges

The results of this research are important for the development of family law and patrimonial law in Colombia.

First, there is a need to shift the burden of evidence towards an examination of the difficulties in obtaining the evidence in the context of patrimonial control and towards the victim of economic violence. The adoption of evidentiary assessment criteria that takes a gender perspective needs to be a judicial responsibility, not an interpretative one.

Second, a critical analysis of limitation periods in patrimonial matters is needed to ensure that they do not become barriers to access to justice for women who were unable to exercise their rights as a consequence of dynamics of violence; and to prevent such barriers. The temporal aspect of the law cannot ignore the actual circumstances in which subordination exists.

References

- Adams, A. E., Sullivan, C. M., Bybee, D., & Greeson, M. R. (2008). Development of the Scale of Economic Abuse. *Violence Against Women*, 14(5), 563–588. <https://doi.org/10.1177/1077801208315529>
- Arenas-Arroyo, E., Fernández-Kranz, D., & Nollenberger, N. (2021). Intimate partner violence under forced cohabitation and economic stress: Evidence from the COVID-19 pandemic. *Journal of Public Economics*, 194, 104350. <https://doi.org/10.1016/j.jpubeco.2020.104350>

Third, there is a need to improve the links between the civil law, family law, and international human rights law, which would make the protection of people against gender-based violence more than just criminal or welfare law protection, but also effectively extend to the patrimonial sphere.

Finally, the research opens a path of academic development that will seek to create a critical theory of family patrimonial law from a gender perspective, reshaping the understanding of such concepts as property, contribution, evidence, and liability in a new light and through new frameworks, in the face of the structural inequalities embedded in intimate partner relationships.

The effective protection of women's property rights in common-law marriages, in the end, is not only a matter of legal regulations, but depends on their reinterpretation and re-expression through a critical analysis of the power dynamics. A gender perspective can only be achieved by the transversal embedding of a gender perspective into civil law, to make it a real tool for substantive justice and not for perpetuating inequalities.

Acknowledgments

The authors express their gratitude to the women who voluntarily participated in this study and shared their experiences, making this research possible. Their contributions provide valuable insights into the challenges associated with economic and patrimonial violence within common-law unions and contribute to the advancement of gender justice and human rights protection.

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- Beauvoir, S. (2005). *El segundo sexo* (J. García Puente, Trad.). Ediciones Cátedra. (Obra original publicada en 1949)
- Bodelón, E. (2022). *Violencia de género y sistema de justicia*. Tirant lo Blanch.
- Bourdieu, P. (2000). *La dominación masculina* (J. Jordá, Trad.). Anagrama. (Obra original publicada en 1998)
- Butler, J. (2007). *El género en disputa: El feminismo y la subversión de la identidad* (M. A. Muñoz, Trad.). Paidós. (Obra original publicada en 1990)
- Céspedes, L., Cardozo, C., & Camargo, K. (2024). La simulación como instrumento de abuso económico. *Revista Derecho del Estado*, 60, 271–297. <https://doi.org/10.18601/01229893.n60.11>
- Comisión Económica para América Latina y el Caribe (CEPAL). (2023). *Panorama social de América Latina y el Caribe 2023*. Naciones Unidas. <https://www.cepal.org>
- Comité para la Eliminación de la Discriminación contra la Mujer (CEDAW). (2017). *Recomendación general núm. 35 sobre la violencia por razón de género contra la mujer, por la que se actualiza la Recomendación general núm. 19*. Naciones Unidas. <https://www.ohchr.org>
- Congreso de la República de Colombia. (1990). *Ley 54 de 1990, por la cual se definen las uniones maritales de hecho y el régimen patrimonial entre compañeros permanentes*. Diario Oficial No. 39.615.
- Congreso de la República de Colombia. (2005). *Ley 979 de 2005, por medio de la cual se modifica parcialmente la Ley 54 de 1990*. Diario Oficial No. 45.982.
- Congreso de la República de Colombia. (2008). *Ley 1257 de 2008, por la cual se dictan normas de sensibilización, prevención y sanción de formas de violencia y discriminación contra las mujeres*. Diario Oficial No. 47.193.
- Congreso de la República de Colombia. (2021). *Ley 2126 de 2021, por la cual se regula la creación, conformación y funcionamiento de las Comisarías de Familia*. Diario Oficial No. 51.756.
- Corte Constitucional de Colombia. (2020). *Sentencia SU-080 de 2020*. <https://www.corteconstitucional.gov.co>
- Corte Constitucional de Colombia. (2023). *Sentencia T-093 de 2023*. <https://www.corteconstitucional.gov.co>
- Corte Suprema de Justicia, Sala de Casación Civil. (2016). *Sentencia SC16280-2016*. <https://www.cortesuprema.gov.co>
- Corte Suprema de Justicia, Sala de Casación Civil. (2019). *Sentencia SC5233-2019*. <https://www.cortesuprema.gov.co>
- Courtis, C. (2016). *Observar la ley: Ensayos sobre metodología de la investigación jurídica*. Trotta.
- Departamento Administrativo Nacional de Estadística (DANE). (2022). *Brechas de género en Colombia*. DANE. <https://www.dane.gov.co>
- Heise, L. (2011). What works to prevent partner violence? An evidence overview. *STRIVE Research Consortium, London School of Hygiene & Tropical Medicine*. <https://strive.lshtm.ac.uk>
- Huang, C.-C., Son, E., & Wang, L. R. (2013). Economic abuse and union formation among welfare recipients. *Children and Youth Services Review*, 35(5), 780–786. <https://doi.org/10.1016/j.childyouth.2013.02.002>
- Instituto Nacional de Medicina Legal y Ciencias Forenses. (2024). *Forensis 2023: Datos para la vida*. Instituto Nacional de Medicina Legal y Ciencias Forenses.
- Kabeer, N. (2015). Gender, labour markets and women's empowerment: A critical review of the literature. *UN Women Discussion Paper Series*. UN Women.
- Lagarde y de los Ríos, M. (2005). *Los cautiverios de las mujeres: Madresposas, monjas, putas, presas y locas*. Universidad Nacional Autónoma de México.
- Ministerio de Justicia y del Derecho. (2023). *Lineamientos técnicos para la atención con enfoque de género en las Comisarías de Familia*. Ministerio de Justicia y del Derecho.
- Naciones Unidas. (1979). *Convención sobre la eliminación de todas las formas de discriminación contra la mujer (CEDAW)*. Naciones Unidas. <https://www.un.org>
-

-
- Organización de los Estados Americanos. (1994). *Convención Interamericana para prevenir, sancionar y erradicar la violencia contra la mujer "Convención de Belém do Pará"*. OEA. <https://www.oas.org>
- Organización Mundial de la Salud. (2021). *Violence against women prevalence estimates, 2018*. World Health Organization. <https://www.who.int>
- Pautassi, L. (2021). *Género, derecho y políticas públicas*. EUDEBA.
- Postmus, J. L., Plummer, S. B., Stylianou, A. M., & Hoch, G. (2016). Measuring economic abuse in the lives of survivors: Revising the Scale of Economic Abuse. *Violence Against Women*, 22(6), 692–703. <https://doi.org/10.1177/1077801215610012>
- Postmus, J. L., Hoch, G. L., Breckenridge, J., Sharp-Jeffs, N., & Chung, D. (2020). Economic abuse as an invisible form of domestic violence: A multicountry review. *Trauma, Violence, & Abuse*, 21(2), 261–283. <https://doi.org/10.1177/1524838018764160>
- Scott, J. W. (1986). Gender: A useful category of historical analysis. *The American Historical Review*, 91(5), 1053–1075. <https://doi.org/10.2307/1864376>
- Segato, R. L. (2022). *La guerra contra las mujeres*. Traficantes de Sueños.
- Stark, E. (2007). *Coercive control: How men entrap women in personal life*. Oxford University Press.
- Stylianou, A. M. (2018). Economic abuse within intimate partner violence: A review of the literature. *Violence and Victims*, 33(1), 3–22. <https://doi.org/10.1891/0886-6708.VV-D-16-00112>
- Walker, L. E. (1979). *The battered woman*. Harper & Row.