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## Law and Social Exclusion

### The functions and dysfunctions of the Swedish legal system in light of overindebtedness among immigrants

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# Law and Social Exclusion

The functions and dysfunctions of the Swedish legal system in light of overindebtedness among immigrants

DAVOR VULETA

DEPARTMENT OF SOCIOLOGY OF LAW | LUND UNIVERSITY





# Law and Social Exclusion

The functions and dysfunctions of the  
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Davor Vuleta



**LUND**  
UNIVERSITY

DOCTORAL DISSERTATION

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To be defended at St. Algatan Hörsal, Lund.

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*Faculty opponent*

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<b>Abstract</b> In terms of its total population, Sweden is one of the countries with the highest proportion of immigrants in the EU. Several factors are critical in integrating immigrants, especially their economic security in a new country. This thesis examines the relationship between law enforcement and economic security for over-indebted immigrants. The primary purpose of this research is to explore the relationship between migration and debt enforcement governed by legal regulations.  A mixed methods sequential explanatory design approach was used to obtain a comprehensive picture of these complex issues. A quantitative study integrating the Swedish Enforcement Authority database with background variables provided by Statistics Sweden is the basis of the thesis. A qualitative interview study was then carried out to provide insights into the participants' perspectives. An administrative model was used to define and measure over-indebtedness  The foundation of this thesis is Robert K. Merton's functionalist theory of manifest and latent functions and dysfunctions. The concept of legal culture complements this theoretical framework. The findings show that there is a high prevalence of over-indebtedness among immigrants in Sweden, clearly indicating that the policy to prevent over-indebtedness is ineffective. Individuals with low socioeconomic status are more likely to be over-indebted.  The qualitative results indicate that other factors, such as the debtors' lack of a Swedish legal culture (e.g., legal consciousness and literacy), negatively affect the degree of over-indebtedness. In the end, over-indebtedness and subsequent payment defaults can lead to financial and social exclusion. This, in turn, contributes to segregation. According to over-indebted immigrants in Sweden in general, the current law enforcement strategies are dysfunctional and contribute to debtorisation, which is a process of exclusion that adversely impacts individual economic security.		
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Davor Vuleta

Sociology of Law, Lund University



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*To Sweden...that I owe.*



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Davor Vuleta

Kristianstad, Sweden, June 2022



# Chapter 1. Introduction

My interest in financial and social exclusion among immigrants began subconsciously about 28 years ago. In 1994, after two years of war, I left my home in the former Yugoslavia with my mother and brother to move north, almost two thousand kilometres away, to a country I could scarcely find on the map. After celebrating my 14<sup>th</sup> birthday on a smuggling trip through Europe, maps in hand and pretending we were tourists, we took the ferry from Copenhagen to Malmö. It was the late summer of 1994 when we entered Sweden, three people carrying two small suitcases.

Our first few days in Sweden were spent with Croatian friends who had been granted residence permits the year before. I do not know why we did not apply for residence permits directly at the border, but I imagine my mother needed to rest and gather her strength in order to cope with the process of seeking asylum. Carrying our two suitcases containing all our worldly goods, we went to the police station in Karlshamn and applied for asylum. On the same day, after individual conversations with the police, we were placed in a refugee camp at Asarum, a former hospital. Each immigrant family was given a room with access to shared bathrooms and a kitchen in the corridor. The refugees were mainly from Bosnia and Herzegovina, Croatia, Kosovo and Togo, but there were also people from other parts of Europe, Africa, Asia and South America. We all came from different parts of the world, but we all had one thing in common—we were immigrants seeking protection and a new life in Sweden.

A couple of weeks later, I started school in a separate classroom specifically for refugees. With no permanent residence permit, separated from other Swedish children, and with no opportunities to meet any Swedes besides my teacher, I felt socially excluded for the first time in my life. Refugee classrooms were usually in a separate building on the fringes of the schoolyard. I sometimes felt like an alien, alone in the schoolyard, with Swedish kids playing all around me. I was not blonde, I could not speak the language, and I did not wear fancy clothes like the



Swedish students. In fact, I did not have many clothes at all. When our teacher saw me and my refugee friend, Ernest, playing football in the schoolyard, he suggested that we should start training with the local football team. When we finally plucked up the courage, we went to training dressed in whatever we could find that looked appropriate for football. Some of the children laughed, but the coach explained our situation (I think I did not understand Swedish at the time.), and our teammates gave us used clothes, boots and shin pads the next time we turned up for training.

We spent all our money during the war and paying for the trip to Sweden, so resources were scarce during our early days in the country. Making our money last through the month was a challenge. I remember how we spent every Sunday cutting out coupons for various shops that we could use for the next week's shopping so that we spent as little as possible. Although the shops were four or five kilometres apart, we would buy wheat flour at one, fruit at another, and so on, so that we could get the best deals. Nobody protested, as we knew we would not have enough money unless we spent it conscientiously.

When we lived in refugee camps, my brother and I picked strawberries for Swedish farmers in the summer to boost our family income. This was one of the most challenging jobs I remember having while a refugee. We got up early, at around four in the morning, then cycled for an hour to the strawberry fields outside Klippan. We did not earn a lot of money, but as a refugee who was short of funds, I was very pleased to be able to eat strawberries while I worked—after all, we could not afford to buy them ourselves. One day, when we were cycling back from the field, one of the immigrant workers, a man aged about 40 or 45, fell off his bike and died of a heart attack in front of my eyes. My brother and I then had to try to stop cars to get help to call an ambulance. Today, many years later, I still see the images in my head of this financially and socially excluded migrant, who worked hard to earn just a small amount of money for his family, dying on the roadside after work.

Since many people at the refugee centre owed money to the smugglers who helped them get to Sweden, and others sent money to their families at home, it was not uncommon to hear older people discussing financial problems. Nevertheless, a lack of income was not the only problem they faced; the challenges of learning the Swedish language and a lack of familiarity with the Swedish way of life meant it was difficult to have any sense of belonging. I remember when we bought snuff,

moist powder tobacco (*snus* in Swedish), and thought it was shoe polish. We had never heard of snuff before, and the packaging looked the same as the shoe polish we used to buy. Similarly, a family with whom we shared a bathroom needed to buy three train tickets. When the head of the family—a mother who lived with her two children—went to the ticket office and asked for three train tickets using body language and gestures, the ticket sales operator directed her to the queue machine and said she had to take a ticket and join the queue. Believing that the queue machine was a train ticket machine—such a device did not exist in her home country and was utterly unknown to her—she pressed the button three times and received three numbered tickets. With these, they boarded the train and sat in the corresponding seats.

In the summer of 1997, three years after arriving in Sweden, we were granted residence permits and our lives in our new country began in earnest. I joined a Swedish class, my mother retrained and became a nurse (after having been an economist), and my brother started working at a factory. Our family's income increased slightly, and I did not have to cycle five kilometres to buy cheap fruit. However, I opted out of costly activities with classmates because I knew we did not have the same disposable income available as Swedish families. When my class took a trip to the capital city, I called in sick because I did not want to ask my mother for pocket money. I knew she was saving to be able to visit my grandmother for the first time since we left home. Talking to my immigrant friends revealed to me that this was a common experience among us.

We lived in an exclusion zone populated mostly by immigrants, so we spent most of our time with others from our own country. I remember coffee mornings meetings that my mother attended with other immigrants, and how everyone complained about how little information they had received about Sweden and Swedish society after receiving their residence permits, and how they were expected to know 'how to do everything' from day one. Recalling the same experience, Nyamko Sabuni, an immigrant from Burundi and the former Minister of Gender Equality and Liberal Party leader, wrote in her book *The New Sweden*, 'Nobody asked me anything, and no one told me anything' (Sabuni, 2010, p. 8).

In one way or another, being poor and socially excluded during my first few years in Sweden sowed the seeds of wanting to help people to escape exclusion. In 2007, ten years after we received our residence permits, I started working at the Swedish

Enforcement Authority (SEA) (*Kronofogden* in Swedish). During my time as an enforcement officer, I realised how little immigrants knew about the Swedish financial system, particularly about the SEA, and the consequences of taking on too much debt. While lecturing a class of immigrants, I was surprised by how little they knew about interest rates, payment defaults (*betalningsanmärkning* in Swedish) and how indebtedness is managed in Sweden. Another common misconception among these immigrants was that children inherit their parents' debts and that officials from the SEA have the right to use physical force when collecting such debts. While these were common practices in their home countries, both are illegal in Sweden.

Furthermore, several immigrants I met on the job as an enforcement officer at SEA had questions about the home equipment loan (*hemutrustningslån* in Swedish). The governmental authority known as the Swedish Board of Student Finance (*Centrala Studiestödsnämnden [CSN]* in Swedish) provides credit to refugees so that they can buy furniture and other equipment for their first homes in Sweden. Many immigrants thought this was a grant and that they would not have to repay it. However, the borrower is supposed to start repaying the loan two years after receiving the first payment. One female immigrant who lived in a refugee camp for four years before being granted a residence permit told me that she took a loan even though she did not want to be indebted. She explained that she did not want the Swedes to believe she had saved money and therefore cut off her social benefits.

A situation that affected me greatly involved a visit to a Palestinian family who had not been in Sweden for very long. The father bought a car and did not know that taking out insurance on the vehicle was mandatory, and so he resulted in being fined. When I visited their home, a rented apartment in a segregated area, he explained that all the money he had left after paying the rent and buying food and essentials was sent to his family in Palestine and he had no money to cover the fine. What affected me was the sight of the children's room. There were two mattresses on the floor along with a few books and pens; there were no toys or dolls, and there was no TV. It reminded me of when I first came to Sweden, how poor and vulnerable I was 15 years before. The car was taken and sold to pay part of the fine, which had grown quite significantly as the penalty fee increased by the day. I had to make a tough decision, even though I knew the debt was due to a lack of knowledge and information.

My background as a refugee and as an enforcement officer has given me an academic interest in this topic. I have observed that over-indebtedness and having registered payment defaults significantly increases the risk of exclusion and is detrimental to both the individual and society in general. Based on these considerations, I decided to research the interconnections between migration, over-indebtedness and social exclusion. I wanted to better understand how and why people become over-indebted. This research topic is of relevance to scholarly discussions in the fields of migration studies, socio-legal studies, and economic security, as well as for policy debates and discourses on immigrant integration.

## The problem of over-indebtedness

Debt is hard to escape or ignore. It has always been a fundamental part of capital and the reproduction of capitalism (Graeber, 2012; Guérin, Morvant-Roux, & Villarreal, 2013). Becoming indebted for ‘smoothing financial difficulties and enhancing the quality of life’ has become a social norm (Soro, Ferreira, De Almeida, Silva, & Reis, 2021, p. 1). Macroeconomically, in addition to the benefits to consumers, high consumer debt and spending is seen as stimulating economic growth (Dickerson, 2007). As opposed to indebtedness, which is not necessarily problematic but rather forms part of a household’s regular financial planning, *over-indebtedness* refers to a household’s inability to meet its financial obligations (Angel & Heitzmann, 2015). Indeed, over-indebtedness is considered to be the ‘dark side’ of indebtedness (Ferretti & Vandone, 2019, p. 2).

The economic crisis in Europe that began in 2008 led to job losses, and subsequent economic recessions have caused concern about a large number of households that are struggling to pay back debts that have accumulated over time (Brickell et al., 2020; Domurath & Micklitz, 2015; Jgerenaia & Ghaniashvili, 2020). In fact, overall household indebtedness, including mortgage loans and consumer loans, have generally increased in Europe since the early 2000s (Comparato, 2015; Ferretti & Vandone, 2019; Soro et al., 2021).

At the same time, the debt ratio in Sweden has been rising for a long time, and households in the country are heavily indebted both in historical terms and compared with international levels. The debt ratio amongst Swedish households has almost doubled compared with 20 years ago. In 2020, Swedish households

had debts amounting on average to 200 per cent of disposable income (OECD, 2021).<sup>1</sup> In part, this is due to the fact that interest rates are much lower than they were in the mid-1990s (Carlgren, 2019; SOU, 2013:78).

There is ample evidence to support the conclusion that over-indebtedness can affect all types of households (Anderloni, Bacchiocchi, & Vandone, 2012; Aristei & Gallo, 2016; Niemi-Kiesiläinen & Henrikson, 2006; Russell, Maître, & Donnelly, 2011). However, it is important to note that over-indebtedness ‘is not only a market-related issue but the lives of people are at stake too’ (Ferretti & Vandone, 2019, p. 3). It causes problems for individuals, their families and society as a whole (Bohoslavsky, 2021; Bridges & Disney, 2010; Ferretti & Vandone, 2019). One of the consequences is that the debtor experiences difficulties in participating in the financial system, which is considered to be a compulsory condition for contributing to the economy in particular, and society in general. This thus leads to social exclusion (as detailed in Chapter Two).

In my research, I use an administrative model to define and measure over-indebtedness<sup>2</sup>. This model, according to Betti et al. (2007), takes into account legal measures that are a by-product of official or legal functions. This definition relies on case records of the legal procedure which reflect non-payment of debts evidenced by official registrations or declarations. In such official or judicial channels, consumer debt default will be documented in a stage-by-stage manner, beginning with notification to the relevant authorities that the consumer is in arrears (Betti, Dourmachkin, Rossi, & Ping Yin, 2007; Elliot & Lindblom, 2019; Niemi-Kiesiläinen & Henrikson, 2006).

According to this definition, about 391,000 over-indebted people were listed in the SEA database at the end of 2021, with total debts amounting to SEK 94 billion (Kronofogden, 2022). A preliminary analysis of the statistics indicates that immigrants are overrepresented by 64 per cent among over-indebted individuals in Sweden, while multi-generational Swedes are underrepresented by 16 per cent (Vuleta, 2018). This is of particular concern because over-indebtedness can lead

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<sup>1</sup> Household disposable income is the sum of a household’s various income sources minus taxes and fees. Thus, disposable incomes are the funds that households have and that can be used for either consumption or savings. In other words, it measures the total purchasing power of households (Carlgren, 2019).

<sup>2</sup> For a broader discussion of the definition and measurements of the over-indebtedness in the EU, see Chapter 2.

to both financial and social exclusion, and since a high proportion of immigrants are over-indebted, they suffer disproportionately from these consequences. In turn, this undermines the process of integration and acculturation of immigrants in Sweden, as well as having a negative impact on the health of these individuals (cf. de Vroome, Coenders, van Tubergen, & Verkuyten, 2011; Walters, Phythian, & Anisef, 2007).

## Purpose and aim of the research

The primary purpose of this research is to explore the relationship between migration and debt enforcement governed by legal regulations. By conducting a systematic, theoretically informed, empirical investigation of the problem of over-indebtedness, this research aims to better understand the economic security of immigrants in Sweden. I draw on perspectives in sociology of law, and empirical data on the role of law and regulations in the economic sphere. In doing so, my aim is to develop new insights into the role played by the law in contributing to the financial and social exclusion of over-indebted immigrants in Sweden (cf. Macaulay & Mertz, 2013; Swedberg, 2009). In light of the purpose, the following overarching question guides the research:

How can economic security among over-indebted immigrants in Sweden be understood in relation to law enforcement?

I also intend to use the findings to suggest reforms to the social and legal frameworks that can enhance the economic security of immigrants and reduce their risk of over-indebtedness.

## Swedish immigration trends

The contextualisation of the experiences of over-indebtedness first- and second-generation Swedish immigrants in this thesis may best be achieved by placing them within the broader immigration trends in the country. Sweden has a long history of receiving immigrants, and the dynamics of the migration flow have

changed substantially over time from intra-Nordic migration to immigration from diverse nations within Europe and beyond (Karlsdóttir et al., 2018). According to Grodem (2016), Sweden is one of the EU countries with the greatest proportion of immigrants in the total population.

As a result of the displacements of the Second World War, immigration restrictions in Sweden were lifted and immigration to the country increased rapidly. These years were entirely dominated by refugee immigration from the Baltic and other Nordic countries (Harrison, 2016). It was after the war that a more generous immigration policy was instituted, and in 1952 the Nordic countries signed a trade agreement that resulted in the establishment of free movement across their borders, as well as a common labour market (Byström & Frohnert, 2017). As a result, about 116,000 immigrants, 60 per cent from other Nordic countries, were working in Sweden by 1955 (Borevi, 2012). Relative to the levels of the 1950s, the number of immigrants nearly doubled in during 1964–66. However, with the increasing proportion of immigrants from southern Europe and the Balkans, the structure of immigration changed. By 1966, the share of immigrants from other Nordic countries had dropped from 60 per cent to just under 50 per cent, while 22 per cent came from Yugoslavia and Greece (Borevi, 2012). It was during this period that, for the first time, immigrants started to become a socially exposed category. They were seen as a group that the welfare state had failed to include—a group that was becoming a ‘social problem’ (Nelhans, 1973, as cited in Borevi, 2012).

When a severe economic crisis arose in the early 1970s, Western countries ceased accepting nearly all immigrants. Subsequently, the primary immigration into Sweden during the 1970s was either for family reunification or asylum (Kogan, 2003). In the 1980s, many citizens from Chile, Iran, Lebanon, Poland, and Turkey applied for residency in Sweden, followed by asylum seekers from Somalia, Kosovo and several of the former Eastern states (Migrationsverket, 2021b; SCB, 2017a). A new wave of immigrants began arriving in the early 1990s. During this time, migration from the Balkan region became the principal source of migration to Sweden. Due to the collapse of Yugoslavia, millions of people, including myself, fled to Western Europe. About 116,000 refugees from the

former Yugoslavia received asylum in Sweden between 1989 and 1993 (Migrationsverket, 2021b).<sup>3</sup>

**Table 1. Sweden's population over the years, distributed by place of birth**

Place of birth	1930	1970	1990	2000	2015
<b>Sweden</b>	6,080,534	7,539,318	7,800,185	7,878,994	8,174,753
<b>Outside Sweden (proportion of the population)</b>	61,657 (1.0%)	537,585 (6.7%)	790,445 (9.2%)	1,003,798 (11.3%)	1,676,264 (17.0%)
<b>Total Swedish population</b>	6,142,191	8,076,903	8,590,630	8,882,792	9,851,017

As seen in Table 1, by December 2000, the number of foreign-born residents in Sweden had exceeded one million: foreign-born residents accounted for 11.3 per cent of the total population (SCB, 2021). Throughout the new millennium and with the beginning of the Iraq War (2003), Sweden witnessed an increase in immigration from this area of the Middle East. In fact, in 2006, Sweden granted permanent residency to more Iraqi refugees than all the other EU countries combined (Brochmann & Hagelund, 2012).

By becoming a member of the European Union, Sweden accepted the free movement of workers and services across the region. After the enlargement of the EU in 2004, there was an increased influx of labour immigration. The immigration from the new EU countries, especially from those in Eastern and Central Europe, had been around 6,000 to 14,000 per year until 2012 (Byström & Frohnert, 2017). The number of resident permits granted in 2009 exceeded 102,000, which was a record in terms of immigration flows in one year (Migrationsverket, 2021c). At the end of 2010, the number of foreign-born people living in Sweden had increased to almost 1.4 million, or 14.7 per cent of the total population (SCB, 2021).

During 2014-2015, the number of refugee applications in Sweden dramatically increased. Sweden experienced the peak of the refugee crisis in 2015, when a historically high number (162,877) of refugees applied for asylum, most of them

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<sup>3</sup> In fact, of those granted residence permits for protection during the 1990s, approximately 53 per cent were from former Yugoslavia. Almost 20 per cent came from Iran and Iraq and five per cent from Ethiopia or Somalia. In addition, considerable numbers of refugees from Lebanon and Vietnam also arrived in Sweden during the 1990s (Borevi, 2012; Migrationsverket, 2021b; SCB, 2017a).



coming from Syria, Afghanistan and Iraq (Migrationsverket, 2021a). In their paper for the European Parliament, Konle-Seidl (2018) stated that in 2015 Sweden, along with Germany and Austria, was one of the top three destinations for refugees and asylum seekers in Europe.

**Table 2. Proportion of immigrants within the entire immigrant population, distributed by place of birth**

Place of birth	1950	1970	1990	2000	2015
<b>Africa</b>	0.2%	0.8%	3.5%	5.5%	10.7%
<b>Asia</b>	0.5%	1.1%	15.7%	22.0%	33.7%
<b>EU28 except for The Nordic countries</b>	38.5%	25.9%	22.2%	19.2%	19.8%
<b>Europe except EU28 and The Nordic Countries</b>	0.6%	7.7%	9.0%	16.9%	14.2%
<b>The Nordic countries except Sweden</b>	50.1%	59.7%	40.4%	27.9%	14.7%
<b>North America</b>	5.7%	2.9%	2.4%	2.4%	2.1%
<b>Oceania</b>	0.0%	0.1%	0.2%	0.3%	0.3%
<b>South America</b>	0.2%	0.4%	5.6%	5.1%	4.1%
<b>Soviet Union</b>	4.1%	1.3%	0.9%	0.8%	0.3%
<b>Location Unknown</b>	0.1%	0.1%	0.0%	0.0%	0.1%

In summary, the proportion of immigrants in the total population in Sweden has consistently increased since the Second World War. In 1950, immigrants made up 2.8 per cent of Sweden’s population and half of these were from the other Nordic countries. Forty years later, in 1990, foreign-born people accounted for 9.2 per cent of the population (Table 1). During the same period, the proportion of people from other Nordic countries had fallen to 40.4 per cent of all foreign-born, while the proportion of people from Asia had increased from 0.5 per cent to 15.7 per cent (Table 2). The trend continued and in 2015, immigrants made up 17.0 per cent of the population. One third of all immigrants at that time came from Asia, almost 20 per cent came from the EU28 countries, and 10 per cent from Africa. On the other hand, the proportion of foreign-born from the Nordic countries had fallen to just under 15 per cent.

This represents a significant change in the ethnic, racial and cultural diversity of the Swedish immigrant population over time. In recent years, most of the immigration inflow has been comprised of migrants with religious and cultural backgrounds that differ from those of the Swedish majority. Nevertheless, it is important to point out that immigrants to Sweden do not form one homogenous

group regardless of their national origin, education, and culture. These issues will be discussed in Chapters 7 and 8, related to findings and discussions.

## **Establishment process of immigrants in Sweden**

To provide clarity, I will briefly describe the establishment process of immigrants in Sweden to better enable readers to comprehend the following chapters.

According to Kirmayer (2014), migration tends to have a positive long-term outcome for the majority of immigrants. This outcome, however, is highly dependent on a number of factors, including the individual's history, migration trajectory, and especially, his or her reception in the country of relocation. Newcomers are integrated gradually, in a complex, dynamic, multifaceted manner. All parties involved in the integration process, such as the community and the government, are expected to assist immigrants in adjusting to their new societal environment.

The integration process begins once a permanent residence permit has been obtained, or when a person begins to mentally adjust to the host society (Cetrez, DeMarinis, Pettersson, & Shakra, 2020).<sup>4</sup> In light of the increasing number of immigrants in Sweden, however, several policy changes have been made. Considering that an individual's long-term integration into society is dependent on their participation in the labour market (Konle-Seidl, 2018), the establishment reform in 2010 resulted in a shift in emphasis from integration to establishment. Presently, the primary purpose of the policy is to ensure self-reliance and sufficiency through integration into the labour market. The Swedish Public Employment Service took over the major responsibilities from the municipalities. As a result, language acquisition and labour market integration constitute the primary components of integration. As a matter of fact, Swedish language education has been offered to all new residents since 1994, and since 2018, a

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<sup>4</sup> The concept of integration is not new in Sweden. In fact, during the 1960s and 1970s, when Sweden began to receive an influx of labour migrants, the Government of Sweden devised an integration policy to accommodate and integrate the newcomers (Borevi, 2014). The policy was a product of the national welfare regime under the Social Democratic Party. Generally speaking, the integration programme was based on the principles of generous application and equal distribution of benefits among all populations without distinction (Borevi, 2014).

mandatory education and job training programme is offered to newly arrived migrants (Cetrez et al., 2020).

Sweden's integration system is strongly based on education. After receiving a residence permit, all newcomers are eligible to participate in *Swedish for Immigrants* (SFI) classes, and as residents they can attend schools and universities like everyone else (Cetrez et al., 2020). Fast-tracks are a strategy in the Swedish context for facilitating the integration of high-skilled refugees into shortage occupations by bringing them into the job market as quickly as possible (Konle-Seidl, 2018). In recent years, integration funding has been significantly increased, with the majority of funds going to language courses and targeted employment policy measures. According to Konle-Seidl (2018), 1.35 per cent of Sweden's GDP was allocated to reception and integration in 2015.

The housing component of integration is also important to mention. In fact, segregation is a serious issue. It is reflected in performance and is associated with geographically segregated areas where there is a high concentration of immigrants (Cetrez et al., 2020). To encourage asylum seekers to settle in areas where there are greater opportunities for employment, Sweden introduced new legislation in January 2020 that restricts asylum seekers from arranging housing themselves (Cetrez et al., 2020).

Finally, poor integration measures and the proliferation of over-indebtedness among immigrants in Sweden can contribute to social exclusion. In line with the preceding description, I investigated how economic security among over-indebted immigrants in Sweden can be understood as a function of law enforcement.

## Overview of the thesis

The overall structure of this thesis is based on a mixed methods sequential explanatory design approach and consists of nine chapters, including this introductory chapter.

Chapter 2 describes the concept, definition, and legal operationalisation of over-indebtedness in the EU, with a focus on Sweden. It provides the background and context for the remaining chapters. It also connects the problem of over-indebtedness to financial and social exclusion—an important nexus for the reader

to understand prior to the theoretical discussions and the empirical material on which the thesis research is based.

Chapter 3 presents a review of previous research that illustrates the drivers of over-indebtedness, and includes the drivers and impacts of financial and social exclusion, with a particular emphasis on how immigrants experience and cope with these social phenomena. The review of this literature makes it clear that, although extensive research has been carried out, there are no previous studies, from a socio-legal perspective, that have focused on over-indebtedness among immigrants and its relationship to financial and social exclusion. Thus, this thesis fills an important gap in the literature and advances the state-of-the-art of research on these topics.

Chapter 4 concerns the theoretical framework of the research. The chapter includes the importance of integrating theory and empirical research by using theories of the middle range. Merton's theory of manifest and latent functions and how this is connected to the sociology of law is also explained. It concludes with a discussion of theories of legal culture amongst migrants, which supplements Merton's theory.

Chapter 5 specifies the methodology and procedures used in the thesis research. It is based on a mixed methods sequential explanatory design. In other words, I have employed quantitative and qualitative research methods to gain a better understanding of over-indebtedness among immigrants in Sweden. After completing the quantitative data analysis, I conducted a qualitative study to collect participants' perspectives through open-ended interviews

Chapters 6 and 7 present the findings of the research, each focused on the empirical results concerning over-indebtedness of immigrants in Sweden. Chapter 6 presents the quantitative findings generated from the analysis of SEA's over-indebtedness database, combined with the background variables provided by Statistics Sweden. It concludes with a discussion of the quantitative findings with respect to the theories and previous research. Chapter 7 showcases the qualitative results derived from interviews with previously over-indebted immigrants and concludes with a discussion.

In Chapter 8, I use a meta-analysis to integrate, interpret, and discuss the findings as a whole. By utilising strategies such as linking, elaborating, and by combining

the quantitative and qualitative results, I was able to gain meaningful information from a substantial amount of data.

Lastly, in Chapter 9, I present broad research conclusions that summarise the most important findings. I also highlight my contributions in terms of the theoretical and methodological aspects of sociology of law. I go on to discuss practical measures that can be taken to prevent over-indebtedness among immigrants in Sweden. The chapter concludes with suggestions for future research.

# Chapter 2. Background and context

Over the course of my seventeen years with the Swedish Enforcement Authority (SEA), I developed an understanding that over-indebtedness is a complex phenomenon requiring careful reflection. It is not uncommon for me on a daily basis to meet individuals who owe money (known as debtors) and those who are owed money or goods (known as creditors). In addition to creditors and debtors, I also encounter a third group, namely, the public who need assistance. The information may be general in nature, such as explaining what a payment default is, or in more specific terms, if a landlord wishes to determine whether there are any debts owed by a potential tenant. If a person has debts registered in the SEA database, he or she may not be permitted to rent the desired apartment.

With this in mind, Chapter 2 provides contextual information to introduce the reader to critical topics, definitions, and concepts that will be instructive in understanding the theoretical discussions and empirical material presented in the subsequent chapters. Accordingly, I will provide background and context on the following topics: (a) over-indebtedness (b) financial exclusion, (c) social exclusion, and (d) a summary of the nexus between them.

## Over-indebtedness

This chapter describes in greater detail the issue of over-indebtedness. In this first section I present an overarching discussion of what over-indebtedness is, focusing on the perspective of the European Union and different ways of defining and measuring over-indebtedness. In the sections, I offer details about the definition of the over-indebtedness used in this thesis and about the Swedish context, including types of debt, the agencies that handle over-indebtedness in the country, and what a person experiences after they are registered in the over-indebtedness

database. I then review the existing policy measures that are designed to prevent over-indebtedness in Sweden and the European Union.

## Defining over-indebtedness

Over-indebtedness concerning individuals and households does not have one established definition in the scientific literature, nor in the European Union or Swedish policy. The literature distinguishes between ‘definitions’ and ‘indicators’ of over-indebtedness, where the definition is an explanation of what should be regarded as over-indebtedness, while ‘indicators’ can be used to measure it (Davydoff et al., 2008, p. 33). In some cases, definitions are directly interwoven with indicators. The variance here shows that measuring multi-dimensional phenomena like over-indebtedness is challenging, but using indicators makes it possible to identify the number of over-indebted households in a given society.

In 2008, the European Commission attempted to provide a standard European definition of household over-indebtedness, acknowledging several interactive elements in the definitions used across Member States. An analysis of over-indebtedness noted that it has multiple dimensions including: **the economic dimension** associated with being overburdened with commitments; **a time dimension**: long-term structural problems versus short-term obligations; **a social dimension** which highlights financial or social exclusion; and **a psychological dimension** which emphasises the risks of over-indebtedness related to health (Davydoff et al., 2008). Still, some common elements in the description of over-indebtedness can be derived from these considerations:

*A focus on the household:* Household may refer to a small group of people or a single person. This group of people live in shared accommodation, pooling their income and wealth.

*Contractual financial obligations:* These include mortgages, consumer credit obligations, utility bills, and rent obligations. Informal commitments are excluded.

*Payment capacity:* This is measured by considering contracted financial commitments. An inability to meet such commitments leads to the lack of payment capacity, resulting in over-indebtedness.

*Structural basis:* This considers the factor of time, that is, the persistence of financial problems over a period rather than one-off occurrences of inability to meet contracted financial commitments.

*Standard of living:* This refers to the expenses involved in maintaining a minimum standard of living. Over-indebtedness occurs when this standard is maintained while being unable to meet the contracted financial commitments.

*Illiquidity:* The household is unable to rectify the situation of over-indebtedness even by using credit resources and other financial and non-financial assets.

However, even if this research examined and compared definitions in the European Union countries—highlighting the differing viewpoints that arise from differing socio-economic circumstances, and identifying some common elements that help measure over-indebtedness—it has not distilled these into a standard European definition of over-indebtedness. After all, the data used to measure over-indebtedness differ across the Member States making it hard to arrive at a common definition.

In 2013, a new report for the European Commission attempted to provide a definition that would be used among Member States.<sup>5</sup> The definition was broadened to cover the interests of all Member States since governments in Europe apply different approaches to define and measure over-indebtedness:

Households are considered over-indebted if they are having – on an on-going basis – difficulties meeting (or falling behind with) their commitments, whether these relate to servicing secured or unsecured borrowing or to payment of rent, utility or other household bills. This may be indicated by, for example, credit arrears, credit defaults, utility/rent arrears or the use of administrative procedures such as consumer insolvency proceedings (Alleweldt et al., 2013, pp. 3-4).

In the same study, less than half of the 277 interviewed stakeholders said they used a specific definition of over-indebtedness. In the case of those who used a

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<sup>5</sup> In order to conduct the study, 277 stakeholder interviews in 27 Member States were conducted, covering the financial industry, civil society organisations, public authorities, and independent experts, as well as face-to-face interviews with a total of 120 over-indebted households across six countries: France, Hungary, Germany, Slovenia, Spain, and the United Kingdom. Additionally, specific aspects in selected Member States were examined through in-depth interviews with experts, desk research and analyses of available statistical data.



definition, most stated that it was based on national legislation or law. However, most definitions then in use among Member States referred to ongoing financial struggles across all types of household commitments (Alleweldt et al., 2013). For example, in France, an individual was considered over-indebted when, acting in good faith, he or she could not meet the duties coming from debts obtained for non-professional reasons (D'Alessio & Iezzi, 2013). The definition of over-indebtedness in Italy related to problems of debt repayment and servicing interest rates. It has been associated with individuals who live in a state of economic turmoil that they could not rectify (D'Alessio & Iezzi, 2013). In particular, over-indebtedness was considered a 'situation of persistent imbalance between obligations and assets that can be promptly liquidated to meet them, and the definitive inability of the obligor to meet regularly its obligations' (Alleweldt et al., 2013, p. 23). Over-indebted households in Germany were defined as those whose income was insufficient to pay their debts on time without reducing their standard of living (Davydoff et al., 2008). Similarly, the British government has adopted the Citizens Advice definition that households are over-indebted when they are 'unable to pay their current credit repayments and other commitments without reducing other expenditure below normal minimum levels' (Davydoff et al., 2008, p. 36). In Austria and Belgium, the definition was connected to the subsistence level. Households were seen as over-indebted if they could not satisfy all payment obligations after taking into consideration living expenses, such as food, clothes, rent, social and cultural needs (Davydoff et al., 2008; Kamleitner, 2013). All in all, there is a lack of uniformity in the definition of over-indebtedness in the European Union.

### **Measurements of over-indebtedness**

Disagreement over the definition of over-indebtedness makes it difficult to analyse the trend of over-indebtedness at the European level. Statistical definitions and categories differ across countries and sometimes even *within* countries; the statistics from national sources are not accessible simultaneously, and the data collection methods differ across Member States (Davydoff et al., 2008). However, some common indicators can be used to measure consumer over-indebtedness. These indicators are used in three specific models for measuring consumer over-indebtedness: the *administrative model*, the *subjective model* and the *objective model*.

*The administrative model*, according to Betti et al. (2007 p. 141), considers administrative or legal measures that ‘are the by-product of official/legal functions.’ To clarify, it uses case records of the legal procedure that reflect non-payment of debts evidenced by official registrations or declarations (Betti et al., 2007; Elliot & Lindblom, 2019). Betti et al. (2007 p. 142) go on to state that ‘the administrative model is linked to a specific judicial system’ of the Member State, and the variations in the data collected on this basis within the European Union are considerable (Niemi-Kiesiläinen & Henrikson, 2006). In Norway and Belgium, measurements of over-indebtedness are based on the administrative model (Russell et al., 2011). Similarly, the government’s official investigations in Sweden have used the same model when discussing over-indebtedness in a credit society (SOU, 2013:78).<sup>6</sup>

*The subjective model* relies on households’ descriptions of their ability to repay debts. The model is based on micro surveyed information, assuming that consumers are truthful in revealing their debt situation. This model indicates that consumers who are unable to meet their debt obligations without adversely affecting the family’s well-being are considered over-indebted (Betti et al., 2007; Elliot & Lindblom, 2019). By using the subjective model, research can capture many households that are not visible in the administrative model—households that may be able to manage from day to day by, for example, borrowing from relatives or by minimising their consumption (SOU, 2013:78). On the other hand, it is challenging to measure variables in the subjective model because the subjective experience differs from person to person. It encompasses debt problems that the administrative or objective criteria may not recognise and usually yields higher levels of over-indebtedness than the other two methods (Russell et al., 2011).<sup>7</sup>

*The objective model* is based on a household’s financial situation as a measure of over-indebtedness. In general, it uses the ratios of total debt to net income or total

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<sup>6</sup> The administrative model of measuring over-indebtedness focuses on cases dealing with actual debt defaults, or in some cases, with consumer bankruptcy, but does not consider cases involving deviations to the established consumer saving pattern. At the same time, many types of debt problems may not be captured in the statistics since many people try to solve them before those debts end up in the official statistics (Niemi-Kiesiläinen & Henrikson, 2006).

<sup>7</sup> The Swedish Enforcement Authority used a subjective measurement of over-indebtedness in 2008, which will be discussed in the next subchapter.

debt to assets and income to measure the insolvency of the household (Elliot & Lindblom, 2019; Niemi-Kiesiläinen & Henrikson, 2006). Commercial credit institutions and central banks that utilise macro data and microdata rely on these indicators. Nevertheless, there is no detailed methodology to establish the critical level of such ratios for arriving at a level at which consumer over-indebtedness can be defined (Niemi-Kiesiläinen & Henrikson, 2006).<sup>8</sup>

#### *Definition and measurements of the over-indebtedness in this thesis*

Since the definition and measurements of over-indebtedness vary among researchers, it is crucial to clarify how they are used here. There are several ways in which the Swedish authorities and organisations define over-indebtedness, although there is no uniform definition of what constitutes over-indebtedness (Persson, 2013). The problem of over-indebtedness in Sweden is dealt with mainly by the Swedish Consumer Agency (Davydoff et al., 2008) and the SEA (*Förordning med instruktion för Kronofogdemyndigheten*, 2016:1333). The former uses the definition of insolvency when discussing over-indebtedness. In short, according to the Swedish Bankruptcy Act, individuals are considered to be insolvent when they are unable to service debts and when they fall due for payment, assuming that this inability is persistent (Persson, 2013). A broader definition of the concept of over-indebtedness was used in a 2008 Swedish Enforcement Authority policy report entitled *Everyone Wants to Pay Their Fair Share*. The report stated that individuals are considered over-indebted if they regularly experience problems paying their debts (Kronofogden, 2008). I consider both of these definitions to be unclear as they are difficult to measure, there is no recorded data, and they can be interpreted differently.

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<sup>8</sup> In simple terms, assuming that the level is determined, the debt service ratio of a household that exceeds the level may be referred to as over-indebted. For example, Disney, Bridges, and Gathergood (2008) discuss four objective indicators of over-indebtedness, namely if a person: spends more than 25 per cent of their gross monthly income on unsecured repayments; spends more than 50 per cent of their gross monthly income on total borrowing repayments (secured and unsecured); has four or more credit commitments, and is in arrears on a credit commitment and/or domestic bill for more than three months. For the most part, usage of the objective model involves the time-consuming collection of extensive information on the economies of individual households. At the same time, the model does not consider the differences in the way of life demonstrated by consuming patterns. In other words, even when having similar economies, some households can manage more significant debts than others (Niemi-Kiesiläinen & Henrikson, 2006).

In the Swedish context, unpaid debts end up in the SEA database for collection (see the next section on the SEA) and thus, I use registrations in the Swedish Enforcement database to define and measure over-indebtedness in this research. By doing so, I am using the administrative model to define and study over-indebtedness in Swedish society, which is explained in detail in the next section. These measures have previously been used by the Government's official investigations in Sweden (SOU, 2013:78) and this model aligns with a Sociology of Law approach since debt issues are closely linked with the legal relationship, or, as Ingvarsson (2017) states, '[a monetary] claim is a legal relationship between two or more persons, where one has a claim that corresponds to someone else's obligation' (p. 13). In other words, this is a legal relationship between the creditor and the debtor.

By using the administrative model, I was also able to measure the type of over-indebtedness, such as the kind of debts incurred by immigrants. I was able to determine the extent of over-indebtedness by analysing the number and size of the debts. By doing so, I gained a broader and deeper understanding of the over-indebtedness problem faced by immigrants in Sweden.

In the following section I will explain how over-indebtedness it is contextualised in Sweden, from debt to over-indebtedness, and the potential consequences that may follow.

## Over-indebtedness in the Swedish context

As mentioned, the enforcement of debts in Sweden is handled by the Swedish Enforcement Authority (SEA), which has its legal basis in the Enforcement Code (*Utsökningsbalken*), effective from 1 January 1982. According to Chapter 1, Section 1 of this Code, it 'applies to issues concerning the enforcement of judgements or other enforcement title [*exekutionstitel* in Swedish], which comprise an obligation to pay or other obligation' (*The Enforcement Code*, 1981:774).<sup>9</sup> In other words, enforcement is the compulsory performance of an obligation determined by an enforceable title and is not fulfilled voluntarily.

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<sup>9</sup> The Swedish Enforcement Code quoted here was translated by lawyer and translator James Hurst. The law has been downloaded from the Swedish Parliament website. All other references to laws and regulations have been translated from Swedish to English by the author.

The SEA is governed by regulations stating that the primary duties of the SEA involve debt collection, enforcement, payment orders and judicial assistance, debt relief and inspection in bankruptcy (*Förordning med instruktion för Kronofogdemyndigheten*, 2016:1333). Enforcement cases are handled as either public or private cases, and the SEA uses different procedures for each (see next section). The obligation usually concerns unpaid debts but may also include other measures such as issues relating to the enforcement of decisions on provisional attachment (*kvarstad* in Swedish), eviction (*vräkning*), or judicial assistance (*handräkning*).<sup>10</sup> Since this thesis is focused on over-indebtedness, I only reviewed the legal aspects that deal with debts. Henceforth, these debts will be referred to as ‘public’ and ‘private debts’.

## Types of debt

The Enforcement Code states that ‘public cases are cases concerning imposition of fines, default fines, taxes, customs duty, charges and other funds to which the State is entitled and which may be enforced without a preceding judgement and also, as prescribed in more detail by the Government, other similar claims that the State or a municipality is entitled to’ (*The Enforcement Code*, 1981:774, Chpt. 1, Sect. 6). The Enforcement Statute, Chpt. 1, Sect. 2, addresses many receivables that can be executed as public cases. In most cases, the enforcement title regarding public debts consists of an administrative decision that may be enforced according to the Enforcement Act, and according to a provision in a particular law such as the Tax Procedure Act.

Regarding private debts, according to the Enforcement Act, all cases other than those referred to as public are private cases (*The Enforcement Code*, 1981:774). These include unpaid loans, rent and other bills, for example. In addition to these debts, which are based on an agreement between the parties, some debts are based on claims for damages. According to the Parental Code (*Föräldrabalk*, 1949:381), individuals under 16 cannot enter into agreements. Individuals between the ages of 16 and 18 have limited opportunities to enter into agreements. However, there

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<sup>10</sup> For example, during my time as an officer I was involved in preparing access to allow utility companies to turn off electricity supplies.

is no lower limit for claims for damages even if the lower limit is set to the age of 4 in legal contexts (Henrikson & Ingvarsson, 2019).

It is essential to mention that debts can be prescribed, which means that the creditor loses his right to claim the debt. In other words, prescription implies that a person who has a claim against someone else cannot make a claim with the help of the legal system after a given time period has elapsed (Ingvarsson, 2017). The general limitation period for the prescription is 10 years. However, the limitation period for consumer debts is 3 years if the claim relates to a product, service or other items that a trader has provided to the consumer in a professional capacity for personal use (*Preskriptionslag*, 1981:130).

The limitation period, regardless of whether it is 3 or 10 years, is calculated from the origin of the claim and, according to the statute of limitations, is resumed when: a) the debtor makes a payment, pays interest or instalments or otherwise acknowledges the claim for the creditor; b) the debtor receives a written claim or written reminder of the claim from the creditor, or c) the creditor brings an action against the debtor or invokes the claim in another way in court, with the Enforcement Authority, in bankruptcy proceedings or in arbitration (*Preskriptionslag*, 1981:130).<sup>11</sup>

## The pre-over-indebtedness phase

When you buy a product or service from a company, you receive an invoice, and if you do not pay this invoice on time, you will usually receive a payment reminder with an additional fee—what is known as a ‘reminder fee’. Authorities, lenders, and other companies can all send reminders if you have not paid them, but they can only charge you if their right to do so has been agreed upon in a signed

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<sup>11</sup> Most claims in public cases are not compliant with the provisions of the statute of limitations. For example, the law on the prescription of tax claims applies instead when the debt is related to unpaid tax (*Lag om preskription av skattefordringar m.m.*, 1982:188). It prescribes a fixed limitation period of five years. Thus, the statute of limitations cannot be interrupted, and it cannot be extended in accordance with the rules for private debts based on civil law. The main rule for tax is that the five-year limitation period is calculated from the end of the calendar year in which the tax fell due for payment. According to Chpt. 35, Sect. 7 of the Criminal Code, sentences of fines lapse when five years have passed since the date on which the judgement became final (*Brottsbalk* 1962:700).

contract (Henrikson & Ingvarsson, 2019).<sup>12</sup> According to the *Act on Compensation for Debt Collection Costs*, the reminder fee is limited to SEK 60 unless there are special reasons for a higher fee (*Lag om ersättning för inkassokostnader m.m.*, 1981:739).

However, there is no requirement for companies to send reminders. Instead, unpaid private debt can be sent directly to the debt collection companies (*Inkassobolag* in Swedish) or to the SEA without a reminder having been sent. These rules do not apply to public debts. According to the law on the enforcement of governmental debts, the creditor must remind the debtor to pay the claim before it is handed over to the Enforcement Authority (*Indrivningsförfordning* 1993:1229).

Debt collection companies are private corporations governed by the Debt Collection Act (*Inkassolag* 1974:182). The intention of this Act is primarily to protect debtors against inappropriate collection methods. The law regulates what is known as self-collection, a procedure applied when a creditor runs a business and collects receivables that have arisen as part of their own business. It also regulates processes involved when debt collection is run by representatives such as debt collection companies (Karlsson-Tuula, 2021). The debtor is protected against high compensation costs by Section 4 of the Act, which states that collection costs must not exceed SEK 180 and that SEK 170 may be added if an instalment plan has been written into the claim. The compensation is the same regardless of the size of the debt, and it is not uncommon for the costs to be higher than the original debt (Henrikson & Ingvarsson, 2019).

There must be what is known as an enforcement title for the SEA to work with the debts.<sup>13</sup> As already mentioned, the enforcement title in respect to public debts usually consists of administrative decisions from other authorities, for example, those that enforce the Tax Procedure Act. The most common enforcement title for private debts is the payment decision determined by the summary proceedings after the creditor has applied to the authority for a payment order (*betalningsföreläggande* in Swedish). This is a simplified and accelerated procedure

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<sup>12</sup> Regulation of the obligation to pay compensation for reminder payments is now generally included as a standard clause in credit agreements.

<sup>13</sup> Chpt. 3, Sect. 1 of the Enforcement Act contains all the enforcement titles that can be enforced by the authority.

for ordering payment, and the purpose is to deliver a directly enforceable verdict (Henrikson & Ingvarsson, 2019).

In other words, the SEA must determine the validity of the debt in order to collect private debts. Any creditor wishing to be paid can apply to the Swedish Enforcement Authority for a payment order. If the person who is considered liable to pay does not protest, the application results in a ruling (*utslag* in Swedish). This ruling then forms the basis for the Enforcement Authority’s collection of the debt. Each step taken incurs additional costs that accrue to the current debt. A small debt can quickly grow into a larger one if not paid on time. Not having SEK 350 to pay a mobile telephone bill or other unpaid commitment may force the debtor to pay many times more when the debt comes to be enforced. One example of how a small debt can quickly accumulate and become much larger is as follows:

Invoice	SEK	350
Reminder fee	SEK	60
Collection requirements	SEK	180
Payment order	SEK	300
Agent cost	SEK	380
Enforcement	SEK	600
<b>Total</b>	<b>SEK</b>	<b>1,870</b>

So instead of paying SEK 350 in the above example, a debt of SEK 1,870 ends up in the Swedish Enforcement database. The creditor has the right to charge interest in addition to the costs mentioned above. According to Sect. 4 of the Interest Act (*Räntelagen*, 1975:635), the debtor has 30 days—unless agreed otherwise—in which to pay the debt before interest begins to accrue. If the parties have not agreed on a default interest rate, interest should be calculated in accordance with Sect. 6 of the Interest Act, which states that interest shall be calculated per annum according to a rate of interest equivalent to the reference rate of interest plus eight percentage points.<sup>14</sup> The reference interest rate in 2021 and early 2022 was 0 per cent. Therefore, a default interest rate of eight per cent has been applicable to any unpaid debt where interest has not previously been agreed. It is not uncommon

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<sup>14</sup> The reference interest rate is the official interest rate imposed by the Central Bank (*Riksbanken*) and is set twice a year, on 1<sup>st</sup> Jan. and 1<sup>st</sup> July.



for creditors to agree on a higher interest rate than that pursuant of Sect. 6 of the Interest Act (Henrikson & Ingvarsson, 2019).<sup>15</sup>

## Debt enforcement

Creditors can apply for enforcement when they have an enforcement title pursuant to the Enforcement Code (*The Enforcement Code*, 1981:774). If there is a verdict in the payment order proceedings, this is sent for enforcement without a specific application having to be made. According to the same Act, enforcement must occur as soon as possible after the SEA has received the necessary documents. However, the main rule is that the authority must notify the debtor before the authority begins to collect the claim. This notification must be sent by post or ‘submitted appropriately’ (*The Enforcement Code*, 1981:774, Chpt. 4, Sect. 12).<sup>16</sup> The purpose is to allow the debtor to avoid enforcement action by paying, providing security, or settling the debt with the creditor (Kronofogden, 2019). According to the Enforcement Code (*The Enforcement Code*, 1981:774, Chpt. 4, Sect. 10), the claimant can approve a delay of enforcement twice in one year. Nevertheless, according to the same paragraph, ‘[i]f the applicant allows postponement with attachment and if the postponement lasts over two months, the application lapses. If the applicant allows postponement more than twice during a one-year processing period, the application also lapses.’

The first step in enforcement is to investigate the debtor’s income and consider whether the debtor has property of any value. The debtor is obliged to provide the information needed about the debtor’s assets. According to the Enforcement Code (*The Enforcement Code*, 1981:774), the SEA may order the debtor to submit a schedule of his or her assets. Furthermore, the Act states that the debtor may also be ordered to confirm ‘on his honour and faith’ that the information about

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<sup>15</sup> If the parties have agreed on a higher interest rate than that calculated in accordance with Paragraph 6 of the Interest Act, the higher interest rate as stated in Paragraph 7 of the same Act applies.

<sup>16</sup> According to Chpt. 4, Sect. 12, 2<sup>nd</sup> paragraph of the Enforcement Code (*The Enforcement Code*, 1981:774), ‘[i]f there is a risk that the debtor will conceal or destroy property or if the matter is otherwise urgent, the debtor need not be notified. Nor is notification necessary if the debtor does not have a known domicile or it has not been possible to establish where he is staying’ (*The Enforcement Code*, 1981:774).

their assets provided at the time of questioning is accurate (*The Enforcement Code*, 1981:774, Chpt. 4, Sect. 14).<sup>17</sup>

Enforcement may take place only if the amount expected to be received yields a surplus that justifies the measure. In the first instance, claims shall be made against such assets that are attachable property that may be used for payment of the claim with the least cost, loss, or other inconvenience for the debtor. The SEA has issued a comprehensive document regarding the enforcement order to follow. This means that when the debtor has several assets subject to enforcement, the SEA must balance the interests of the debtor and the creditor and assess whether the property is to be seized (*The Enforcement Code*, 1981:774). The SEA must also consider whether the chosen enforcement measure is proportionate based on the Convention for the Protection of Human Rights and other international commitments such as the Convention on the Rights of the Child (Kronofogden, 2020a).

According to the SEA's legal positioning, if there are several types of assets, the following order should be applied:

1. Cash
2. Bank balances
3. Attachment of earnings
4. Fund units and stocks
5. Other movable property
6. Real estate
7. Ships, aircraft, disputed claims, etc. (Kronofogden, 2020a).

Attachment of earnings—meaning that the employer must retain part of the debtor's salary and send it to the authority—is the most common attachment order made by the SEA. More than 100,000 decisions concerning attachment of earnings are made every year. According to the Enforcement Code, attachment of earnings is possible with public and private debts as well as maintenance allowances and can, in principle, continue indefinitely until the debt is paid. Attachments may take place involving most periodic payments such as salary,

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<sup>17</sup> A confirmation of honour and faith means that if a debtor deliberately provides false information or conceals the truth, they can be convicted of making a false declaration according to Chpt. 15, Sect. 10 of the Penal Code (*Brottsbalk* 1962:700).

pension, sickness benefits and unemployment benefits. After receiving the necessary information about the debtor's salary and expenses, the authority determines how much of the debtor's weekly wages/monthly salary may be withheld and how much the debtor will be allowed to keep in order to meet their expenses in what is known as a *beneficium* (Kronofogden, 2019). According to the enforcement order, if the debt can be paid in full within 12 months by attachment of earnings, enforcement can usually stop there, even if there is property available under points 4-7 in the list above (Kronofogden, 2020a).

However, many defaulting debtors—particularly poor debtors with low incomes—do not understand the system and have difficulties understanding the process of debt collection (Poppe, 2008). In general, immigrant debtors know very little about their rights, like being allowed to keep part of their income in order to survive and buy the basics in order to maintain a decent standard of living. In my line of work, it was not uncommon to be asked, 'Are you going to take my TV?'

When a debt, be it public or private, is registered in the Swedish Enforcement database, the debtor is assigned a payment default (*betalningsanmärkning* in Swedish). A payment default is an indicator that you have not met your payments. In my experience, some of the most common questions asked of the SEA relate to payment defaults. One common misconception among the public is that the SEA defines the payment default, but credit information companies do this. The expression *payment default* is the credit information companies' collective term for a large amount of information that they collect from various sources and then use in credit information. Much of this information comes from authorities such as the SEA and the Swedish Tax Agency, whose registers are in the public domain. The information is then disclosed by the credit information companies to individuals or companies when someone wants to borrow money, rent a home, or buy items by paying in instalments, for example. A credit check is then performed by accessing this information.

While I was an officer, I noticed that many foreign-born debtors knew very little about payment default before they received notice of one. They usually used a term such as 'blacklist' or 'black dot' when referring to it. They use these terms because if applicants are subject to payment defaults, they may be denied loans,

apartments, jobs, telephone subscriptions or Swedish citizenship.<sup>18</sup> For private individuals, the payment default remains active for three years and may lead to financial and social exclusion, which I will elaborate on in more detail in subsequent chapters.

## Policy measures to prevent over-indebtedness

In addition to managing over-indebtedness and collecting debts, the SEA has a responsibility to ensure good willingness to pay is maintained in society and to prevent over-indebtedness. To this end, the SEA has to provide citizens and companies with access to knowledge and information to help avoid over-indebtedness (*Förordning med instruktion för Kronofogdemyndigheten*, 2016:1333). A text repeatedly found in annual spending authorisations (*Regleringsbrev*) states that the SEA must contribute to a well-functioning society, and combat economic crime (Finansdepartementet, 2019, 2020). Furthermore, '[t]he public and companies must have confidence in the Swedish Enforcement Authority's activities, and everyone must be given the same opportunities and conditions in contacts with the authority' (Finansdepartementet, 2019, 2020) (translated from Swedish to English by the author).<sup>19</sup>

In 2013, the Swedish government's official investigation (SOU, 2013:78) described the state of over-indebtedness amongst the population and proposed a strategy against it. The analysis proposed, among other things, legislative changes to facilitate the fight against over-indebtedness. For example, they argued for a final prescription of the debts that have been subject to enforcement by the

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<sup>18</sup> However, different creditors react differently to default debt. The person or company granting credit, hiring staff, or renting out an apartment is always the party that decides how heavily the payment default should weigh on their decision.

<sup>19</sup> Besides what is stated in the spending authorisations, the authority is commissioned for other projects. For example, the spending authorisation for 2020 provides the SEA with additional funding to bolster the fight against economic crimes, including money laundering, in the 2020 to 2022 period (Finansdepartementet, 2019). In fact, the authority should collaborate with other authorities in Sweden and actively participate in and contribute to the fight against financial crime and organised serious crime (Kronofogden, 2019). Furthermore, the authority was commissioned in 2020 to analyse needs and develop the practical application for integration of the Convention on the Rights of the Child in its day-to-day work. The subsequent spending authorisation for 2021 requires the authority to report its experiences from raising awareness of children's rights and the results achieved (Finansdepartementet, 2020).

Swedish Enforcement Agency for 15 years without being paid in full. If the debt is between private individuals or based on crime, the final prescription time should be 20 years. To meet this injunction, it is essential to change some rules that make it easier to pay off the debt before the time has elapsed; for example, the right to pay off the capital before interest. Furthermore, the Swedish Enforcement Agency should collaborate with other authorities to prevent over-indebtedness. Finally, according to the report, it is necessary to develop debt statistics at the individual and household levels to ensure that decision-makers have sufficient knowledge when producing legal tools for fighting over-indebtedness.

More recently, Henrikson (2016) studied the legal process on credit taking and how it is connected to consumer protection against over-indebtedness in Sweden. By analysing the pre-contractual, contractual and post-contractual phases of credit taking, the author states that existing regulations to protect consumers who miscalculated future economic conditions are weak. Some of the rules in this post-contractual phase can put the consumer in an even more difficult financial situation. The creditor is in a strong legal position, able to exert economic pressure in the forms of fees and penalty interest in the event of a breach of contract. On the other side, there are no consumer protection rules that limit the charging of penalty fees since the Penal Code and the Contracts Act 'are designed in such a manner that they seldom can be applied in practice' (Henrikson, 2016, p. 441).

Individuals who are overly indebted are eligible for debt restructuring. In Sweden, the Debt Restructuring Act came into force in 1994 following a significant increase in the number of over-indebted persons in the early 1990s. Its objective was to reduce the number of people who were over-indebted and to provide them with an opportunity to live without debt. A new law was passed in 2016 that allows more people to qualify for debt restructuring. In short, the debt restructuring process simply means that someone with large debts relative to their monthly income and who will be unable to pay them off in the foreseeable future can have their debts written off (*Skuldsaneringslag* 2016:675).<sup>20</sup> According to Sect. 2 of the same Act, The Swedish Enforcement Agency shall provide information on debt restructuring to severely indebted persons who are or have been the subject of enforcement in accordance with the Enforcement Code. In this context,

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<sup>20</sup> For those readers in Sweden interested in debt restructuring law, I recommend reading Sandvall (2008, 2011, 2016).

the Social Services Act provides that the municipality is responsible for providing budget and debt advice to indebted individuals (*Socialtjänstlagen*, 2001:453).

According to the SEA, three factors are particularly important when determining the likelihood of debt restructuring: the cause of the payment problems, the age of the applicants, and whether they have consulted a budget and debt adviser. Conversely, the amount of the debt does not have a significant impact: SEK 13,426 was the smallest debt amount among individuals who received debt restructuring (Kochanowicz & Krantz, 2018).

Despite significant efforts, the European Union has been unable to position itself as a leader regarding the insolvency and over-indebtedness of households within the region. A particular concern for critics within and beyond the EU is over-indebtedness and how it can be avoided. However, until the Maastricht Treaty in 1993, when the single market was established, the issue of over-indebtedness was mainly perceived as an internal issue of nation states (Ferretti & Vandone, 2019).

To achieve a single consumer credit market, the EU's policy reaction to over-indebtedness has been limited to establishing a responsible credit market that creates a system which encourages intense competition, innovation, and choice within a reliable framework that favours access to credit, and which rejects unfair and irresponsible practices. Nevertheless, the main driver of these regulations is an economic one, enabling the consumers from EU countries to take advantage of one single market (Ferretti & Vandone, 2019). Thus, for example, the Consumer Credit Directive (CCD) and the Mortgage Credit Directive (MCD) establish an essential compilation of enactment at the EU level (Bouyon & Musmeci, 2016; Ferretti & Vandone, 2019). The directives are meant to define 'a clear legal framework for the European credit institutions, decreasing the barriers for cross-border lending and improving the prevention of over-indebtedness within the EU' (Bouyon & Musmeci, 2016, p. 7).

According to Ferretti and Vandone (2019), up until then, from all the policy measures produced, 'it appears evident how the creation of trust in the market is dominant and how to some extent the prevention of over-indebtedness – but not its treatment – has remained hidden in the quest for the promotion of the internal market' (p. 91). In other words, consumer defaults and debt solutions had not been included in such policies and legal responses. The internal legal tradition within the Member States, the structures of local institutions, and differing

cultural attitudes have been barriers to a common EU response to over-indebtedness (Ferretti & Vandone, 2019; Ramsay, 2012; Ziegel, 2006).

There is criticism of the CCD that it suffers from declaring the importance of fighting over-indebtedness,<sup>21</sup> yet does not include a specific provision on responsible lending (Ramsay, 2018). However, according to Ferretti and Vandone (2019), this is remarkable since recognising over-indebtedness and policy interest in responsible lending has been an essential issue in the EU for a long time. As a matter of fact, such a policy was included in the earlier drafts of the CCD but was not retained in the final version.

## Financial exclusion

As outlined in the introduction to this chapter, as well as in the discussion on payment default, those holding debts listed in the SEA register are at risk of exclusion. Moreover, extensive data indicates that over-indebtedness is closely associated with financial exclusion (see e.g. Comparato, 2015; Fernández-Olit, Paredes-Gázquez, & de la Cuesta-González, 2018; Gloukoviezoff, 2007; Krumer-Nevo, Gorodzeisky, & Saar-Heiman, 2017; Poppe, 2008). It is common for individuals who are over-indebted to be excluded from the financial markets. Having a poor credit history or being over-indebted can prevent individuals from gaining access to banking products, especially in countries with credit bureaus that increase information availability for financial institutions.

Understanding the issue of financial exclusion is important not only because it overlaps with over-indebtedness, but also because it (and over-indebtedness) intersects with social exclusion (discussed later in this chapter). In this section, I define financial exclusion and provide an overview of the consequences of it.

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<sup>21</sup> Except for the vague mention in the Recital 29: ‘Member States should take appropriate measures to promote responsible practices during all phases of the credit relationship, taking into account the specific features of their credit market. Those measures may include, for instance, the provision of information to, and the education of, consumers, including warnings about the risks attaching to default on payment and to over-indebtedness’ (Directive, 2008/48/EC).

## What is financial exclusion?

The term *financial exclusion* originates from geographical research and refers to physical barriers in accessing the banking system in the 1990s (Leyshon & Thrift, 1993, 1996). The growth of poverty from 1970 to the 1990s, together with other socio-economic factors, was one of the causes of financial exclusion's emergence. According to the former Financial Services Authority in the United Kingdom, this exclusion was related to three factors. The first was the decrease in retail outlets in impoverished communities, together with the housing policies creating poor residential areas on the outskirts of larger cities. A second factor was the closure of bank and building society branches during the same period, with remaining branches concentrating in city centres. Third, the lack of physical access to the banking system was exacerbated among poor people who lived outside of city centres due to low car ownership levels and expensive and often unreliable public transport (Kempson, Whyley, Caskey, & Collard, 2000). In the end, this was a set of discriminatory processes that privileged those who live in urban areas and disadvantaged those who do not.

It is essential to mention that financial exclusion is not just about physical access to financial services; the debate has expanded to include those who make little or no use of these services (Aznar, 2014; Caplan, Birkenmaier, & Bae, 2021; Fernández-Olit et al., 2018; Russell et al., 2011). As a suitable example, in their report to the European Commission, Anderloni, Bayot, Bledowski, Iwanicz-Drozdowska, and Kempson (2008) use the following definition: 'Financial exclusion refers to a process whereby people encounter difficulties accessing and/or using financial services and products in the mainstream market that are appropriate to their needs and enable them to lead a healthy social life in the society in which they belong' (p. 9). In a broader sense, financially-excluded people cannot 'make an economic contribution to the community' (Sinclair, 2001, p. 16). Thus, financial exclusion is broadly defined as the inability of particular social groups to access mainstream financial services in an appropriate form (Aznar, 2014; Fernández-Olit, Martín, & González, 2019), which can come 'as a result of problems with access, conditions, prices, marketing or self-exclusion in response to negative experiences or perceptions' (Sinclair, 2001, p. 4).

The issue of financial inclusion and exclusion is emerging in many European countries, and policy approaches have been developed to reduce the negative consequences of deregulation (Gomez-Barroso & Marbán-Flores, 2013). A



number of issues surrounding financial exclusion are addressed by the United Nations General Assembly, first through the introduction of the 8 Millennium Development Goals 2000), followed by their 17 Sustainable Development Goals to be achieved by 2030 (UN, 2015).

Several direct connections exist between Agenda 2030 and the SEA. Regarding the SEA function, the authority primarily contributes to the goals concerning economic and social sustainability. By seeking to prevent over-indebtedness and children from becoming indebted, the SEA directly contributes to meeting goals 1 through 4: no poverty, no hunger, good health and well-being, and good education for all (Kronofogden, 2020b; UN, 2015).

Further, government agencies and non-government organisations have sought to address the issue of financial inclusion directly through financial literacy programs and projects (Caplan et al., 2021). In this vein, I, along with my colleagues from the SEA, have been involved in working with, among others, social secretaries, budget and debt advisers, and teachers to reduce over-indebtedness and the risk of financial exclusion. However, as discussed in the previous chapter concerning policy measures, EU institutions have approached the issue mainly through internal-market discussions and citizens are considered excluded if, lacking essential financial services, they cannot actively participate in the market (Comparato, 2015; Ferretti & Vandone, 2019; Gomez-Barroso & Marbán-Flores, 2013).

## **The effects of financial exclusion**

There are both financial and social consequences to financial exclusion (Bayot, 2008; Caplan et al., 2021; Krumer-Nevo et al., 2017). Consumer behaviour, participation in economic activities, access to social services, and income distribution are impacted by these consequences. Furthermore, they impact self-esteem, relationships with other individuals and groups, and overall quality of life (Anderloni et al., 2008; Krumer-Nevo et al., 2017). People who experience financial exclusion find it difficult to plan a household budget outside the mainstream financial services sector, which is much more costly, more complex, more time-consuming, and less secure. Lack of access to the banking system is

especially problematic in societies where payments are mostly made via a bank account (Anderloni et al., 2008; Bayot, 2008).<sup>22</sup>

People who do not have access to credit from banks or mainstream financial providers fall into two main categories: those with poor credit histories or a history of bad debts (payment defaults); and second, people living on low incomes, who are often rejected from the creditor side. Being denied credit from mainstream financial institutions is recognised as the main push factor towards sub-prime lenders. Without access to the conventional credit market, vulnerable individuals will face practical difficulties regarding both short-term loans to handle everyday life and different kinds of loans for investments or the purchase of more substantial items. Thus, credit-excluded people are often forced to borrow from moneylenders and pawnbrokers, whose charges are higher and whose terms and conditions are inferior to those in the prime market (Bayot, 2008; Caplan et al., 2021; Nieri, 2007). Lending from the sub-prime credit market is often connected to high-interest rates, which can cause further financial stress and lead to deeper over-indebtedness. It is not unusual for a licensed moneylender to charge the borrower between 100 and 500 per cent, depending on the loan's size and duration.<sup>23</sup>

However, there are some vulnerable groups of people to whom even licensed moneylenders are unwilling to lend, including 'lone parents, the long-term unemployed, hostel dwellers and people living in high crime areas' (Kempson et al., 2000, p. 56). They frequently turn to unlicensed or illegal moneylenders who operate outside of legal frameworks. Moneylenders who do not possess a license lend almost exclusively to people who are in need of emergency cash, making

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<sup>22</sup> It is argued that the consequences of being without banking facilities do not merely apply to those who have no existing account at all; they can be similarly significant for people who have a primary bank account but no access to additional banking facilities such as direct debit, overdraft, and credit or debit cards. Lack of a transaction account with payment services, for example, may make paying bills more expensive, especially in countries where cash payments are no longer usual (Anderloni et al., 2008). Besides, many companies offer discounted rates and other products to consumers who pay their bills electronically each month. To be able to use these products, either direct debit facilities or a credit card must be available. Due to the absence of such payment methods, individuals are unable to take advantage of the lower prices of goods (Anderloni et al., 2008; Kempson et al., 2000).

<sup>23</sup> Byrne, McCarthy, and Ward (2007) found that the average annual percentage rate was 126.29 per cent among 52 regulated moneylenders in Ireland. About 60 per cent of those who borrowed exclusively from moneylenders paid over 20 per cent of their weekly income on loans.

short-term loans at very high-interest rates. These lending practices on the black market can lead clients into more debt, thus creating a vicious spiral of over-indebtedness (Anil Kumar, 2014). Aside from high costs, unlicensed moneylenders may also engage in aggressive and intimidating behaviour (Kempson et al., 2000). Since such lending does not issue credit agreements and many borrowers can never pay back their loan in full, it can lead to extortion and blackmailing. In some cases, failure to repay credit can force customers to deal with drugs or engage in prostitution on behalf of the lender (Anderloni et al., 2008).

## Social exclusion

Financial and social exclusion are deeply interrelated: social exclusion often leads to financial exclusion, and financial exclusion is a process that contributes to the development of social exclusion in society (Anil Kumar, 2014). The access to and use of primary bank products is undeniably crucial to integrating people into present-day Western societies (Anderloni et al., 2008). According to Kempson and Whyley (1999), by ‘having limited access to financial products, the process becomes self-reinforcing and an important contributor to social exclusion more generally’ (p. 22). In sum, financially excluded members of society can no longer participate in a normal social life in their society (Gloukoviezoff, 2007).

### Understanding social exclusion

It is argued that the development of social exclusion, connected to financial exclusion, is evident in societies that have placed financial services at the heart of their operations. People who have difficulties participating in financial services will be confronted with negative social consequences that reinforce the process of social exclusion (Anderloni et al., 2008; Gloukoviezoff, 2007). Indeed, being financially excluded reaches far beyond these consequences and is also associated with psychological suffering and social and political exclusion. Not having access to, or not knowing how to use bank services correctly can result in self-isolation that deprives the individual of social connections and social relationships with family and friends (Aznar, 2014; Bayot, 2008).

According to Parodi and Sciulli (2012), social exclusion as a term was first used in France in the 1970s and has since then been commonly adopted by governments and researchers as an economic policy topic.<sup>24</sup> The British government set up the Social Exclusion Unit (SEU) in 1997, and the London School of Economics set up the Research Centre for the Analysis of Social Exclusion (CASE). Likewise, The European Union has addressed this concept, having dedicated 2010 as the European Year for Combating Poverty and Social Exclusion (*Europe 2020: A strategy for smart, sustainable and inclusive growth*, 2010). Similarly, as mentioned previously, the United Nations established the Sustainable Development Goals in its 2030 agenda, outlining the need for shared prosperity whereby everybody enjoys minimum standards of well-being. When designing this policy, the United Nations shared the concerns of a fragmented society in which many members suffer in poverty (UN, 2015).

Moreover, social exclusion is a multifaceted phenomenon that includes economic, social, and political aspects of life (Atkinson, 1998). It can be interpreted as both a static state of deprivation and a process leading to it (Parodi & Sciulli, 2012). In general, multidimensional poverty/inequality and social exclusion are closely related but do not overlap. Both are problems of capability failures: poverty is viewed as the failure to reach a threshold for each function, while social exclusion is viewed as the failure to fully participate in society (Atkinson, 1998; Chakravarty & Zoli, 2009; Parodi & Sciulli, 2012). Thus, social exclusion is more than poverty: it is the aggregate marginalisation from production, consumption, social networks, and decision-making (Anil Kumar, 2014).

Some use *poverty* and *social exclusion* interchangeably, but this is inappropriate because social exclusion does not necessarily imply poverty nor vice versa. Indeed, it is possible to have a socially excluded group of people in society who are not disadvantaged economically or an economically challenged group that is not socially excluded. Sometimes one may find a group of people excluded on grounds such as sexual orientation or disability but have never experienced the state of poverty. While social exclusion represents holistic human development, the

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<sup>24</sup> It is argued that the phrase 'social exclusion' was introduced in 1974 in France by the ex-Secretary of State for Social Action in reference to the situation of particular groups of people. These groups included abused children, delinquents, drug addicts, physically handicapped, and single parents, among other social 'misfits' in French society, who despite being considered vulnerable were ineligible for the social welfare insurance system (Sen, 2000, p. 1).

definition of poverty is inspired by wealth. In other words, these distinctive connotations refer to quantitative and qualitative aspects of social exclusion (Anil Kumar, 2014; Chakravarty & Zoli, 2009; Parodi & Sciulli, 2012). As Bask (2005) concludes, social exclusion concerns individuals' integration in society, while the concept of poverty is mostly used when speaking about problems involving economic resources.

The concept of social exclusion is a dynamic process, and Burchardt, Le Grand, and Piachaud (1999, p. 229) have connected it to both geography and participation by using the following definition: 'An individual is socially excluded if (a) he or she is geographically resident in a society but (b) for reasons beyond his or her control he or she cannot participate in the normal activities of citizens in that society and (c) he or she would like to so participate'.

Amartya Sen has identified two categories of social exclusion: *active social exclusion*, proclaimed by law or other means that does not allow a group of people to participate in a political process because of their age, ethnicity, sex, or some other defining reason; and *passive social exclusion*, which results from social phenomena such as poverty and isolation (2000, pp. 14-18).

Social exclusion can also be caused by discrimination. For example, Madera and Hebl (2013) distinguish between formal discrimination and interpersonal (subtle) discrimination. They write, 'Formal discrimination involves behaviours that are often obvious, overt, and illegal, and include examples such as excluding ethnic minorities from housing or rental opportunities.' (p. 2). Often, the intention is to discriminate against stigmatised individuals. On the other hand, interpersonal discrimination is more ambiguous and 'involves the display of behaviours that tend to be subtle and are often nonverbal' (p. 2), such as standing farther away from, spending less time with, or smiling less often at stigmatised people. Some authors have argued that interpersonal discrimination may be equally destructive and socially excluding, if not more, than formal discrimination. For stigmatised people, subtle ostracism and exclusion may generate more stress because of the uncertainty of whether one is being ignored accidentally or purposely because of one's social group (London & Rosenthal, 2013).<sup>25</sup>

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<sup>25</sup> Literature about informal discrimination is connected to religion and race (Dovidio, Kawakami, & Gaertner, 2002; King & Ahmad, 2010; Vorauer & Kumhyr, 2001), obesity (King, Shapiro,

## Impacts of social exclusion

It is not unusual for social exclusion to relate to adverse outcomes. Individuals with few social networks are more likely to commit suicide (Berkman, Glass, Brissette, & Seeman, 2000; Durkheim, 2002), and in general, ostracised people are more at risk of mental ailments, such as anxiety and depression (Leary, 1990; MacDonald & Leary, 2005). In addition to psychological issues, the socially excluded can face physiological effects as well: long-term exposure to social exclusion is associated with dysregulated cortisol patterns that may have adverse health consequences, including upper respiratory infection, flare-ups of existing allergic or autoimmune conditions, and chronic diseases including coronary heart disease (Dickerson & Zoccola, 2013; Miller, Chen, & Zhou, 2007).

## Summary

All in all, this literature consistently demonstrates that over-indebtedness and financial and social exclusion are closely related. Individuals who have excessive debt are typically at risk of financial and social exclusion. In fact, it is crucial to understand over-indebtedness in conjunction with financial exclusion since over-indebted people face challenges regarding access to financial services, which may reinforce chronic poverty and social exclusion. As a result, it is not possible to separate the issue of over-indebtedness from the issue of financial exclusion.

From the perspective of financial exclusion, facing weaker credit histories leads to higher payments or no loan at all. Consequently, people living on a low income, such as immigrants, single parents, non-homeowners, and those receiving social welfare payments are more likely to be financially excluded. So financial exclusion, at a policy level, is an aspect of social exclusion, where those without access to financial services are unable to access other essential social establishments.

To summarise, to understand the problem of over-indebtedness among immigrants in Sweden, we have to contextualise the extent to which they experience financial and social exclusion. Due to limited access to financial

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Hebl, Singletary, & Turner, 2006), and sexual orientation (Hebl, Foster, Mannix, & Dovidio, 2002).

products, the processes of financial and social exclusion become self-reinforcing. For immigrants, the consequences of financial exclusion can negatively affect their integration into the host country. It can lead to social segregation since economic participation and social integration are generally considered to be grounds for identifying with the host country.

Building on the concepts presented in this chapter, Chapter 3 reviews existing research on these topics, especially as they pertain to immigrants.

# Chapter 3. Previous research

Chapter 2 defined what is meant by over-indebtedness, financial and social exclusion. This chapter moves on to discuss the existing literature on these topics, with a particular focus on how it addresses the experiences of immigrants. The following analysis of previous research is the result of an unpublished literature review that I carried out (see Chapter 5. Methodology). The first section addresses the causes of over-indebtedness; the second section, the causes of financial exclusion. Social exclusion among immigrants and their coping strategies are then addressed. I conclude by illustrating the gap in this literature, which fails to account for the nexus of immigration, over-indebtedness and social exclusion.

## Causes of over-indebtedness

Two types of excessive debt causes were identified in the scientific literature review: macro level and micro level causes. This will be described in upcoming chapters.

Macro level over-indebtedness is primarily the result of recent drivers caused by the economic crisis of 2007-2008, such as the high levels of unemployment, or the household credit boom followed by the collapse in house prices (e.g., Domurath & Micklitz, 2015; Kempson, 2015). More recent researchers have examined economic vulnerability in the wake of the COVID-19 pandemic (Svensson & Vuleta, 2021).

However, much of the current literature on over-indebtedness pays particular attention to micro-level financial vulnerability and triggers of household repayment difficulties by measuring the collective impact of socio-demographic factors at the micro level (e.g., Alleweldt et al., 2013; Chmelíková & Redlichová,



2020; Vuleta, 2018). These include income, education, and employment, among others.

## Macro-level drivers

In her analysis of the economic crisis, Kempson (2015) identified key factors that explain differences among European households facing the risk of being over-indebted. At the macro level, the status of the economy of the country at the time when the crisis struck is of course a key determinate for how hard the country was hit. In the same vein, research after the economic crisis in Europe shows that the major cause for over-indebtedness in Iceland, Spain, Portugal, Romania, Hungary, and Greece developed from the adjustment of interest rates and other costs of mortgage credit through banks. Because of increasing housing prices the years before the crisis, followed by a sharp drop when the crisis hit, many mortgage holders were left with negative equity in their homes (Domurath, 2015; Jozon, 2015).

At the country level, after stating that Greece was the first casualty of the crisis in the European Union, Mentis and Pantazatou (2015) explain that a ‘dramatically high level of unemployment’ caused by the crisis was one of the main reasons for increased levels of over-indebtedness in the country (Mentis & Pantazatou, 2015, p. 32).<sup>26</sup> As a result of the crisis, there was a decrease in incomes, both salaries and pensions, by approximately 50 per cent in the country during 2010-2014. At the same time, unemployment increased to over 27 per cent in total and to over 57 per cent for young people (Mentis & Pantazatou, 2015).<sup>27</sup>

Outside the European Union, Iceland was the first European country that faced the financial crisis with three Icelandic central banks entering liquidation in 2008. In their report on Iceland, Pinedo and Domurath (2015) describe the causes of

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<sup>26</sup> For an overview of existing literature on similar country-specific research about causes of and responses to over-indebtedness after the economic crisis that began in 2007, see: Portugal (Frade & Pinheiro Almeida, 2015); Spain (de Cabiedes & Gamito, 2015); Hungary (Jozon, 2015); Romania (Andresan-Grigoriu & Moraru, 2015).

<sup>27</sup> Another major problem identified by the authors is the speed of the administration of legal procedures. Explicitly, limited resources and a high number of applications make judicial procedures overcrowded. The decision for debt restructuring can take up to 12 years after the debtor’s application, reducing the legal framework’s effectiveness and creating extensive legal doubt for both debtors and creditors (Mentis & Pantazatou, 2015).

over-indebtedness in the country connected to the financial and social problems it generated for inhabitants. Like the Greek scenario, Icelandic households experienced a credit boom between 2000 and 2007, increasing the level of indebtedness drastically. The rise of unemployment, the indexation of credit to foreign currencies and a radical devaluation of the local currency, followed by falling housing prices made indebted households unable to service their debts.

The research suggests that immigrants in Sweden were more negatively impacted by economic crises. A deprivation index composed of several measures of well-being -- including income, employment, health, education, housing, and living environment -- was applied by Bask (2005) who found that the gap in deprivation between Swedes and non-Nordic immigrants increased in the 1990s due to the economic crisis that began at the start of that decade. Prior to the crisis, in the 1980s, the employment rate among Swedes was two percentage points higher than among immigrants. However, during the economic crash, the rate amongst immigrants decreased by 24 percentage points and landed at approximately 54 per cent. The rate for Swedes fell by just seven per cent, to about 73 per cent (Bask, 2005). Similarly, in the wake of the 2008 global financial crisis, studies have found higher unemployment levels in migrant-dependent sectors such as construction and domestic work; a precarious situation that may very quickly become worse and indicates rising levels of over-indebtedness (Datta, 2011).

Echoing the effects of the previous economic crisis, research has shown that the destabilisation caused by the ongoing global COVID-19 pandemic has fostered a rise in over-indebtedness. Between May 2020 and January 2021 in Sweden, the number of people who did not have enough money to meet their financial commitments in the last 12 months increased from 9 to 29 per cent (Svensson & Vuleta, 2021).

To summarise, the research reviewed indicates that macro-level drivers of over-indebtedness include the economic status of countries, high levels of unemployment, structural decreases in income, credit booms followed by adjustments of interest rates and other costs of mortgage credit through banks, and more recently, the effects of the pandemic on the economy.

## Triggers of over-indebtedness

In the literature, there are distinctions between the types of circumstances that cause household over-indebtedness. The inability to deal with financial products, a lack of money management skills, and a tendency toward addictive behaviour are seen as ‘endogenous’ drivers of over-indebtedness. Poverty, stagnating or decreasing income, abrupt income drops due to illness, unemployment, business failures, or divorce are viewed as ‘exogenous’ drivers (Alleweldt et al., 2013, p. 156).

A similar distinction is presented in the work of Anderloni and Carluccio (2007). They state that *active over-indebtedness* indicates the conditions triggered by the high tendency of individuals to spend money for consumption or investments because they trust their current and future income capacity to allow for repayment. Because of this, an individual implicitly overestimates his or her income flows over time.

*Passive over-indebtedness* results from unforeseeable factors that are generally beyond the control of the individual, for example, unemployment or sicknesses, including interrupted or reduced income flow. Notably, these situations are more likely to happen within ‘the economically and socially weakest and most vulnerable parts of the population’ (Anderloni & Carluccio, 2007, p. 17).<sup>28</sup> In the Nordic literature, an individual’s payment difficulty that is more or less independent and is most often due to changes in his or her financial situation has been called ‘social force majeure’ (Wilhelmsson, 1992, p. 180).

### *Income, savings, and employment*

In general, previous research has established that although financial problems exist across all salary ranges, people with the lowest incomes have the highest probability of economic difficulties. Even after controlling for other factors, income is one of the strongest predictors of over-indebtedness (Bridges & Disney, 2004; Chmelfíková & Redlichová, 2020; Davydoff et al., 2008). In a 2018 study,

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<sup>28</sup> The Bank of France draws the same distinction between *active* and *passive* over-indebtedness wherein the former is determined by the debtor’s reckless behaviour, who becomes unwilling to repay debts either through deliberate opportunistic behaviour or financial carelessness. On the other hand, passive over-indebtedness is caused by external events such as illness, unemployment, divorce or any other *accident de la vie* which changes the debtor’s financial situation for the worse (Comparato, 2015, p. 18).

the quintile of households with the lowest disposable incomes had the highest likelihood of being in arrears, while the proportion of over-indebted people declined for each group going up the scale. Perhaps not so surprising, households in the quintile with the highest income had the least likelihood of experiencing arrears (Vuleta, 2018). Similar to these findings, significant analyses and conclusions on the subject were presented in state public reports appointed and convened by the Government of Sweden (SOU, 2013:78).

The problem for low-income households also tends to be chronic in nature because such households are more likely to face persistent over-indebtedness (Bridges & Disney, 2004; Davydoff et al., 2008; Disney et al., 2008). At the same time, one in seven stated that it was challenging to meet their needs since they were living on low incomes. Other evidence suggests that income per household member, rather than total household income per se, may be more strongly related to over-indebtedness. Similar findings have been found in Italian data (Anderloni et al., 2012; D'Alessio & Iezzi, 2013). In an analysis of the leading causes of household repayment difficulties on Italian mortgage loans, Aristei and Gallo (2016) reported that households with heads who were young, unemployed or immigrants face higher risks of arrears (debts). In research in 27 EU Member States, one of the interviewed stakeholders concluded that income is the main determinant of over-indebtedness: those segments of the population with low income who took out loans found it increasingly difficult to pay them back (Alleweldt et al., 2013).<sup>29</sup>

A country report from Sweden stated that the unexpected weakening of the household economy due to unemployment or illness, for example, are significant causes of over-indebtedness (Persson, 2013). However, according to stakeholders in the same report, there was some disagreement in the discussion about the nexus between low-income and over-indebtedness. In short, some participants 'stressed the importance of low income or a drop in income' while 'other stakeholders

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<sup>29</sup> According to Poppe (2008), this issue is particularly noticeable in countries with large low-income populations, such as the United Kingdom, Germany and the United States. Instead of investing in estates or promoting a consumer lifestyle, despite scarce means, low-income households take on credit for other purposes. For example, they borrow money to smooth income instabilities and to pay debts and bills. Likewise, they take credit to cover life necessities and other reasonably necessary needs, such as washing machines and televisions.

indicated that personal factors, such as a lack of money management skills, were more important' (p. 481).

Studies show that immigrants earn less and therefore are more likely to experience over-indebtedness. The salaries among immigrants with a refugee background are about 50 per cent lower than among Swedes. Even highly educated immigrants in Sweden experience a wage gap relative to their native-born colleagues with the same education levels, which suggests that immigrants experience discrimination on the labour market. These differing experiences and salary levels lead to lower incomes, greater poverty, and lower living standards for immigrants versus native Swedes (Bask, 2005).<sup>30</sup>

All this research indicates that some households get into the position of over-indebtedness because they have a persistently low income. Yet, it is also the case that financial shocks resulting in a sudden loss of income, as well as life events that increase expenses, increase the risk of economic difficulties. In the United Kingdom, consumers who lose their jobs or undergo divorce are at greater risk of becoming over-indebted (Disney et al., 2008). This is supported by Stone and Maury (2006) who have analysed consumer debt among U.S. Air Force members and found that a decrease in available income, such as following unexpected medical expenses, are related to consumer over-indebtedness. Usually, such unpredictable shocks can move consumers from a steady economic position, where they can meet all of their financial commitments, to situations in which they cannot repay or service outstanding debts (Disney et al., 2008).

As one would expect, not being employed is associated with an increased probability of over-indebtedness. Research shows that households with unemployed people are most likely to face difficulties paying their bills. After considering other characteristics such as disposable income and household structure, households in which the head is unemployed are more likely to be in arrears (Davydoff et al., 2008).

Another significant implication of unemployment and loss of income is reduced ability to meet credit commitments. Credit commitments usually are based on previous income levels and being unemployed makes them extremely difficult to

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<sup>30</sup> A conclusion that can be drawn from the research that supports this hypothesis is that adopted children with a Swedish look have a lower unemployment rate than adoptive children from Africa, Asia or Latin America (Bask, 2005).

meet. According to credit counsellors, middle-income households are, for the most part, dependent on two incomes to meet credit commitments. Given these points, the loss of one income due to unemployment may be sufficient to cause financial distress (Disney et al., 2008).

In the case of a job loss, the risk of being over-indebted increases by almost 140 per cent even after controlling for socio-economic factors such as income and family type. The risk increases even more if it coincides with other events of economic importance, such as a sharp increase in interest rates (Poppe, 2008). Similarly in Ireland, the sudden loss of income or an increase in a household's needs in the previous year were shared events among four in ten over-indebted households (Russell et al., 2011).

Research suggests that in these circumstances, an additional driver of over-indebtedness is that households typically maintain current consumption levels during periods of decreased income. Overall, people suffering periods of unemployment usually do not have considerable savings and instead turn to consumer credits to maintain consumption levels. Consequently, if a borrower is unable to find a new occupation or is unable to find a job that yields a level of income sufficient to repay these provisional credit commitments, it creates a position of over-indebtedness. Assuming that individuals do not choose to communicate changes in their employment status to lenders, and that credit reference agencies do not obtain this information at the point at which an individual becomes unemployed, it is still possible to borrow the money (Disney et al., 2008).

Additionally, the literature discusses relevant links between savings, income level, and the risk of over-indebtedness. Among low-income households in the United Kingdom, six of ten are unable to save money, compared to one-third of the population as a whole. It is argued that a low income, and particularly a low disposable income, is associated with being a non-saver. Personal and household circumstances have also been recognised as significant contributors to the likelihood of saving. Those who are unemployed, or not working because of sickness or disability, have lower levels of saving. Likewise, young people who are single, young couples with children, migrants, and those who are divorced are much less likely to have formal savings (Kempson et al., 2000).

Moreover, the fact that minority groups have fewer savings accounts overall makes us consider cultural factors regarding savings attitudes. The lower share of people born abroad who save money cannot be explained only by the income variable, since their deficient levels of savings, especially among African-Caribbean, Pakistani, and Bangladeshi people, are much lower even than among 'the lowest income households among the white population' in the United Kingdom (Kempson et al., 2000, p. 32). Being without savings can be the result of self-exclusion because of a lack of habit (Harvey et al., 2007), lack of knowledge about savings opportunities, or unwillingness to deal with the bank due to negative experiences in the past (Anil Kumar, 2014).

In conclusion, the incapability to save capital is one dimension of financial exclusion. At present, research on savings exclusion is more limited because access to this information is perceived to be desirable rather than crucial. Savings, when viewed as a safety net, act in times of financial constraint, providing a sense of empowerment along with actual and psychological security. Ultimately, savings are particularly significant in today's transition from the welfare society to making individuals more responsible for their future security. In general, the consequences of not having savings are the loss of security and flexibility (Carbó, Gardner, & Molyneux, 2005; Harvey et al., 2007; Kempson et al., 2000).

To sum up, unemployment, loss of income, and the lack of a financial buffer are three factors linked to an increased risk of over-indebtedness.

### *Education and financial literacy*

Education and financial literacy are additional factors that influence over-indebtedness. Households and families in which the breadwinners have low levels of formal education are over-represented among default-debtors (Chmelíková & Redlichová, 2020; Poppe, 2008; Vuleta, 2018). According to Alleweldt et al. (2013), higher education levels are less associated with the risk of being over-indebted. In contrast, people with elementary education or lower had at much higher risk of facing on-going difficulty meeting their financial commitments. In an analysis of *Financial Exclusion and Over-Indebtedness in Irish Households*, Russell et al. (2011) found that those who left school at 16-17 years were significantly more likely to become over-indebted than other groups, even when other factors were taken into account. However, this reason was of less significance than income and employment status.

Of course, there is a correlation between education level and socio-economic position. Alleweldt et al. (2013) found that over-indebted households are those most likely to have low education levels and expensive loans. On the other hand at the time, those with higher education levels but with recent unemployment were a growing segment of the population of over-indebted. In Sweden, people with elementary education or lower have fewer and smaller loans than those with upper secondary or post-secondary education. In general, people with higher education levels tend to have more loans of medium and large sizes and are at risk of becoming over-indebted in the case of a sudden income reduction (SOU, 2013:78).

It has been noted that one of the first drivers of over-indebtedness is financial irresponsibility, for example, making poor financial decisions due to a lack of understanding of the real cost of repaying the debt. This issue may be linked to the borrowers' financial literacy and skills to appropriately manage their finances (D'Alessio & Iezzi, 2013; Disney et al., 2008). In their research on debt literacy and financial experiences and over-indebtedness, Lusardi and Tufano (2015) conclude that low financial literacy is associated with bad financial decisions and a higher likelihood of being over-indebted. In fact, people with lower levels of financial literacy tend to use high-cost borrowing and suffer higher fees. In the end, they feel that debt loads are excessive or that they are incapable of judging their financial position. For these reasons, training in financial literacy is one of the best ways to prevent over-indebtedness (Wolfe-Hayes, 2010).

All in all, studies have shown that low levels of education are associated with low levels of financial literacy which can be one of the causes of over-indebtedness. At the same time, education level is connected to employment and income, which strongly influence the risk of over-indebtedness.

### *Family form*

Certain family forms seem to be associated with over-indebtedness. In general, debt problems were most prevalent among households with a single adult with children (Alleweldt et al., 2013; Niemi-Kiesiläinen & Henrikson, 2006; Svensson



& Vuleta, 2021).<sup>31</sup> In Germany, for example, single parents make up 16 per cent of the over-indebted population although they comprise only 6 per cent of the general population (Alleweldt et al., 2013). In the European Union, approximately 10 per cent of single-parent households had outstanding debt of 100 per cent or more of the household income per month, which is double the number of other types of households. Even when socio-demographic variables are controlled, studies have demonstrated that being a single-parent increases one's chances of experiencing difficulties paying back consumer debt (Alleweldt et al., 2013; Davydoff et al., 2008).

The presence of children in the household, regardless of the number of parents present, has been found to increase the likelihood of economic problems since household expenditures increase with the number of children. Compared with those without children, families with dependent children are twice as likely to be in arrears on their bills accrued throughout the past year (Davydoff et al., 2008). Being separated or divorced is also associated with debt problems even when other characteristics, such as income and age, were held constant. People who are divorced face twice the risk of over-indebtedness as those who are married, as well as 50 per cent more risk than those who are single and have never been married (Alleweldt et al., 2013).

### *Housing*

Before the financial crisis, renting versus homeownership was also associated with an increased likelihood of financial problems. The probability of tenants being in arrears is estimated to be 2.3 times higher than homeowners in the United Kingdom (Kempson, McKay, & Willitts, 2004). Similarly, private tenants in Ireland were twice as likely to be at risk of over-indebtedness than homeowners with a mortgage (Russell et al., 2011).

People renting in the social housing sector are at an even higher risk of over-indebtedness than those renting from private landlords. This is likely a function of the fact that those living in social housing are more likely to be low-income (Davydoff et al., 2008). There is some evidence to suggest that renters, in general, pay relatively higher housing costs and tend to have lower income levels than

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<sup>31</sup> At the same time, as mentioned earlier, a dual-income family is not protected against over-indebtedness since, in today's credit society, most young families have home and car loans and a drop in income for just one of the partners may lead to financial arrears.

homeowners. In fact, across the EU, 25 per cent of renters have an income below 60 per cent of the national median (Alleweldt et al., 2013). According to an official Swedish government report from 2013, nearly two thirds of people in debt with the SEA live in rented accommodation, despite the fact that this group is less than a third of the population overall (SOU, 2013:78).

Reflecting on the research reviewed so far, it is clear that the level of available finances is the common thread that runs through the various triggers of over-indebtedness on the household level. Employment, education, financial literacy, family structure, renting vs. home-ownership—these all come down to how much money (or capital/assets) one has at one's disposal. Now, I turn to a household-level trigger that affects immigrants in particular.

### *Migration costs*

In a manner similar to my family, who spent all of our savings during the war and needed financial assistance from relatives to travel to Sweden, it is not unusual for migrants to be in debt upon arrival in the host country (Davidson, 2013; Stoll, 2010). Although we were not required to repay the money to the uncle who helped us in 1994, I have always made an effort to repay the debt in some way whenever I visited him in Zagreb. Not because of the financial debt, but out of gratitude that he helped us when we needed it most.

However, because of more 'restrictive immigration policies and tighter border controls', the market for underground migration services has expanded. As a result, 'fees for these services are often very high' and may be 'owed to the individuals who provided the migration services' (Davidson, 2013). In fact, some immigrants can experience both mental and physical violence, as well as labour exploitation, since it may take months or even years to repay the debts acquired through migration (Davidson, 2013). Research on Chinese migrant workers confirms that migrants are 'vulnerable to forced labour in destination countries' as a result of large debts that they owe family members and friends who have paid travel organisers (Kagan et al., 2011). In addition, some immigrants are under high pressure to repay as soon as possible because violent methods may be employed to pressure migrants' families to repay debts (Davidson (2013).

For example, the cost of migration for Somali migrants who came to London in the 1990s and 2000s ranged between US\$2000-5000 (Datta & Aznar, 2019). According to the literature, a Nigerian female sex worker in Italy usually has a

debt between US\$40,000 and US\$100,000 that has occurred for safe passage to Europe. The debt is usually worked off in 1 to 3 years, and some of the migrants eventually become creditors themselves after their debts are paid (Davidson, 2013). Basa, De Guzman, and Marchetti (2012) estimate that Filipino immigrants need to pay at least 10,000 Euros to their smugglers. Notably in this case, the debt must be paid during the first period of stay in Italy, a situation that puts immigrants under financial pressure.

Not only the inability to repay debts but also social obligations may put migrants in over-indebtedness and anxiety. It is not unusual that immigrants have multiple financial responsibilities, both in the host country and in the country of origin, since relatives back home assume that migrants in the Western world have ample resources (Datta & Aznar, 2019). Consequently, immigrants find it tough to balance their relatives' needs and expectations back home with their actual incomes in the country of emigration (Basa et al., 2012). Thus, immigrants may experience an additional trigger of over-indebtedness that native-born residents do not.

## Causes of financial exclusion

As was established in Chapter Two, over-indebtedness leads to financial exclusion. This section presents other causes of financial exclusion among immigrants by focusing on the issues of discrimination and financial literacy. A considerable amount of literature has been published on financial and social exclusion in general (cf. see Andrew & Nigel, 1994; Caplan et al., 2021; Carbó et al., 2005; Fernández-Olit et al., 2018; Kempson & Whyley, 1999; Sinclair, 2001). Much of this literature pays particular attention to migrants' exclusion from the new country's economic system. For example, how likely are immigrant households to be outside of the banking system? It is well established from various studies that immigrants face a higher degree of financial exclusion than native-born residents (Aznar, 2014; Basa et al., 2012; Datta, 2012; Datta & Aznar, 2019). This section examines the literature that can shed light on why this is the case.

## **Discrimination against racial and ethnic minorities and immigrants**

Data from some sources have demonstrated that discrimination increases the risk of financial exclusion. Marketing and lending of credits are areas where discrimination occurs and this is evidenced by racial and ethnic disparities in the consumer credit supply (Cavalluzzo & Wolken, 2005; Cohen-Cole, 2011; Firestone, 2014). Thus, from the perspective of financial exclusion, facing weaker credit histories leads to higher payments or no loan at all.

Conceptually, similar findings have also been documented in the United States, where it is argued that race and ethnicity play an important role in determining whether families participate in the mainstream financial system or not. Research shows that higher education levels, being employed, having a higher income, and owning a home lower the risk that 'a banked family becomes unbanked' (Rhine & Greene, 2013, p. 41). After controlling for these socio-economic and demographic characteristics, 'black, Hispanic, and Asian families' have a significantly higher likelihood of being unbanked than 'white families' in the United States (p. 42). Even when variables such as credit history, household income, and local economic conditions were taken into account, black people in the United States received approximately 27 per cent fewer offers from credit card lenders, and Hispanic people were 17 per cent less likely to receive an offer (Firestone, 2014). Other research has found that financial institutions discriminate against migrants in both volume and number of credits offered (Cavalluzzo & Wolken, 2005; Cohen-Cole, 2011).

Taking this into account, it is widely recognised that the lending of credits is a significant contribution to the economic system and determines the people who are involved in economic development. As shown by Schlosser (2012) study, immigrant entrepreneurs in Canada encounter significant difficulties in obtaining credit without a credit history within the country.

These results are similar to those of Basa et al. (2012), who conducted research among migrants in Italy and found that they have difficulty accessing credit and loans from traditional Italian banks. Namely, the lack of extended credit and work history leads traditional banks to view immigrants as 'unbankable' (p. 33). As a result, migrants who cannot show a work contract and borrow from traditional banks turn to other financial companies that do not ask for standard warranties. To compensate for risk taking, these companies request the borrowers to pay

expensive insurance, which together with additional costs is added to the annual nominal interest rate. Under these circumstances, debtors often pay up to a 24 per cent interest rate on their loans. For example, migrants that borrowed money from loan sharks in Rome were charged up to a 10 per cent interest rate every month. In fact, some debtors have been unable to pay the necessary amount but continue to pay the interest rate, sometimes for years. To ensure that the debtors will pay, creditors hold on to personal documents, such as passports or residence permits, which they release only after the loan is full paid off (Basa et al., 2012).

These findings on discrimination are consistent with the research conducted in Sweden that has found evidence that non-European immigrants experience more discrimination from banks than Swedes and immigrants from European countries. For example, Aldén and Hammarstedt (2016) present research built on a combination of survey and register data focused on access to financial capital among self-employed immigrants in Sweden. The findings show that 'self-employed non-European immigrants perceive more problems and obstacles in their self-employment activities than natives and European immigrants' (p. 22). Non-European immigrants have greater difficulty accessing financial capital than native Swedes and European immigrants. Immigrant companies are also charged higher interest rates on their loans than companies owned by native Swedes. The interest rate on borrowed money is an average of 0.5 per cent higher for European, and 1.5 per cent higher for Non-European entrepreneurs than (Swedish) native-born entrepreneurs (Alden & Hammarstedt, 2016).

Financial exclusion is not the only impact of discrimination, but that the two together prevent immigrants from integrating (which leads to social exclusion, discussed in a subsequent chapter). In other words, discrimination experienced by immigrants, in addition to economic exclusion and lack of social ties with the native population, works to prevent identification with the host society. A study conducted by de Vroome et al. (2011) used survey data of more than 2,500 Somali, Iraqi, Afghani, Iranian, and ex-Yugoslavian immigrants in the Netherlands. They found that economic participation in the host country is vital in giving migrants a self-identity as members of the host community. In fact, discrimination causes migrants to experience a threat to their identity, and a turning away from the discriminating majority group by turning toward the safety and acceptance of their minority group (de Vroome et al., 2011; Verkuyten & Yildiz, 2007; Walters et al., 2007).

To sum up, previous research shows that migrants are at greater risk of financial exclusion. This is due to discrimination in the financial sector that causes difficulties in obtaining credit, as well as higher interest rates and credit costs. In the end, the inability to participate in the economic sphere inhibits the integration of immigrants into the host society.

### **Financial and juridical literacy**

Beyond the issues discussed above, there is extensive literature on the connections between financial literacy among migrants and financial exclusion. The research points out difficulties that arise when a lack of understanding of economic and legal processes in the adopted country can lead to financial exclusion (Carbó et al., 2005; Kelley, Curley, & Birkenmaier, 2012; Lusardi & Tufano, 2015; Schlosser, 2012). Previous research has shown clear indications that migrants, refugees, and members of some minority ethnic communities are prevalent among the financially excluded (Aznar, 2014). Moreover, cultural and language barriers present substantial obstacles to the use of financial services among first-generation immigrants, especially those with low financial literacy levels and little prior experience of financial services (Anderloni & Vandone, 2008; Kempson et al., 2000). Thus, this dimension of language and cultural barriers is an essential element of financial exclusion amongst immigrants. There is evidence that people who are excluded rely on relatives, friends, and neighbours for information relevant to economic decision making (Kempson et al., 2000). In recent years, vulnerable consumers with low levels of income, literacy, and information, and without employment, have become increasingly marginalised as the economy moves to electronic devices. They are less likely to participate in a cashless society because they are disinterested in using electronic banking (telephone and internet banking) (Anil Kumar, 2014; Fernández-Olit et al., 2018).

In a study investigating access to financial services, Johnson (2007) states that English language proficiency is required for immigrants to participate in commercial services in Canada. English language proficiency is also a predicting variable in whether an immigrant has a credit card. Immigrants who rated their English as useful were more likely to have credit cards than other immigrants. Some respondents with poor language skills did not know what a credit card was, how it works, or how to apply for one. Considering the language barrier, Altinay and Altinay (2008) illustrate that there is a relationship between the ability of

small business owners to speak the host country's language and business growth among Turkish business owners in London. At the same time, research on the working management practices of immigrant entrepreneurs in South Africa concludes that they 'need to take greater responsibility' for learning about management of the business for better economic participation in the host country (Fatoki, 2014b, p. 55). According job seekers, an analysis carried out by Correa-Velez, Barnett, and Gifford (2015) found that language proficiency was not associated with employment status in low-status occupations; newly arrived immigrants found low-status jobs that required only a minimum level of English proficiency.

This literature shows that there is a link between exclusion and financial and legal literacy among immigrants. This builds on the literature reviewed in the previous section, which shows that immigrants face discrimination and other difficulties accessing financial services in host countries. In the next section, I present the principal consequences of financial exclusion, namely, social exclusion.

## Social exclusion as an outcome of debts, shame and anxiety

In the previous discussion, we learnt that over-indebtedness is strongly associated with deprivation, which refers to living without basic necessities because one does not have sufficient disposable income after paying off their debts. As a result of over-indebtedness, debtors are forced to reduce their standard of living (cf. Alleweldt et al., 2013; Russell et al., 2011) thus impairing their ability to lead a normal social life in the community (Gloukoviezoff, 2007).

Nevertheless, several studies have concluded that excessive debt can have adverse effects on debtors, including psychological, medical, and family repercussions. For example, excessive debt leads to psychological stress and depression, which inhibit a person's daily functioning and contribute to mental illness (Krumer-Nevo et al., 2017). Research has also found that when borrowers are unable to pay on time, they tend to withdraw from their circle of friends and remain isolated and depressed. In fact, some even move to another community or city to avoid gossip

since they became recognised as people who do not repay their debts and therefore are not to be trusted (Datta & Aznar, 2019; Krumer-Nevo et al., 2017).

Datta and Aznar (2019) interviewed a Somali woman who came to London with funds borrowed from her aunt. The latter sold her house to pay the agent's fee, including travel papers and passage to a European country. Not being able to repay the money, she provides powerful insight into the shameful situation that followed:

It was a lot of money [US\$5000], particularly at that time, but it was expected if you go outside of Somalia that it would be easy to pay that money back ... I have not paid anything back yet. They [her relatives] ask me and remind me, 'When are you going to send my money?' I mean, she [her aunt] is not here. I avoid her calls now because I hate telling her that after all these years, I still don't have her money. She does not know what kind of lifestyle I have. It really bugs me that I owe someone money, and they keep reminding me like I forgot. It is really bad because they are family, they know your parents and your family, and they will send you people [from the community to enquire about the repayment of the loan]. People will talk; it is shameful. They could even ask the elders to go and get their money for them since I am not giving it to them, and that would be really bad. It will really mess up the family relations (Datta & Aznar, 2019, p. 303).

I have heard similar comments from immigrants in Sweden. Sometimes I got the answer that, rather than engaging authorities in their home countries, creditors contacted the debtor's family and relatives in order to obtain repayment of the debt. It was very shameful not to be able to pay the debts. In order to prevent rumour spreading in the community that the family was not paying its debts, they collected money and made payments on behalf of the debtors.

Over-indebtedness is associated not only with the risk of exclusion and shame, but also with adverse health consequences. According to recent research, people who are over-indebted have a higher prevalence of sleep problems and use of sleep medications than people who are not over-indebted. Even after adjusting for socio-economic factors and health factors, over-indebtedness still significantly contributed to sleep problems (Warth et al., 2019). In a similar vein, Basa et al. (2012) demonstrated how over-indebtedness impacts the social lives of debtors. According to an interview with a 47-year-old immigrant in Italy, being indebted has a number of negative effects, including health problems. To sleep, the debtor



had to take sleeping pills. In addition, the debtor was often irritable and cried often, especially during payment periods. Overall, insomnia can cause a debtor to become depressed and ill, which in turn causes a withdrawal from society and an increased likelihood of people staying at home.

In similar vein, a Congolese woman interviewed by Datta and Aznar (2019) articulated an unfamiliar debt ecology and stated, '[e]very time I woke up, every time I got a letter [from the bank], the debt grew bigger and bigger [...] since this day, I am scared, I can't find peace' (p. 304). For these reasons, a lack of understanding of the financial obligations may cause dishonourable situations among immigrants since it is shameful to be threatened by the Enforcement Authority. In the end, some of the migrants took a loan from a family member to repay credit cards (Datta & Aznar, 2019).

Furthermore, over-indebtedness increases the risk of suicide. Compared with the normal population of Sweden, the over-indebted group has a significantly higher incidence of both suicidal thoughts and suicide attempts. One study found that 17.6 per cent of participants tried to take their own lives, compared with 3.6 per cent in the normal population, meaning a fivefold increase (Ahlström & Edström, 2014). In the same vein, approximately 24 per cent of all suicides in Hong Kong are committed by people who are in debt (Yip, Yang, Ip, Law, & Watson, 2007). Studies in England have also shown a correlation between debt and suicidal tendencies (Meltzer, Bebbington, Brugha, Farrell, & Jenkins, 2013).

So far, this chapter has reporting on findings in the literature about the nexus between over-indebtedness and financial and social exclusion, with immigrants in focus. Now, I will review the literature that demonstrates the coping strategies used by immigrants to deal with these problems.

## Coping strategies among immigrants

From the perspective of financial exclusion, facing weaker credit histories leads to higher payments or no loan at all when one wants to purchase a house, for example. To solve the problem, Hmong migrants in the United States have learnt the importance of obtaining a good credit score and prefer to pay by credit card rather than in cash. According to them, paying with credit cards increases one's

credit score ‘in order to get things in this country’ (Solheim & Yang, 2010, p. 448). Similarly, migrants in London have strategies to ensure the regular movement of money through their bank accounts in order to establish a longer credit history in their credit records. In other words, it is advantageous to become aware of and knowledgeable about formal financial services according to the interviewees: ‘You can build your credit record, a history of movement in your account’ (Datta & Aznar, 2019, p. 305).

To avoid financial exclusion, migrants find their solutions to managing finances. Research from the United Kingdom shows a range of strategies in how migrants cope with financial exclusion, including the utilisation of formal and informal tools to access financial institutions in London (Datta, 2009, 2012; Datta & Aznar, 2019). For example, some migrants received help from financial advisors or friends who charged them between £50 and £150 to open an account. Another strategy London migrants have used is to purchase false documents which facilitate financial access (Datta, 2009, 2012).

As already mentioned, since migrants face financial exclusion and a lack of business networks when they arrive in a new country, it is not unusual that they turn to relatives or friends for financial help. For example, Correa and Giron (2013) inform us that only 14 per cent of Mexican entrepreneurs in the United States use formal loans and 62 per cent use family savings as capital for business. Similarly, Fatoki (2014a) found that the establishment of immigrant entrepreneurs in South Africa comes from, as the author calls it, ‘informal, ethnic sources of finance’ (i.e., family and friends).<sup>32</sup>

Likewise, financially-excluded migrants in London are dependent upon social relations to raise funds. For this reason, parents, siblings, family, clan members and friends living in London emerge as creditors, sometimes raising funds through the pawning of jewellery, and the selling or exchanging of property. The indebtedness level varied within and across the groups, and loan amounts varied from £150 to £20,000. Cultural factors underpin this behaviour, as Abtee, a Somalian man, states, ‘We Somalis have a culture, that if someone is facing

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<sup>32</sup> The issues are also discussed in the United Kingdom (Datta & Aznar, 2019; Hussain & Matlay, 2007), in Israel (Kushnirovich & Heilbrunn, 2008), in the USA (Levanon, 2011; Saad-Lessler & Richman, 2014; Toussaint-Comeau, 2012), in Sweden (Abbasian & Yazdanfar, 2013; Yazdanfar & Abbasian, 2014), and in Germany (Bruder, Neuberger, & Rätke-Döppner, 2011).

problems or needs help, then people who are in a better situation or able to help will help them' (Datta & Aznar, 2019, p. 303). For example, when Abtee needed money to get out of the refugee camp in Ethiopia, it was family and clan associates in Somalia who helped him. In short, Abtee states, 'It is Somali culture' (Datta & Aznar, 2019, p. 304). Borrowed money is not only seen as a loan, but debts are also social, moral and emotional relationships, and borrowers are expected to reciprocate by funding for future needs of family or clan members. Similarly, as I previously mentioned, my moral debt towards my uncle was greater than the monetary value of the debt itself.

There is a large volume of published studies describing Rotating Savings and Credit Clubs (ROSCAs)—a credit system where members put money into a pot, and every round one of the members takes the whole pot. For example, two-thirds of Cameroonian, a third of Congolese, and a smaller number of Somali participants in the research conducted in London belonged to a ROSCA (Datta & Aznar, 2019). A similar credit system is used by Korean female workers at Korean-owned nail salons in New York. They were familiar with it because it was, until recently, prevalent in Korea (Oh, 2007). Likewise, Rosales (2013, p. 713) concludes that Latino vendors' primary survival strategy in Los Angeles is the financial dependence on 'kinship and paisano' networks. By creating group cohesion, these networks provide loans to buy pushcarts, offer money to bail vendors out of jail, and pay re-entry to the United States after deportation. Above all, the networks' most crucial purpose is to provide a safety net for vendors who experience financial hardship since low income and high debt are everyday experiences among vendors.<sup>33</sup>

In Italy, migrant communities and various mediators, such as community leaders, church-based apostolates or non-profit organisations, work closely with micro-credit institutions and support migrants defined as 'unbankable' and therefore cannot borrow from traditional banks. This strategy builds up trustworthiness and

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<sup>33</sup> In contrast to loans from the official bank sector, where some relations with creditors are seen as problematic, credits obtained from ROSCAs are often portrayed as 'good' debts. Usually, the pot from the credit is used for marriages and funerals, and in some cases, for citizenship applications. Other uses include the purchase of airline tickets to visit home countries or fund relatives' migration. Moreover, according to literature, while regular remittances are funded through wages and savings, crises that often required more considerable sums of money to be sent home are met by ROSCAs (Datta & Aznar, 2019).

makes 'unbankable' people eligible for micro-credit loans (Basa et al., 2012, p. 33).

In their research, Dolfin and Genicot (2010) found that migrant networks, besides providing credits, also affect other decisions that migrants have to make, for example, information on jobs or further help in the host country. In their research paper, *Formation of Migrant Networks*, Comola and Mendola (2015) investigate factors that determine the development of interpersonal relations among immigrants in the host society and their economic function. These networks support, among other things, credit access and job-finding for new immigrants in the host country. As a final point, the authors conclude that immigrants tend to interconnect with 'co-nationals who come from nearby localities' in the home country or migrants who arrived in the host country at the same time or long before themselves (Comola & Mendola, 2015, p. 592).<sup>34</sup> This finding resonates with my own experience of building social networks in the refugee camp after my family arrived in Sweden.

As reported above, informal networks are a significant help for immigrants. This tendency is also supported by Correa-Velez et al. (2015), who argue that informal networks contribute to immigrant employment in Australia. This argument is also supported in the research by Schlosser (2012), who found that 23 out of 25 employed participants in the study had informal mentors, whom they described as being close relatives when they created 'a new venture as a means of economic survival in Canada' (Schlosser, 2012, p. 204).<sup>35</sup>

Research from Sweden shows the existence of ethnic enclaves in Sweden and how these enhance or hinder immigrants' access to the labour market (Andersson & Hammarstedt, 2015). Living in an ethnic enclave increases the propensity for self-employment. Thus, immigrants from the Middle East (Iran, Iraq, Lebanon, Syria and Turkey) provided 'co-ethnics with goods and services' that Swedish natives

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<sup>34</sup> Contacts with neighbours are also seen as essential elements in the construction of new social networks. Thus, a lack of language skills may be an obstacle in creating contacts with a native-born population, which is seen as a positive determinant for living conditions in the host society. Hence, it has been shown that non-European immigrants in Sweden are more likely to lack close relationships outside the household (Bask, 2005).

<sup>35</sup> The issue of the network's impact on the economic sphere is also discussed in the UK (Hussain & Matlay, 2007; Kahanec & Mendola, 2008), in the USA (Oh, 2007; Rosales, 2013; Toussaint-Comeau, 2012), in Egypt (Jacobsen, Ayoub, & Johnson, 2014) in Hong Kong (Sim, 2009), and in Israel (Kushnirovich & Heilbrunn, 2008).

were not able or not willing to provide (p. 37). At the same time, ethnic networks can be an obstacle in self-employment since an increased size of the network implies increased competition for customers. Edin, Fredriksson, and Åslund (2003) concluded that immigrants in ethnic groups with high incomes or high self-employment rates have better conditions and higher returns from living in enclaves.

## Identification of ‘the gap’

As shown above, the focus on over-indebtedness among migrants in the literature highlights six main themes: 1) drivers and triggers of over-indebtedness, (2) the nexus between over-indebtedness and exclusion, (3) financial exclusion among migrants, (4) financial and juridical literacy among migrants, (5) the consequences of over-indebtedness and financial exclusion among migrants, and (6) how migrants cope creatively with exclusion.

While extensive research has been conducted, the review discovered that there were no previous studies that examined over-indebtedness among migrants, or their relationship with financial or social exclusion from a socio-legal perspective. In the literature, all these issues have been extensively developed individually or in groups of two, for example, the connections between migrants and over-indebtedness, or the nexus between financial and social exclusion among migrants. I have not found any empirical study of over-indebtedness grounded in a sociological analysis of the role of law that analyses the economic life of migrants. In other words, the research presented in this thesis is innovative. It takes the economic sociology of law approach to present a socio-legal understanding of migrant debtors to produce new empirical and theoretical insights into how over-indebtedness and social exclusion are connected.

# Chapter 4. Theoretical Framework

In previous sections, I have discussed how over-indebtedness leads to two different forms of exclusion: financial and social. This implies that we need to approach over-indebtedness as a complex social phenomenon that cannot be explained purely in economic terms or with legalistic approaches that focus only on the intended and visible effects. Hence, in order to assess how over-indebtedness among Swedish immigrants is associated with different types of exclusion, I have applied a mixed methods sequential approach to answer the research question: How can economic security among over-indebted immigrants in Sweden be understood in relation to law enforcement?

I examine the functions of law enforcement related to over-indebtedness and discuss how immigrants in Sweden are affected by these laws. In other words, I examined the effect of the law and the legal system on social conditions and analysed whether they have been successful in achieving their objectives (cf. Banakar, 2009; Banakar, 2020). With this in mind, I draw on Merton's theory of manifest and latent functions as an overarching theoretical lens to construct a specific socio-legal framework to explore and analyse intended (manifest) and unintended (latent) consequences of the law connected to over-indebtedness in Sweden.

Before presenting the main pillars of Merton's theory, I provide a brief overview of theoretical debates in the field of functionalism which will help us understand why Merton's theory is more relevant than other functionalist paradigms. I also discuss the importance of maintaining close relations between theory and empiricism through the use of middle range theories. I conclude by connecting Merton's theory of manifest and latent functions to socio-legal debates regarding the intended and unintended consequences of the law, thereby creating a bridge between Merton's theory and socio-legal literature.

In the second part of the chapter, with the sequential approach, I have opted to study the law from a micro-level perspective (Banakar, 2009, 2020). I employ the concept of legal culture to analyse how immigrants in Sweden perceive law enforcement and how their perceptions shape their everyday lives. The concept of legal culture sheds light on the manifest and latent functions and dysfunctions of the law. Given that immigrants constitute a large part of the Swedish population and have a greater risk of being over-indebted, there is a growing need to explore if the legal cultures of migrants play a significant role in how they perceive different aspects of life, such as over-indebtedness and interaction with authorities. In the second part of this chapter, I define and discuss legal culture and how it is linked to migration. I conclude with a discussion of legal culture among migrants in Western nations.

As a result of combining these approaches, I provide a meta-methodological framework by which I, as a socio-legal researcher, can explore 'how law interacts with, and simultaneously manifests itself at, the macro, micro and the intermediary meso levels of society (Banakar, 2009, p. 1).

## Merton's functionalism

By the middle of the 20<sup>th</sup> century, Talcott Parsons' structural functionalism was a growing theoretical approach. This perspective views society as an organism with various parts, with each part having a specific function to perform. While impressed by Parsons as 'a master-builder of sociological theory', Merton found himself departing from Parsons' mode of theorising and of exposition (Merton, 1994, p. 13). Merton's attempt to develop a paradigm for functional analysis started as a criticism of the naive positions of structural functionalism and its self-referential narratives at a high level of abstraction.

Merton's criticism of early functionalism can be summarised as concerning three basic postulates. The **first** postulate is the functional unity of society, according to which all social and cultural beliefs and practices adopted by a society are beneficial to individuals as well as to society as a whole (Ritzer, 2010). Merton's (1968) criticism begins with Radcliffe-Brown, the British social anthropologist

who was the principal representative of the structural-functionalist approach within anthropology. Radcliffe-Brown puts forth this postulate in explicit terms:

The function of a particular social usage is the contribution it makes to the total social life as the functioning of the total social system. Such a view implies that a social system (the entire social structure of a society together with the totality of social usages, in which that structure appears and on which it depends for its continued existence) has a certain kind of unity, which we may speak of as a functional unity. We may define it as a condition in which all parts of the social system work together with a sufficient degree of harmony or internal consistency, i.e., without producing persistent conflicts which can neither be resolved nor regulated (Radcliffe-Brown, 1935, p. 397).

This view of society means that several parts of a social system must show a high degree of integration, where an empirical variable changes from time to time and differs between various societies. By definition, all human societies must have some degree of integration, but not all have the high degree 'in which every culturally standardised activity or belief is functional for the society as a whole and uniformly functional for the people living in it' (Merton, 1968, p. 81). For Merton, this concept of functional unity is in direct opposition to the empirical tests for which he is in search. We do not have to 'go far afield to show that the assumption of the complete functional unity of human society is repeatedly contrary to fact', since social 'usages or sentiments may be functional for some groups and dysfunctional for others in the same society' (Merton, 1968, p. 81).

Merton points out 'the danger of taking the assumption of functional unity ... as part of an implicit model for generalised functional analysis' (1968, p. 84). He considers that the functional unity of society may be a reasonable valuation for some, if not all, non-literate societies. However, one cannot usefully position that unity in advance of observations in modern societies. He calls it 'an excessive intellectual penalty' to apply this assumption 'from the realm of small non-literate societies to the realm of large, complex and highly differentiated literate societies' (Merton, 1968, p. 82).

Merton argues against the functional interpretation of religion, and the price paid for transferring of the assumption of the functional unity of relatively small and interwoven non-literate groups to more differentiated and perhaps more loosely integrated communities. In other words, he opposes social scientists who apply



the findings regarding the integrative functions of religion from observations of non-literate societies to the integrative functions of religion in general. By doing so, Merton (1968, p. 82) argues that it is a short step to statements such as those of Davis and Moore (1945, p. 244). They claim that 'religion is necessary' and that 'human society achieves its unity primarily through the possession by its members of certain ultimate values' that they end up sharing in common and that influence their 'behaviour, and their integration enables this society to operate as a system.' According to Merton (1968), this perspective derives from a Durkheimian orientation, which is based upon the studies of non-literate societies. Consequently, such studies tend to include only the integrated implications of religion and neglect its potentially disintegrating effects on certain types of social structure. Merton (1968, p. 84) states that such functional analyses mean that 'religion provides integration of those who believe in the same religious values'.

The issues above illustrate the vulnerability of including functional unity as part of an implicit model for generalised functional analysis. This postulate may be a realistic approximation for some primitive societies with one powerful religious system where, apart from individual deviants, membership in the society and membership in the religious community do not counteract each other but are practically co-extensive (Merton, 1968). Merton goes further in his criticism and states that the assumption of functional unity may have resulted in religious wars, the Inquisition, or internecine conflicts among religious groups. However, above all, he criticises functionalist restrictions to analyse society as a whole. Moreover, Merton makes it clear that analyses could also be done at the organisational, institutional, or group level. He judgement is well defined and states that 'It is a question of fact, and not a matter of opinion' (Merton, 1968, p. 84).

The **second** postulate Merton criticises is the postulate of universal functionalism, which holds that each social or cultural form has a positive function. There was a fierce, barren, and prolonged dispute among anthropologists in the early part of last century that led to the criticism of this concept. Noticeably, Merton turns his criticism to Malinowski's functional view of culture, namely that 'every type of civilization, every custom, material object, idea and belief fulfils some vital function' (Malinowski, 1926, as cited in Merton, 1968, p. 84). Merton questions this by referring to the many contradictions we find in the real world (Ritzer, 2010). This is a perspective I share and will discuss in more detail, such as the

negative effects of financial and social exclusion on individuals, families, and society at large.

Moreover, Merton criticises anthropologists and their view in their postulation of functional value for all surviving forms of culture. Universal functionalism, Merton states, may or may not be a heuristic postulate, but we should be ready 'to find that it too diverts critical attention from a range of non-functional consequences of existing cultural forms' (Merton, 1968, p. 85). Thus, he opposes the anthropologists' perspective, and that they assign functions to functionless items. For example, the buttons on the sleeve of a man's suit can be seen as having a positive impact on people because they feel comfortable with continuity and socially approved forms of behaviour. In other words, anthropologists rest on a type of function that refers to the maintenance of a tradition by definition rather than by inquiry. With this marginal example of the definition of a function, it may be presumed that all conventional elements of a culture have at least the function of maintaining the tradition (Merton, 1968).

As indicated above, this is a marginal case in which the imputation of function does not contribute much, if anything, to the explanation of cultural patterns. In other words, stating that function is 'conformity to any established practice' that 'enable[s] the conformist to avoid the sanctions otherwise incurred by deviating from the established practice' is correct but not illuminating (Merton, 1968, p. 85). Finally, even if we provisionally agree that any item of culture or social structure may have a function, it is impulsive to argue with certainty that every such item must be positively functional. For example, violent nationalism can be highly dysfunctional in a world of growing nuclear arms (Ritzer, 2010, p. 252).

Finally, the **third** postulate Merton opposes is the claim of functional indispensability and the idea that 'every type of civilization, every custom, material object, idea and belief' achieves some vital function and 'has some task to accomplish' that 'represents an indispensable part' of society (Merton, 1968, p. 86). However, Merton argues that from this point of view, the literature is ambiguous; it is not clear whether we consider the indispensability of the function or the item (custom, object, idea, etc.) fulfilling the function, or both. Merton is influenced by writings on religion as an institution of indispensability. He presents a solid degree of uncertainty in texts where, on the one hand, religion is necessary and plays a unique and indispensable part in society, and on the other, it is not so much the institution of religion that is regarded as indispensable, but

the functions that it is typically taken to perform, such as making members of a society adopt certain values (Merton, 1968). Merton refers to a well-cited article by Davis and Moore that defines the indispensability of religion as a 'necessary' function that 'enables the society to operate as a system' (Davis & Moore, 1945, p. 244). Furthermore, through 'worship' and 'the acceptance of supernatural prescriptions' as a code of behaviour, 'a powerful control over human conduct is exercised' (Davis & Moore, 1945, pp. 244-245).

The postulate of indispensability, as it is usually stated, assumes that some specific functions are indispensable in the sense that unless they are performed, the society (or group or individual) will not survive. It assumes that certain cultural or social forms are indispensable for fulfilling each of these functions. Merton argues that this has diverted attention from the fact that alternative social structures have served the functions necessary for the persistence of groups (Merton, 1968). In other words, this postulate indicates that all structures and functions are functionally necessary for society (Ritzer, 2010). To resolve this issue, Merton considers it essential to set forth a necessary theorem of functional analysis where 'the same item may have multiple functions', and the same function could be 'diversely fulfilled' (Merton, 1968, p. 87).

Even if Merton criticised structural functionalism, he authored some of the essential work on this topic in sociology (Ritzer, 2010; Sztompka, 2003). He enriched sociological research with his new conceptual insights that contributed to the continued use of structural functionalism (Jasso, 2000). By frequently debating the relationship of structural functionalism with Parsonian functionalism, Merton has exhibited highly nuanced frameworks and analyses of social processes and social phenomena that keep him at a distance from Parsonian functionalism (Wang, 2010). In contrast to Parsons, Merton made himself the empirical researcher's theorist and a true innovator in empirical research methods (Calhoun, 2010; Swedberg, 2014; Sztompka, 2003). Merton's views on theory are reflected in his emphasis on testability, which illustrates the importance of verification and falsification in sociology. As a result, he channelled American and European abstract theorising into constructive conceptual frameworks (Calhoun, 2010; Portes, 2010).

In sum, modern society and the complexity of over-indebtedness make it impossible to use the original idea of functionalism. In the same way, one cannot

argue that over-indebtedness and subsequent exclusion are conducive to the welfare of an individual, a group, or a society.

### **Middle-range theories**

The above descriptions of the three postulates help us to understand Merton's ideas of shaping a more flexible paradigm of functional analysis, his unwillingness to engage in abstract theorising, and his rapprochement to a new type of functional analysis. He argued that sociologists must move away from global analyses and specify the levels on which we work. Indeed, Merton held that sociology was too often abstractly theoretical and lacked significant connections between theoretical generalities and empirical findings (Sharrock, Hughes, & Martin, 2003). He considered it necessary to link theory with empirical research on 'bureaucracy, deviance, reference groups, public opinion, propaganda, and other topics' (Nielsen, 2011, p. 239). What was needed, according to Merton, was a middle way between grounded theory and systematic theory, usually associated with empirical studies. Merton termed this type of theory 'middle range' (Merton, 1949; 1968, pp. 39-72). The purpose of such theories is to conduct empirical research on critical issues that go beyond immediate data. He reviewed empirical research in order to identify theoretically valuable ideas that had been left implicit (Calhoun, 2010). As Merton demonstrated with his work on theories of the middle range, the gap between grand theories and empirical research can be bridged (Sharrock et al., 2003; Sztompka, 2003). This encouraged me to use theories when analysing my empirical research.

In his writing on sociological theories of the middle range, Merton stated that 'sociological theory refers to logically interconnected sets of propositions from which empirical uniformities can be derived' (Merton, 1968, p. 39). This passionate advocacy for the integration of theory and research made him influential in shaping 20<sup>th</sup> century American sociology in an era of expansion. While Merton's contributions are many, it is not their quantity that makes it worthwhile to read his works again. It lies in strengthening connections between theory and its application in research as well as between different subfields that advance sociology in general (Calhoun, 2010; Ritzer, 2010). For these and many other reasons, Merton's work is of vital importance. By clarifying the role of theory in relation to different fields of empirical research, he highlighted challenges of research and the need to overcome the sharp division between

purportedly pure and applied sociology. A hallmark of Merton's work was that he attempted to assist the advancement of both theory and empirical research without tying them to a single existing system (Calhoun, 2010).

As we will see in the next section, when functionalism cannot be supported or investigated empirically, and given the pitfalls of both Parsons' 'grand theory' and theoretically ungrounded empiricism, Merton proposed a new form of functional analysis based on two dichotomies: the distinction between manifest and latent functions, and the distinction between functions and dysfunctions. Merton's development of functional analysis and his establishment that some functions in society are recognised and intentional, while others are unrecognised and unintentional will be used as an overarching umbrella during the analysis and discussion of the empirical material in this thesis.

For example, a highly debt-burdened borrower in the Swedish Enforcement database may avoid working more than is strictly necessary because all the money will go to interest and debt through an deduction from his salary (Niemi-Kiesiläinen & Henrikson, 2006). The latent consequence of over-indebtedness is, in this case, a loss of taxable income for society. Another example of unintended consequences according to economical situations is given by Poppe (2008, p. 12). In detail, a shift in doctrines in economic life from 'save first, pay cash' to 'buy now, pay later' has generated the new form of consumer society. As credit becomes more widely available to the public, the intended outcome is that a greater number of people will incur debt. However, the unintended consequence is that the number of defaulting creditors increases as well. In scientific terms, it is called latent functions and dysfunctions.

### **Manifest and latent functions and dysfunctions**

According to Merton, the functional approach in sociology had been caught up in terminological confusion, because 'a single term has been used to symbolise different concepts', just as different terms had symbolised the same concept (Merton, 1968, p. 74). In his analysis of vocabularies of functional analysis, Merton criticised sociologists for their unwitting tendency to confuse the subjective categories of motivation with the objective categories of function. To prevent the inadvertent oversight of these elements, Merton laid out an approach to use a functional theory which distinguishes between 'manifest' and 'latent'

functions (Merton, 1968).<sup>36</sup> These two terms are significant to functional analysis (Ritzer, 2010). For Merton, the concepts of manifest and latent functions are necessary tools in the theoretical repertoire of the social researcher since they are not purely theoretical but eminently practical.

Manifest functions refer to ‘objective consequences for a specified unit ... which contribute to its adjustment or adaptation and were so intended’ and which are recognised by participants in the system (Merton, 1968, p. 117). By concentrating primarily on the realm of manifest functions, the consequences for a specified unit or group (individual, subgroup, social or cultural system), as well as the question of whether instituted practices or organisations are successful in achieving their objectives, the researcher will limit him or herself to the predetermined conditions of the study. Merton solved the above key issues of manifest functions by putting the concept of latent functions, which refers to unintended and unrecognised consequences, in the sociological toolbox, extending his ‘inquiry in those very directions which promise most for the theoretic development of the discipline’ (Merton, 1968, p. 120). Thus, from Merton’s perspective, as long as sociologists are restricted to studying manifest functions—the question of whether deliberately established practices succeed in achieving their objectives—they will be transformed into diligent and skilled recorders of the all-too-familiar patterns of behaviour (Merton, 1968, p. 119). In fact, Ritzer argues that the very essence of sociology necessitates sociological analysis to uncover unintended consequences (Ritzer, 2010). According to Merton (1968, p. 135), manifest and latent functions, and their equivalents, are essential components of a social scientist’s theoretical repertoire. For him, it is important that a researcher study the distinction between manifest and latent functions ‘where he [or she] can most fruitfully apply his [or her] special skills’ (Merton, 1968, p. 119).

Studying latent functions helps one to see real effects beyond stated intentions. This enables sociologists to gain insight into the fundamental processes as consequences of individual, group, or system actions (Berger, 1963). Researchers examine the social practice to ascertain the latent (and hence, generally unrecognised) functions by considering the consequences of the intended purpose. In short, Merton suggested that the ‘distinctive intellectual contributions

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<sup>36</sup> Merton acknowledges that he has taken over the terms ‘manifest’ and ‘latent’ from Freud and that the distinction he wishes to make has been ‘repeatedly drawn by observers of human behaviour at irregular intervals over a span of many centuries’ (Merton, 1968, p. 115).

of the sociologist are found primarily in the study of unintended consequences (among which are latent functions) of social practices, as well as in the study of anticipated consequences (among which are manifest functions)' (Merton, 1968, p. 120). There is also evidence that when the 'research attention of sociologists has shifted from the plane of manifest to the plane of latent functions that they have made their *distinctive* and major contributions' (Merton, 1968, p. 120). Latent functions are less apparent and can even be unknown to those who engage in the practice that has them, but they have benefits for society on the whole, or certain parts of it, even though they may have no apparent utility (Sharrock et al., 2003). By way of example, Merton discussed the magico-religious practices of a Native American rain dance as a manifest function to bring rain, although we know that dancing does do this. For him, the description of Hopi rain ceremonies 'entails more than the actions seemingly oriented toward the intervention of the gods in meteorological phenomena'; instead, he turned his attention to the latent function of the rain dance to produce social solidarity (Merton, 1968, p. 110).

It should be noted that unanticipated consequences and latent functions are not the same. A latent function is one type of unanticipated consequence—one that is beneficial to the intended system. However, there are two other types of unanticipated consequences: 'those that are dysfunctional for a designated system', namely latent dysfunctions, and 'those which are irrelevant to the system which they affect neither functionally or dysfunctionally' (i.e. non-functional consequences) (Merton, 1968, p. 105). Only by careful empirical investigation can an accurate examination of a practice's functional implications be made. The researcher must be sensitive to the possibility of latent functions and not take a rigid view that all institutions and practices must have some function. Indeed, they may be dysfunctional and have an adverse or disruptive effect on society or part of it (Merton, 1968; Ritzer, 2010; Sharrock et al., 2003).<sup>37</sup> According to Merton, when we take an empirical and analytical approach, we should focus not only on functions but also on dysfunctions of the social structures. Moreover,

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<sup>37</sup> Ritzer (2010) used slavery in the American south as an example: he points out that the manifest function of slavery was to increase economic productivity, but that this had the latent dysfunction of providing a vast underclass. Furthermore, Marx (1995) discussed how high steel-frame fencing installed to discourage soccer hooliganism (manifest function) in the British Hillsborough soccer stadium contributed to the deaths of 93 spectators (latent dysfunction). He also noted that chemicals used in an anti-graffiti paint (manifest function) caused 30 deaths (latent dysfunctions) in a fire in London's King's Cross subway station. Text within parentheses is my interpretation.

when ‘the net balance of the aggregate of consequences of an existing social structure is clearly dysfunctional’, severe pressure for change develops (Merton, 1968, p. 93). In other words, by focusing on functions, we can study the bases of social stability, while by focusing on dysfunctions, we can discover potential opportunities for social change.

### *Unintended consequences of the law*

As discussed in the previous section, we need to account not only for the manifest functions of the law but also the latent functions and dysfunctions that may provide a more nuanced understanding of the role of law in society. To that end, this section focuses on the unintended consequences of the law and how it helps us understand why over-indebted people experience financial and social exclusion.

Even if the interpretation of legal texts and argumentation about a choice among diverging interpretations ‘has been the core business of legal doctrine since it started in the Roman Empire’ (Van Hoecke, 2011, p. 4), legal scientists have dared to leave the comfort zone of the hermeneutic approach to look beyond legal doctrine to understand law as a social phenomenon. According to socio-legal scholars, studies of the law aimed at ordering society (providing social control, coordinating behaviour, enforcing norms, etc.) are felt to be largely insufficient and leave out a great deal of what law does. It is not uncommon that the rational application of a given policy produces unintended consequences, or even the opposite, of those originally anticipated. Still, the latent effects of laws have received almost no attention in legal studies, outside of the oral tradition of practicing lawyers (Brown, 1992; Tamanaha, 2017). In particular, the failure of doctrinal legal research to interpret and to apply the law in such a way that it achieves its function in society, has led an increasing number of scholars to question its scientific status. In its place, the sociology of law employs social theories to the study of law and legal institutions in order to describe and analyse legal phenomena in their social context (Banakar & Travers, 2013b).

Sociologists of law have for a long time advocated the necessity to study ‘the relations between static and often antiquated legal systems and the continually changing social structure’ and the need to understand ‘how law and the various practitioners of law operate within society’ (Treves, 1968, p. 1). Many socio-legal scholars focus their studies on ‘the gap’ between the claims of the law and the intentions of the legislature on the one hand, and the implementations and impact



of legal norms on social behaviour on the other (Banakar & Travers, 2013a; Morris & Murphy, 2011; Travino, 2013).<sup>38</sup> The functional approach to the law and legislation is connected to the assumption that there is a response from the effects of a social institution to the institution itself. For example, the concept of function is used to represent the effects that tend to reinforce the institution when its explicit goals are realised. When the goals are not fulfilled, but the institution still goes on, it depends on other (latent) reinforcing effects (Eckhoff, 1968, p. 31).<sup>39</sup>

According to Brown (1992), almost all legal rules have certain manifest functions permitted by the society that issues them, but at the same time, there are many hidden or latent functions (within these legal rules) that the courts are willing to tolerate. An example is the usage of the legal process to annoy or to punish a former spouse by filing repeated suits on matters of child custody even when no honest problem exists. Similarly, says Brown, some can use the legal process to provide the means of acquisition. An instance of this is when authorities employ minor traffic offences primarily as income to increase the wealth of the municipality. Thus, the manifest function of the law, that of improving the safety and flow of vehicular transport, may be of secondary importance.

Researchers from the Sociology of Law Department at Lund University evaluated the consequences of the European Union directive on Intellectual Property Rights Enforcement (IPRED). This was intended to provide the enforcement needed to achieve increased compliance with digital intellectual property regulations. They found that the levels of Online Anonymity Services usage increased. This effect directly countered the purpose of the directive, as a result of the implementation of the IPRED law in Sweden. Larsson and Svensson concluded that increased usage of encryption technologies, as a latent dysfunction, would likely have a detrimental effect on police investigations regarding other crimes as well (Larsson & Svensson, 2010).<sup>40</sup> Another exemplar of miscarried legislation is the minimum

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<sup>38</sup> The issue was first described by Roscoe Pound (1910), who focused on the social impacts of legal decisions. Pound was aware of the distinction between law in books and law in action, and he stated that 'the distinction between legal theory and judicial administration is often a very real and a very deep one' (p. 15).

<sup>39</sup> At the same time, as mentioned earlier, when the consequences of an existing social structure are obviously dysfunctional, then the pressure for change occurs (Merton, 1968).

<sup>40</sup> Similarly, the manifest function of anti-gambling legislation may be to defeat gambling, yet, its latent dysfunction is to increase levels of illegal markets for gambling (Berger, 1963). For more

wage law that tends to increase unemployment and negatively affect the least-skilled people most. Several studies have shown that whenever the minimum wage is increased, the number of jobs decreases. The latent dysfunction of minimum wage laws is augmented poverty in the poorest communities (Dodson, 2002; Orazem & Mattila, 2002; Roots, 2004).

In his writing on Merton's legacy, Portes remarked on some 'policy catastrophes': American Federal Government plans are often disrupted because they 'do not and cannot fully take into account the interplay of social forces' that interrupt their implementation (Portes, 2010, pp. 46-47). For instance, when unauthorised migration began to increase after 1965, the United States Government, in its attempt to stop the illegal flow of immigrants, responded with greater border enforcement and militarised the southern border. Even though there was an instantaneous interest for this from the politicians who were able to accumulate resources and power, it led ultimately to counter-productive long-term results. Despite massive and costly investments, in both money and military presence, the policy has not stopped the illegal flow of immigrants but has succeeded in keeping it confined on the American side of the border. The previous migration in both directions, where Mexican workers travelled back and forth across the border to visit their family, has ended, since those who live on the American side dare not return to Mexico given the difficulties of repeating the journey. Instead, Mexicans living in the United States bring their families along, which ultimately results in a growing underground poor and vulnerable population, permanently divorced from American society and disenfranchised from its resources, as a consequence of this supposedly rational policy (Massey, 2015; Portes, 2010).<sup>41</sup>

As example of a failed political stance was the one put into place to avoid the excessive costs that general health insurance would create. The United States government trusted that private health insurance was a better option. It was assumed that people would use the health care system less if their premiums went

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reading on unintended consequences of crime prevention, see Grabosky (1996); Marx (1981); Mathiesen (2005a); McCord (1978) and Sherman (1993).

<sup>41</sup> The end result of this policy's active process was one of the key factors of a colossal change of the demography of the United States in ways that most policymakers did not intend. In 1970 the Hispanic population stood at around 9.6 million and comprised 4.7 per cent of the US population, but four decades later, unintentionally exacerbated by misplaced immigration and border policies, the number of Hispanics had risen to 50.5 million people, encompassing more than 16 per cent of the US population (Massey, 2015).

up for every additional visit. As a result, however, more than 31 million Americans do not have health insurance, with a high rate of illness among them. In the end, health care in the United States is the costliest in the world ("CDC reports on uninsured in first six months of 2021," 2021; Gladwell, 2005; Portes, 2010). In another example, prevention measures when trying to avert fraud in social welfare systems may be so intense that they can negatively effect the intended legal activity (Grabosky, 1996), for instance, with inspection processes that are so rigorous they reject those who should be legitimate recipients. In the worst case, the measures may incorrectly classify law-abiding people as fraudulent (Grabosky, 1996; Marx, 1986).

Regarding the law, scientists agree that there are many trade-offs that are either unexpected or underappreciated at the time of enactment. It is not uncommon that benefits from legal directives often end up overshadowed by latent consequences (Roots, 2004). One example related to over-indebtedness is connected to the intention of the European Union to fight poverty. To help households out of poverty, EU countries offered easy access to credits. This produced a significant drop in the real borrowing cost for households and stimulated a significant increase in credit demand. At the individual level, the expansion of credit markets resulted in an increase in the homeownership rate throughout EU countries.<sup>42</sup> However, that expansion in household debt had hidden risks, such as asset bubbles registered in the housing market, particularly in Spain and Ireland, and a higher level of indebtedness among EU households.<sup>43</sup> In fact, following the aftermath of the economic crisis of 2008, over-indebtedness became an issue for all the EU Member States (Bouyon & Musmeci, 2016). The manifest function of easy access to credit became the latent dysfunction causing over-indebtedness in households across the EU.

In conclusion, according to Viviana Zelizer, Professor of Sociology at Princeton University and an economic sociologist, the theory of latent functions is a brilliant approach to research, and it seems 'obvious once someone else has articulated it'

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<sup>42</sup> Easing access to credits also encouraged renovation of houses and contributions towards protecting the cultural heritage of Europe. The extenuation of credit access conditions has also played a significant role in the current transition of energy towards the use of low-carbon technologies both at the family level and at the country level (Bouyon & Musmeci, 2016). These consequences may be seen as latent functions of easy access to credit.

<sup>43</sup> Between 1998 and 2007, the debt-to-disposable-income ratio of European households increased from 64.7 per cent to 93.4 per cent.

(Zelizer, 2010, p. 94). This concept, she claims, challenges the common sociological presupposition of intended causes and effects, and brings forth questions about the functions and dysfunctions in everyday life that accumulate in social processes. Thus according to Merton, neither social change nor fixity alone should be the purpose of a study conducted by means of functional analysis. When we observe social structures, we have to accept the subjective values of the majority of the population on the one hand, and their objective conditions on the other hand. By doing so, we will remain true to the facts, not to a predetermined ideology. We should also need to recognise when the structure of observation is 'out of joint with the wants of the people or with the equally solid conditions of action' (Merton, 1968, p. 95).

## The concept of legal culture

In addition to the approach described above, which focuses on the law's latent and manifest impacts on immigrant debtors in Sweden, I use the concept of legal culture to analyse the way immigrants experience the law in their everyday lives.

The concept of 'legal culture' has informed scholarly discussion in law and sociology after Friedman (1969) published *Legal Culture and Social Development*.<sup>44</sup> The author described a legal system as all aspects of regulation in conjunction with all vital legal institutions supporting the administration of the law. He posited that supporting institutions combine three primary elements: structural, substantive, and cultural. In its broadest sense, the concept encompasses a range of factors that can relate to the various ways in which legal rules and principles are rooted within the context of larger social constructions. Additionally, according to Friedman, efficacy of the law depends on the response of the public, whose interests seem to be at issue. But response from the public is 'a cultural factor', and a vital one (Friedman, 1969, p. 40).

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<sup>44</sup> Friedman considered that there is lack of a description of the legal system, which is vitally important for generating comparative social theory, and for learning the conditions under which legal systems work. Further, he asked hypothetical questions to point out that there is a lack of information about what is called 'legal culture', for example, 'What are the attitudes of different populations towards various parts of the legal system? Are courts used or avoided? Who goes to court and why?' (Friedman, 1969, p. 40).

Friedman further developed his thoughts on legal culture and how it should be characterised. In 1975 he stated that legal culture refers ‘to those parts of general culture—customs, opinions, ways of doing and thinking—that bend social forces toward or away from the law and in particular ways’ (Friedman, 1975, p. 15). The concept ‘refers to public knowledge of and attitudes and behaviour patterns toward the legal system’ (Friedman, 1975, p. 193), for example, ‘What do they [people] know about the law in general?’ (p. 194). Legal culture, then, is the ‘ideas, values, attitudes, and opinions’ of people regarding the law (Friedman, 1994, p. 118).

In addition, traditional legal scholarship tends to be strongly normative and is interested in labelling legal practices and doctrines as right or wrong, valid or invalid. Law and society schooling is more interested in analysing social facts. Indeed, law and society scholars should be able to describe and measure legal systems in operation; identify the sources of law; and assess the impact of law, legal behaviour, and legal institutions in society (Friedman, 1994). In this vein, recent scholarship has attempted to combine sociology and comparative law. According to Cotterrell (2006), a focus on legal culture may be seen as ‘a means of fusing the aspirations of sociology of law and comparative law’ (p. 81).

According to Merry (2010), the concept of legal culture can be divided into four dimensions. **First**, the norms and practices that make up the culture of legal institutions, such as courts and lawyers’ offices.<sup>45</sup> **Second**, depending on the legal culture, people may have different perspectives of what constitutes a legal system and whether they perceive something as a legal issue or not. In other words, legal culture includes the public view of the place of law in social ordering and the expectations of ‘how the legal system works’ (p. 48). A **third** dimension of legal culture, according to Merry, pertains to the concept of legal mobilisation—an examination of when and how problems become legal for various individuals and groups. The **fourth** dimension refers to ‘legal consciousness’, a dimension that will recur more than the first three when I analyse and discuss the findings, individual’s awareness and knowledge of the law, and its relevance in people’s everyday lives.

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<sup>45</sup> According to Friedman, this can be described as the internal and highlights the important role lawyers play in creating and maintaining it. Further, legal culture is present in every society, but only societies with legal specialists have an internal legal culture (Friedman, 1975).

The development of legal consciousness is also influenced by the legal system itself. The experience of being supported in one's legal claims will result in a different legal consciousness than the experience of being ignored or having one's claims discounted. In other words, a person's legal consciousness is acquired through his or her cultural repertoire but can be modified by experiences, particularly those in the legal system (Merry, 2010). For individuals to be conscious of their legal entitlements, the system must provide positive reinforcement. Despite efforts to educate people about their economic security rights, for example, their awareness of these rights remains elusive without the support of the legal system. In addition, it is essential to note that the perception of fair treatment leads to a sense of legitimacy of law. Local police may appear fair and helpful, or corrupt and indifferent. This affects the perception of the legal system and the willingness to turn to the law for help (Merry, 2010).

Worth noting is that there is no unified definition of the term 'legal culture', and the act of defining and differentiating legal cultures is a complex one. It is still possible to gain some sense of clarity from the basic premise that legal culture is the interaction between society and law. According to Nelken (2004, p. 1), legal culture is 'one way of describing relatively stable patterns of legally oriented social behaviour and attitudes'. Further, legal culture 'determines when, why and where people turn for help to law or to other institutions' (Nelken, 2014a, pp. 346-347). In other words, legal culture refers to a broad range of human behaviour including how people think about the relevance of law in their everyday lives, the practices that take place within the legal system, and how law is perceived as a tool to regulate and resolve disputes. For example, findings from legal culture research would show if people who are native-born but not immigrants contact the Swedish Enforcement Authority (SEA) when they become over-indebted (cf. Nelken, 2014a, p. 347).

### **Legal culture among migrants**

Legal cultures have become even more important in the age of globalisation, when society is composed of people with a wide range of cultural backgrounds (Shamir, 2015). Some scholars have discussed legal culture exhaustively (Cotterrell, 2004, 2006; Friedman, 1969, 1975; Nelken, 1995, 2014b, 2017). However, paying attention to the connection between legal culture and immigrants is relatively new (Shamir, 2015). There is growing acknowledgment that the legal cultures of

migrants play a significant role in how they perceive different aspects of life (such as over-indebtedness) and how the group members ultimately copes in their host nations.

Bierbrauer (1994) studied how variations among cultures influence legal behaviour in a multicultural or multi-ethnic society. Laws and legal institutions may have different meanings for different groups of people, thereby causing tensions and conflicts between the legal system of the dominant culture and the legal conceptions of acculturated individuals. As mentioned earlier, both labour and humanitarian migrants come to Sweden from around the world and the country consists of migrant groups of multiple ethnic, cultural, and religious origins. Considering the surge of migrants in Europe, one of the major challenges that Sweden and other nations face is the successful integration of migrants into host communities, which is the manifest intention of the immigration policy.

According to Silbey (2005), the concept of legal culture is an aspect of general culture, and adopting the common language of the host nation is one of the elements of cultural integration (Algan, Bisin, & Verdier, 2012; Constant, Nottmeyer, & Zimmermann, 2012). Being able to speak and comprehend the main language enables migrants to better understand their legal status and laws in general, as well as to take part in society in a multitude of ways (Kubal, 2013). As a consequence, if one is struggling with the native language, it may be difficult to adapt to the culture, and there is a great likelihood that one will remain economically disadvantaged (Manning & Georgiadis, 2012).

By obeying the laws and conforming other members of society, migrants will be able to become part of the culture and change their habits to resemble the host country's culture. To put it another way, '[t]he immigrant had to conform to the political and legal framework of the land; and, after a period of apprenticeship during which she/he showed she/he was prepared to obey the rules of the game, she/he could generally, if she/he wished, become a full participating member at these levels through the act of naturalisation' (Kubal, 2013, p. 58).

Moreover, immigrants do not exist in a vacuum, but rather arrive in a specific socio-legal environment and settle in countries where institutions and norms already exist (Kubal, 2013). Yet, as I have demonstrated in Chapter 3, and from my personal experience, when immigrants arrive in a country, they tend to concentrate in certain cities or suburbs, building relationships with co-nationals

or migrants who are from nearby locations in the home country, or arrived earlier than them in the host country (Comola & Mendola, 2015). Consequently, they may feel isolated compared to the rest of the local population. There is a potential risk that this segregation will extend to future generations, thus preventing them from successfully integrating into the local community.<sup>46</sup>

A study by Kubal (2013) acknowledges that legal culture plays an important role in how migrants relate to the law in the host nation. She states that '[t]he relationship between the immigrants and the host country's state law is usually intermediated via communities' distinctive "rules of the game". She tells us little about her members' values or attitudes to the host country's state law—how immigrants perceive the host state, its institutions and enforcement agencies, and whether these views, values and attitudes undergo a change' (Kubal, 2013, p. 57). To understand immigrants' legal adaptations in the host countries, we need to 'examine how the perception of law is produced and consumed and then draw out its social implications, such as what meaning people attach to law, what expectations they have and how they behave towards it in everyday life' (Kubal, 2013, p. 57).

Moreover, immigrants' financial behaviour in the host country is influenced by norms and institutions in the country of origin. Immigrants from developed countries, with property rights protection and investment incentives, are more likely to have a bank account and to participate more extensively in the financial markets of their host countries (Osili & Paulson, 2008a, 2008b). Thus, access to information and an understanding of economic and legal processes in the host country are significant factors that stimulate inclusion and prevent over-indebtedness. Schlosser highlights that the lack of access to information on legal and business regulations in the adopted country reduces economic diversification among immigrant entrepreneurs. This results in them having less of a chance to develop an adequate social and business network and economic growth of the company (Schlosser, 2012). For example, lack of financial knowledge of how bank credit facilities work (particularly concerning the calculation of interest rates and

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<sup>46</sup> When I discuss over-indebtedness among young adults (18–25 years), I have in mind the potential for over-indebtedness among second-generation immigrants. This can be seen in the empirical and discussion chapters.



repayment options) was limited among immigrants in London (Datta & Aznar, 2019).

The study by Shamir (2015) examines the persistence of legal-cultural attitudes and perceptions among immigrants who emigrated from the former Soviet Union in the early 1990s to Israel. The respondents to her study had been part of Israeli society for about two decades, living among Israelis, working in Israeli companies, and speaking fluent Hebrew at the time. After two decades of socialisation in Israel, she expected these respondents to have a legal culture similar to that of the Israeli population as a whole. However, her findings suggest that ‘you can take the FSU [former Soviet Union] immigrants out of the Soviet regime, but you cannot take the Soviet regime out of the FSU immigrants’ (Shamir, 2015, p. 155).

## Summary

In order to respond to the purpose of the thesis—that of investigating the relationship between migration, legal regulations governing debt enforcement, and social exclusion—I have chosen as part of my research strategy to follow Merton’s recommendation to keep theory and empiricism close to each other by using middle range theories. I will also highlight the law’s impact on the social conditions among immigrants in Sweden by conducting analyses of the manifest and latent functions and dysfunctions of the law. In other words, I use Merton’s theory as an overarching theoretical framework that provides insight into both the intended and unintended legal purposes and consequences of over-indebtedness.

The application of the theory of manifest and latent functions and dysfunctions only, however, fails to capture the perspective of the participants in the system: in this instance, the perspectives of immigrants in Sweden. Subsequently, making use of the concept of legal culture, I intend to provide an overview of the legal experiences of immigrants. By combining these two approaches, I will be able to shed light on the law’s impact on social relations, as well as the interaction between everyday practice and legal institutions (cf. Banakar, 2020).

This means that the two approaches open up a third dimension of discussion, of which I will address the findings from the perspective of the Swedish Enforcement Authority (SEA).

# Chapter 5. Methodology: mixed methods

Sociology of Law originates in social science and with its sociological foundation is solidly anchored in the empirical method. The discipline uses a wide range of applied social science methods, including quantitative and qualitative research, and is closely tied to the legal sciences to understand the legal systems (Banakar and Travers 2005; McConville and Hong Chui 2007).

Considering that the focus of my research is on understanding the functions of law enforcement along with analysing how immigrants experience these functions, I situate my research in the middle of the quantitative-qualitative continuum (cf. Banakar, 2020). This study uses elements of both methods, combining them into a mixed method approach to provide insights beyond those that could be gained from either method alone (cf. Creamer, 2017; Creswell & Creswell, 2018; Tashakkori, Johnson, & Teddlie, 2020).

In the *Journal of Mixed Methods Research*, mixed method is defined as a study in which the researcher ‘collects and analyzes data, integrates the findings, and draws inferences using both qualitative and quantitative approaches or methods in a single study or a program of inquiry’ (Tashakkori & Creswell, 2007, p. 3). After a literature review of 19 different definitions of mixed methods among the experts in the field, Johnson, Onwuegbuzie, and Turner (2007) presented the following definition: ‘[m]ixed methods research is the type of research in which a researcher or team of researchers combines elements of qualitative and quantitative research approaches (e.g., use of qualitative and quantitative viewpoints, data collection, analysis, inference techniques) for the broad purposes of breadth and depth of understanding and corroboration’ (p. 123).

This chapter presents the mixed method design of the study and a description of each process conducted during the research. At the end of the chapter, the ethical considerations taken during the research process are presented.

## Mixed methods sequential explanatory design

My research is based on observations and experiences that I had as a refugee and as an officer at the SEA. As a mixed method researcher, starting with the research problem and research question, I am free ‘to choose the methods, techniques, and procedures of research’ to understand the problem and meet my purpose (Creswell & Creswell, 2018, p. 10). Mixed method research advocates using whatever methodological tools are required to answer the research question (Teddlie & Tashakkori, 2009, p. 14).

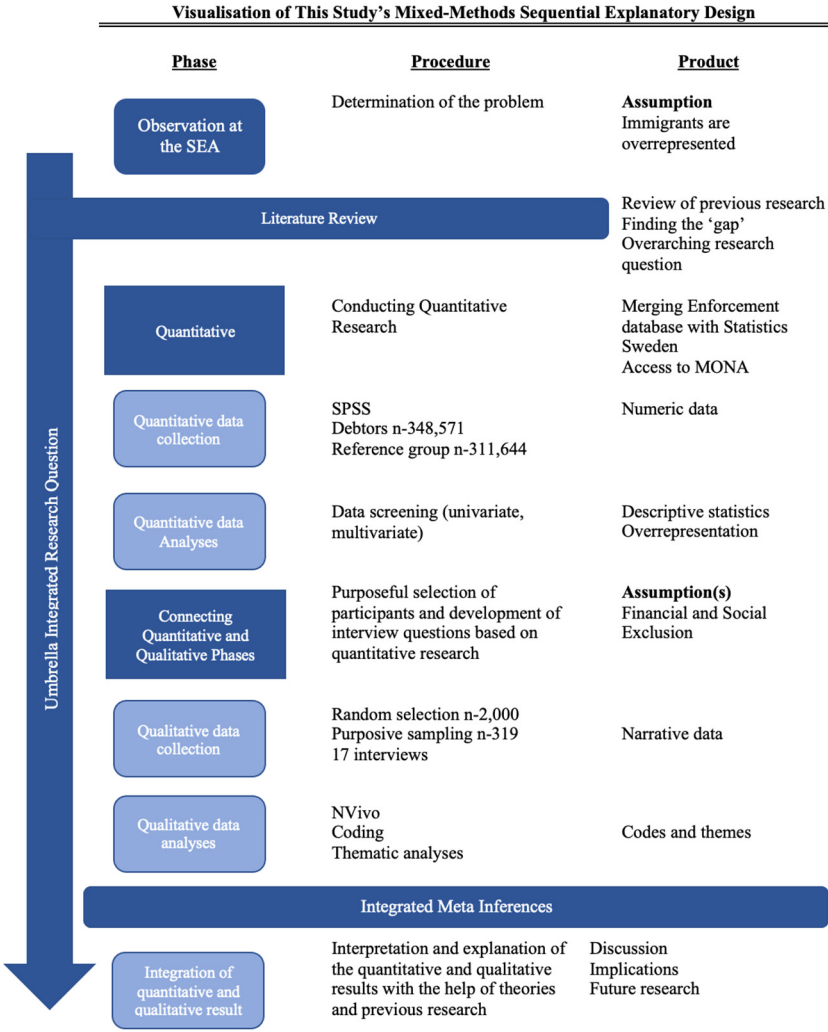
With that in mind, Figure 1 visualises the mixed methods sequential explanatory research design based on the approach of the following authors: (Creswell & Creswell, 2018; Ivankova, Creswell, & Stick, 2006; Tashakkori et al., 2020). After completing a literature review to determine the research gap and to identify the overarching research question, the researcher conducts quantitative research. The researcher then carries out a qualitative study composed of open-ended interviews to gather views from the participants in order to develop a deeper understanding of the issue and help explain the initial quantitative study results (Creswell & Creswell, 2018).<sup>47</sup> The researcher allows the research questions to ‘guide’ him or her further (Tashakkori et al., 2020, p. 9).

I conducted a quantitative data analysis of over-indebtedness in Sweden. I supplemented these findings with those of an interview study to fill the gap that the numerical methods could not. I wanted to identify other causes of over-indebtedness in addition to the economic ones found in the quantitative study, and to illuminate the consequences of over-indebtedness as experienced by immigrants. The quantitative results of the research present broader trends and

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<sup>47</sup> When data collection in a single study involves the gathering of both quantitative and qualitative data in this way, using more than one method of data collection, it is called *intermethod* or *between-methods data collection*, and refers to *mixing* what happens between two (or more) methods of data collection (Tashakkori et al., 2020, p. 208).

an overview, while the qualitative results provide more detailed views of the problem from the participants’ perspective (Creswell, 2011).



**Figure 1. Visualisation of this study’s mixed methods sequential explanatory design**

Note: The design is a result of interpretations and merging of: the ‘Inductive-Deductive Research Cycle’ (Tashakkori et al., 2020, p. 36); the graphic illustration of ‘Sequential Mixed Methods Design’ (Tashakkori et al., 2020, p. 138); and the ‘Visual Model for Mixed-Methods Sequential Explanatory Design Procedures’ (Ivankova et al., 2006, p. 16).

In my research, I allow these two types of analyses to ‘talk to each other’ (Tashakkori et al., 2020, p. 269). In the end, interpretations based on the results from each strand are synthesised to form a discussion generated by integrating the strands to provide a comprehensive answer to the umbrella integrated research questions (Creswell & Creswell, 2018; Tashakkori et al., 2020).

## Literature review

The starting point in my thesis was to conduct a literature review to find, track down, evaluate, and summarise the literature on a topic (cf. Aveyard, 2007; Booth, Sutton, & Papaioannou, 2012; Hart, 2012). A literature review is an important, crucial part of the research in the sociology of law research, which makes it possible to find a knowledge gap so that we do not carry out research that already exists (Banakar, 2020).<sup>48</sup> A systematic literature review attempts to identify all studies that meet the eligibility criteria and then present a systematic and descriptive analysis of the literature. This includes determining if the study is based on the use of theory, empirical data or analysing papers, and on the frequency of citation in, for example, Google Scholar and Web of Science databases (Booth et al., 2012; Higgins & Green, 2011). I carried out a semi-systematic literature review. This involves the same process of finding literature as a systematic literature review, but different results are reported. Instead of systematically and descriptively presenting the literature found, I chose to focus on finding the gap that my research could fill.

I chose the high-quality databases Scopus and Web of Science.<sup>49</sup> The first literature search, conducted in 2015, exclusively focused on peer-reviewed articles published in English between 2005 and 2015. To expand the search, I decided to use Boolean search methods (AND/OR/NOT) with the following search string:

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<sup>48</sup> However, according to Banakar (2020, p. 38), it is justified to re-examine old research as social conditions may have changed.

<sup>49</sup> Scopus is the largest abstract and citation database of peer-reviewed literature and compared to Web of Science, Scopus has a bigger scope (approximately 18 000 titles compared to approximately 12 000 titles), but Web of Science is more complete when it comes to citations.

((debt\* OR indebt\* OR overindebt\* OR loan\* OR credit\*) AND (refugee\* OR migrant\* OR immigrant\* OR migrat\*))

Open searches always yield many articles, but only a few of them are relevant. My literature search in the Web of Science database resulted in 681 hits and 647 hits in Scopus, n-1328. All records were exported to EndNote, a reference management program, and placed in a separate folder. After the removal of duplicates, the total result of the search string was 1027 articles.

The first inclusion and exclusion screening is used to identify articles that may be potentially usable because they cover the topic of interest (Fink, 2014; Ridley, 2012). In the first screening, I reviewed all 1027 abstracts to identify relevant literature. I found 110 studies. For deeper analysis to determine relevance and to properly distinguish well-designed studies from poorly designed ones, I quickly surveyed the full text of all the included literature. Of the 110 screened and read articles, 83 did not fulfil the inclusion criteria.

It is crucial and necessary to analyse the reference lists of all included studies to find other relevant literature, the so-called snowball technique (Booth et al., 2012; Ridley, 2012). To follow up on the references to previous work and identify relevant studies, I read the titles in the first step and abstracts or full-text in the second. I worked with the same systematic review criteria as in previous stages.

To complete a doctorate thesis by working on it part-time takes at least eight years. Consequently, it was necessary to update the first literature review. I did this in 2021. The second literature search aimed to identify new articles published between 2016 and 2021 that had links to the themes of the previous review. In light of the existing literature, I chose not to conduct a similar semi-systematic review, but to supplement the existing literature with appropriate research.

## Compiling quantitative data

As mentioned earlier, I used secondary data from the Swedish Enforcement database for the quantitative part of the research. I compared it to the personal demographic data from Statistics Sweden. In most quantitative (or mixed methods) studies, the researcher does not have access to the entire target

population, but for this study specifically, the SEA submitted a data file with the entire debtor population of 373,862 to Statistics Sweden to match it with the demographic data. Extraction of the statistics took place on the 21<sup>st</sup> April 2016. The SEA sample consisted of people with a Swedish personal identity number and at least one active debt. Individuals without a Swedish personal identity numbers,<sup>50</sup> those with protected personal data, and those who had died but who had debts (*dödsbo*, in Swedish) were excluded. The sample from the SEA was sent to Statistics Sweden to be supplemented with the STATIV-database for the year 2015.<sup>51</sup>

A total of 348,571 people, with a combined debt of SEK 66 billion, were matched between these two data sets.<sup>52</sup> These data are the basis of the quantitative analysis presented in the thesis research. A control group was created that reflected the sample in order to compare each debtor with a control group individual who was of the same sex, age, and foreign or Swedish background, and who lived in the same municipality as the debtor at the time the first debt was registered at the SEA, but who did not have debts.<sup>53</sup> 311,644 of such individuals were identified and composed the control group. As a result, not all the debtors could be matched with a control individual. However, since the control group consisted of almost as many individuals as debtors, and the comparisons were made in percentages and not by number, this difference in sample sizes did not affect the research results.

When analysing the extent of over-indebtedness, I reported results for the entire population but not the top 5 per cent of the number and size of the debts. This

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<sup>50</sup> Debtors who were removed are those who have co-ordination numbers (*samordningsnummer* in Swedish). These debtors number approximately 45,000 and many are foreign residents or are not locatable in Sweden (approximately 32,000 do not have a known Swedish address). Common debts among these debtors are fines issued against people from a country other than Sweden (Krantz, 2016-10-18).

<sup>51</sup> For more information on how the database is used in Swedish, see studies with several different purposes concerning integration, segregation and migration see, for example, Aldén and Hammarstedt (2014) and Bevelander (2011).

<sup>52</sup> The mismatch may be part of the under-coverage of the STATIV database, which contained people who had been registered in Sweden up until 31<sup>st</sup> December 2013, or due to shortcomings in the reporting of events such as births, deaths, immigration, and emigration.

<sup>53</sup> The term 'control group' is usually used for studies that perform experiments; nonetheless, the term is often used in social science research as well (Jacobsen & Landau, 2003; King, Keohane, & Verba, 1994).

minimised the risk that outliers would affect the average number and average size within the compared groups. When comparing the total public debts among the groups, I removed all over the 95<sup>th</sup> percentile, that is, those with more than 55 debts and more than SEK 218,900 in debt. This was done to avoid skewness of the data by eliminating from the statistics debtors with 4,898 debts and approximately SEK 730 million in debts.

Access to the demographic data was provided by Microdata Online Access (MONA), Statistics Sweden's platform for microdata access. I was granted a user account with personal login details and permission only to view the relevant data approved by the Ethics Review Board. The relevant data were processed within MONA online and were not extracted from this system. (In other words, the microdata never leaves Statistics Sweden.) Statistical analysis in MONA was performed using SPSS software, after which the analysed data were exported for continued use outside of this system.

## Demographic variables

This section describes the data obtained from Statistics Sweden and that cover the demographic variables used to conduct a quantitative data analysis. These variables include the debtors' foreign/Swedish background, sex, marital status, housing, level of education, employment status and income.

### *Foreign/Swedish background*

Since the focus of my thesis is immigrants in Sweden, it was necessary to develop a variables that categorises immigrant trajectories. To provide clarity, and to avoid repetitive text in the empirical and analytical sections, I categorized immigrants according to their backgrounds, grouped as follows:

- (A) *immigrants*: people born abroad
- (B) *second-generation immigrants*: born in Sweden with both parents born abroad.
- (C) *mixed parentage*: born in Sweden with one foreign-born parent and one domestic born parent.
- (D) *multi-generation Swedes*: born in Sweden of two parents also born Sweden.



The place of birth is also reported for all debtors.

The following categories are registered in the Statistics Sweden database and are used for these purposes.

- Africa
- Asia
- EU28 except for Nordic countries
- Europe except for EU28 and Nordic countries
- Nordic countries except Sweden
- North America
- Oceania
- South America
- Soviet Union
- Sweden
- Unknown

Some of these categories are broad, which means they cover a multitude of national-level differences for people from the Asian and African continents, not to mention intranational ethnic and racial differences. However, the advantages outweigh the disadvantages of having extra variables in the study because more conclusions can be drawn.<sup>54</sup> The data also include the “unaccompanied children” variable, which refers to children under 18 years of age who sought asylum in Sweden without an accompanying parent or other legal guardian.

#### *Sex and marital status*

According to STATIV, the sex variable is derived from the Swedish social security number’s penultimate digit. If the number is odd, the sex is male; if the number is even, female (SCB, 2015). In SPSS, sex is coded as:

1 = Male, 2 = Female.

Marital status indicates whether a person is, has been or never has been married or in a registered partnership. In the Statistics Sweden database, the information is stated according to the following classification:

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<sup>54</sup> In the end, these variables can be used by the Enforcement Officer to direct preventive measures to reduce over-indebtedness.

OG = unmarried  
G = married  
S = divorced  
Ä = widow/widower  
RP = registered partner<sup>55</sup>  
SP = divorced partner  
EP = surviving partner  
NULL = missing information

Variables G and RP have been combined and are reported as married in this study; similarly, the variables S and SP have been combined as divorced; and Ä and EP have been combined as *widowed*.

### *Housing*

Statistics Sweden uses the following four housing categories:

- house (owns the house, in Swedish *egna hem*)
- rented accommodation (*hyresrätt*)
- housing co-operative (*bostadsrätt*)<sup>56</sup>
- other

I have not changed or merged any of these.

### *Education level*

Statistics Sweden categorises the highest level of education as follows:

- 1 = primary education less than nine years
- 2 = pre-secondary education of nine years (equivalent)
- 3 = upper secondary education, a maximum of two years
- 4 = upper secondary education, three years
- 5 = post-secondary education less than three years
- 6 = post-secondary education of three years or longer

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<sup>55</sup> From May 1, 2009, marriage is gender neutral. Previously, two men or two women could register partnerships, but the law on this expired May 1, 2009. People who are registered partners under the previous law continue to be so if they do not convert the partnership into a marriage (SCB, 2015).

<sup>56</sup> Ownership of a flat within a building is similar to ownership of a condominium in the United States.

- 7 = postgraduate education

For better understanding, and since these seven categories are not used in everyday contexts, I reclassified them as:

- 1 = pre-secondary education (1 and 2)
- 2 = secondary education (3 and 4)
- 3 = post-secondary education (5, 6 and 7)

In the quantitative part of this thesis, these are reported as:

- 1 = primary and lower secondary education (*grundskoleutbildning* in Swedish)
- 2 = upper secondary education (*gymnasieutbildning*)
- 3 = higher education (*eftergymnasial utbildning*)

#### *Employment status and income*

This variable is classified by Statistics Sweden as follows:

- 1 = gainfully employed, 16-84 years
- 4 = non-employed children, 0-14 years
- 5 = not gainfully employed, but with some income during the year, 16-84 years
- 6 = not gainfully employed, 16-84 years
- 7 = gainfully employed, 15 years old

To simplify the results, I reclassified the variables:

- 1 = gainfully employed 15-84 years (1 and 7)
- 2 = not gainfully employed, but with some information from the employer about income during the year (5 and 3)
- 3 = not gainfully employed (6).
- Non-employed children 0-14 years (4) consist of 359 individuals and were excluded

The income variable shows the sum of income from employment and from business activities that the person had in 2015, the reference year of the STATIV data. Income from employment includes salary, benefits, sickness benefits, general

and occupational pensions, private pension, non-pensionable compensation, income from hobby activities, remuneration from small owned companies, and small-scale trading companies.

The sum of income is stated in STATIV in hundreds of Swedish kronor. For simplicity, the income variable will be grouped as follows:

- SEK 0-50,000
- SEK 50,001-150,000
- SEK 150,001-300,000
- SEK 300,001-500,000
- SEK 500,001-1,000,000
- SEK 1,000,001+

When measuring average and median income, the actual sums are reported.

## **SEA variables**

This section presents the variables derived from the SEA's database. These are important for understanding over-indebtedness in Sweden and how it is measured.

### *Public and private debts*

In the Swedish Enforcement database, as mentioned in Chapter 2, debts are divided into two categories: public debts to central and local authorities, and private debts. For public debts, the period of limitation in terms of enforcement is generally five years. In other words, the debt is in the database until the debtor pays it, or it becomes statute-barred because of the time limit. There are a few exceptions, like student grants reported back to the Swedish Board of Student Finance (CSN) if the claim cannot be collected.

In this study, public claims are divided into the following types of debts:

- Swedish Crime Victim Fund (*Brottsofferfonden*)
- Fines (*Böter*)
- Debts to the Swedish Board of Student Finance (*Skulder till CSN*)
- Vehicle-related debts (*Fordonsrelaterade skulder*)
- Legal aid costs (*Rättshjälpkostnad*)

- Tax (*Skattekonto*)
- Special legal effects (*Särskild rättsverkan*)
- TV licences (*TV-avgifter*)<sup>57</sup>
- Maintenance support (*Underhållsstöd*)
- Foreign debts (*Utländska mål*)
- Penalty debts (*Vite*)
- Other<sup>58</sup>

Private matters are based on titles of execution, and judgments of general and administrative courts. The most common is the first one, which is handled by the Enforcement Authority's summary process. In contrast to public claims, private cases that are not fully paid or revoked are processed without a time limit. For more explanation about private claims, see Chapter 2.

### *Volume of debt*

The number and size of the debts are presented in the form of the mean, median and mode. The mean (sum of values for all cases divided by the total number of cases), is the most frequently used measure of central tendency. The median, (the mid-point) and a ranked frequency distribution are preferred if the variable includes some extreme scores at either end of the scale. The mode is the greatest frequency within the distribution (Chui, 2017; Davies, 2007). The size of the debts is rounded to the nearest SEK 100.

### *Duration in the Swedish Enforcement database*

This variable shows the year when the debtor was first registered in the Enforcement database and the number of years he or she remained in it. The variable of the first registration is reported and divided by the SEA. It is distributed into the following time intervals: 1979-1989, 1990-1994 and 1995-1999, and per year from 2000 to 2016.

The database's information is continuously thinned out, the debtor is registered with a later date if he has been debt-free for more than three years. For debtors

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<sup>57</sup> The television licence was replaced by an individual public service fee on 1 Jan. 2019.

<sup>58</sup> This category includes coupon tax, additional tax, fees for illegal construction, VAT, building sanction fees, financial aid, land survey costs, company fines, excise duty, customs and admission fees and toll fees.

who were registered in the database in 1989, paid their debts and then were registered again in 2000 and had obligations or recently (not more than three years before) paid debts, the year of the first debt will be 2000 since the information from 1989 has been deleted. On the other hand, if the debtor was registered in 1989, paid all debts in 1993, but returned with new debts in 1995, which were paid in 1999, and again received new debts in 2000 which are still active, then the first registration is 1989.

### *Age and age at first debt*

The age variable (of the debtors) was calculated by taking the year when the SEA statistics were withdrawn (2016) minus the debtor's year of birth. For example, if the debtor was born in 1950, the model of calculating the debtor's age is  $2016 - 1950 = 66$ . In other words, the debtor was 66 years old when the data was sent for processing.

Using this variable formula, I calculated how old the debtors were when their first debt was registered in the database. Due to the way the debt year is categorised in the database (as explained above), I only used debtors for whom the year of the first debt was reported as a given year (2000 to 216), rather than a decade range. Based on that, I relied on the 219,630 debtors for whom a specific age could be calculated.

## **Types of data analyses**

Data analysis is the systematic arrangement of information into meaningful patterns. In this view, the term 'data' means facts and figures, or information, from which conclusions can be drawn. Nevertheless, a data set is simply a collection of numbers and other symbols, and a researcher needs to conclude the meaning of these details. This is accomplished through systematic and logical analysis (Aneshensel, 2012).

The primary goal of quantitative data analysis is to estimate associations among variables and determine if these connections can be understood as relationships. For example, when the values of one variable tend to coincide with the values of another, we can say that they are associated with one another. On the other hand, when one variable influences the other, we can conclude that they share a causative connection (Aneshensel, 2012). Quantifying the relationship between variables

implies reliance and the worth taken by the independent variable affects the value taken by the dependent variable (Aneshensel, 2012; Chui, 2017).

The primary purposes of quantitative designs are exploratory, descriptive and explanatory, or a combination thereof (Aneshensel, 2012; Chui, 2017). To achieve these purposes, quantitative data analysis can be divided into univariate descriptive, bivariate descriptive, and explanatory (Chui, 2017). Given these features, data analysis is the examining and sorting of a body of information about a conception to uncover its function or to determine its meaning (Aneshensel, 2012).

Since I had access to the entire population, no inferential method was used; that is to say, I did not have to draw any generalisable conclusions from a sample. In other words, when working with the entire population of debtors, the results do not need to be tested.

#### *Univariate analysis – frequency distributions*

Researchers can conduct exploratory analyses to gain initial insights into research problems and to identify variables related to those problems. This type of quantitative design is often the first phase of a larger research project (Chui, 2017). Usually, exploratory design answers the questions related to representation, such as, ‘How many immigrants are represented in the enforcement database?’ (cf. Chui, 2017, p. 50).

Typically, the answers to questions like these are presented in the form of frequency distributions (FD). These descriptive statistics form the study’s bedrock (Davies, 2007, p. 120). This kind of visual distribution helps the reader for whom the material is entirely new, to understand the fundamental trends contained in the data. To keep the flow going for the reader, I have minimised the reporting of frequency distributions. Some are presented in text form, and the rest are presented in the Appendix 1. Quantitative variables, such as age and income, can result in long tables, and so, these variables have been condensed into ranges for a better overview of the frequency. Consequently, these ‘good descriptions provoke the “why” questions of explanatory research’ (De Vaus, 2001, as cited in Banakar, 2020, p. 36) that are addressed with additional quantitative methods as described in the next subchapter.

### *Bivariate and multivariate analysis – cross-tabulation*

Based on descriptive statistics, I sought to uncover why the identified phenomena exist (Aneshensel, 2012). Explanatory research involves the search for a scientific understanding of how one or more variables are related to one another and how these relationships contribute to certain outcomes (Aneshensel, 2012; Chui, 2017).

With bivariate analysis, I demonstrate the association observed between two variables and how the values of one variable tend to correspond with the values of the other. To understand the connection, though, it is necessary to use multivariate analysis. The bivariate model indicates only that those two variables are related. But to demonstrate that this relationship can legitimately be interpreted as a causal relationship, the model needs to be expanded to include at least one additional variable (Aneshensel, 2012). This third variable is required to rule out alternative explanations, for example, being an immigrant and over-indebted does not explain the cause-and-effect connection. If we use the third variable though (for example, the debtors' educational level that affects the dependent variable), we can illuminate causality. There are three central norms for causality, and all must be met for it to be established: 1) when the independent variable (the cause) precedes the dependent variable (the effect) in time; 2) there is an observed association between two variables; 3) 'there is no [other] plausible alternative explanation on the covariation of the independent and dependent variables' (Chui, 2017, p. 51).

At the same time, I am aware that causality is a strong statement because it is not possible for me to prove that there are no additional, unexamined factors that may explain the outcomes in my analyses. On the other hand, if there is a strong correlation between variables and I do not have an alternative explanation when I report findings, I speak of cause-and-effect.

### *Disproportionality*

As the population studied consists of the total population of debtors in the database, no probability tests are necessary for the sample population. Yet, throughout the course of my research, I have considered how to portray the disproportionality in quantitative findings in a way that is most effective to the reader. Disproportionality is defined as 'the representation of a group in a category



that exceeds our expectations for that group, or differs substantially from the representation of others in that category' (Skiba et al., 2008, p. 266).

Measuring disproportionality may involve determining: (a) the extent to which a group is over- or underrepresented in a category compared to its proportion in the broader population, known as the composition index, or (b) the degree to which a group is eligible for service at a different rate than that of other groups, known as the risk index and risk ratio (Skiba et al., 2008).

After consulting with the statistician at Lund University, I concluded that given the audience my thesis addresses, it was more appropriate to report results in the form of a composition index. Odds ratios possess favourable mathematical properties, which are often used in meta-analyses (Malmquist, 2002). However, the composition index is the most intuitive method for measuring disproportionality (Skiba et al., 2008) and makes it easier to understand the quantitative meaning of over-representation than reporting in the form of odds ratios (Malmquist, 2002).

So, when comparing the frequency between the proportion of debtors of a certain variable category, such as Y-debtors, with the proportion of the Y-population in the country, I used over-representation calculations as follows: the proportion of the debtors / proportion in the country =  $X * 100 - 100$ . In other words, Y-debtors / Y-proportion in Sweden =  $X * (\text{times}) 100 - 100$ . For example, if 30.2 per cent of the debtors are divorced, while the proportion of the divorced people in Sweden is 12.2 per cent, then:

$$30.2 / 12.2 = 2.48 * 100 - 100 = 148$$

In this case, divorced debtors are over-represented by 148 per cent compared to the proportion of divorced people in the country. Over- and under-representation is reported as a percentage and is entered in tables under a column marked with (+/-).

## Qualitative study

After the preliminary analysis of the quantitative data that showed that immigrants are over-represented among all types of public debts, I designed a qualitative interview study to provide a complementary, expanding, and holistic picture of the complexities of the issue. By supplementing the quantitative survey with qualitative interviews, the difficulties of over-indebtedness were captured (cf. Greene & Caracelli, 1997). As a result, more in-depth insight into debtors' lives is seized, and the reader can better understand the complexity than if I just reported numbers and graphs.

Additionally, by conducting interviews with former debtors, the method provides insight into people who may have had other causes of over-indebtedness than could be identified through quantitative studies. By conducting interviews with individuals who have paid off all their debts in the database during the past year, I shed light on over-indebtedness problems that do not depend only on economic conditions but could have been affected by such things as the legal culture. By interviewing people who had the financial means to get out of debt, I received answers that broaden my understanding of the economic security among over-indebted immigrants. Because of that, I will also highlight one weakness of the administrative method: namely, the presence of individuals in the database that are not there due to financial problems.

### Qualitative random purposive sample

Following the sequential mixed methods sampling approach, where the study premises and interview questions are based on the previous quantitative study, a list of randomly selected former debtors was created in the autumn of 2019 by the statistician at SEA. The initial sample consisted of 2,000 people who had recently paid their debts and were debt-free in the database. The creation of this sample was partly purposive since the statistician was commissioned to make a random sample only of those debtors who had paid their debts in full in the last six months.

It was essential to choose interviewees to fit the research purpose by selecting a group of individuals who could best provide data in response to the research

questions. As my study is about immigrants, I have also engaged in *purposive-homogeneous* sampling by selecting only the foreign-born debtors (see Tashakkori et al., 2020, p. 161 and Creswell & Creswell, 2018, pp. 185-186). To do so, I first removed from this list anyone with a Swedish last name to identify immigrants. One potential problem in this step is eliminating people who have changed their last name through marriage. The sample may also include native-born people who changed their last name for other reasons. To ensure that the debtor was born abroad, we asked about their country of birth at the beginning of the interview and did not proceed with an interview if they were born in Sweden. Prior to the interview stage, the sample of presumed foreign-born debtors numbered 319 debtors. The sample was randomised and when phone numbers for 60 former debtors were identified, we considered this stage of sampling complete.<sup>59</sup> I aimed to conduct enough interviews with immigrants who had resolved their debts whose information would help me reach ‘the point where [I am] not gaining new insights’ that can be used in theme development (Krueger, 2014, p. 73).

Telephone interviews were conducted since respondents were located in various parts of the country. This method has both advantages and disadvantages, which will be discussed in the Chapter 6. Interviews were conducted by the author and two colleagues at the SEA, one male and one female.

In addition to asking about country of origin, the interviewees were also excluded if their Swedish language skills were insufficient for participation. If we noticed that the person did not understand us, we interrupted the interview in a friendly way. Before we asked the questions about the person’s debts, we asked two general questions about background, country of birth, and how long they lived in Sweden. Following these exclusion principles, 17 full interviews were conducted with former debtors, including 13 males and 4 females. All participants are referred to with pseudonyms to protect their privacy.

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<sup>59</sup> Since my time as an officer, I knew that some telephone numbers were not used or were someone else’s. We therefore judged that the telephone numbers of 60 debtors should be sufficient to carry out the intended 15 interviews.

## **Interview procedure**

In addition to the screening questions, the potential interviewees were asked if they wanted to participate in an interview. They were informed that their contribution would be anonymised and could not be traced to them personally. We then explained the purposes of the study and how their contribution would be used.

To deal with eventual biases in the research, I had a reflective discussion with my research colleagues about keeping their personal views from those of the participants so that the study's ethics, quality, and validity would be ensured. We also confirmed that the participants were not under any authoritative pressure before beginning the interview.

The interviewers followed a pre-agreed interview guide (see Appendix 2) that covered these three overarching questions:

What caused your debt?

How did you resolve the situation?

What have you experienced as a consequence of your debts?

Respondents were informed that they could cancel the interview at any time. The average interview time was 20-25 minutes. Since we were using our office phones, the conversations were not recorded. However, although we took notes during the interviews, we attempted to space them out so that we could compile detailed notes while the interviews were still fresh in our minds.

We conducted the interviews over a period of five days. After each round of interviews we held a summary meeting to discuss the findings. All interviews' notes were then expanded into more detailed accounts and compiled for analysis.

## **Thematic analysis**

The conceptual framework for the thematic analysis conducted in this qualitative study was built upon the theoretical position of Braun and Clarke (2006). According to them, thematic analysis is a method used to identify, analyse, and perceive patterns or themes in the data collected. In fact, thematic analysis is the

dominant process of analysing qualitative data and has been used in virtually all human sciences (Tashakkori et al., 2020). The benefit of thematic analysis is its flexibility, which provides a method for obtaining a wealth of detailed and yet complex information about data (Braun & Clarke, 2006). The thematic approach was employed because it has the potential to produce an understanding of the questions posed in this study, which provide complementary 'narrative evidence' to the quantitative research findings (Fine, 1992, as cited in Braun & Clarke, 2006, p. 80).

The qualitative analysis process of the interviews occurred in several phases. First, all interview notes were imported to the qualitative data analysis computer software NVivo, and were read and reread several times to gain familiarity with the data. Second, during the readings, in a systematic fashion across the entire data set, I highlighted the phrases and quotes that were significant for the study. Third, I used the similarity principle: categorising the information with similar content or 'looking for terms that can be included under a higher order category' (Tashakkori et al., 2020, p. 251). The notes were reviewed multiple times so that recurring regularities were identified and organised into potential themes, bringing together data relevant to each theme (cf. Braun & Clarke, 2006). By going back and forth among the records, I coded the data until consistent and distinct categories emerged.

According to Braun and Clarke (2006), the penultimate phase of the thematic analysis (before producing the report) is to refine the specifics of each theme, generating clear names and definitions for each one. Codes developed through the analysis process were classified into three themes: 1) Causes of over-indebtedness, including economic and non-economic; 2) Cultural aspects, including contact with creditors or authorities and language barriers; and 3) Financial and social exclusion due to over-indebtedness.

## Integrated meta-inferences

As mentioned earlier, the main reason for conducting mixed method research was to obtain answers to the research question(s) that would lead to a better understanding of the phenomenon under investigation than could be achieved by using only one (qualitative or quantitative) of the methods. In the sequential research design presented here, the addition of a qualitative method helped to improve the understanding of over-indebtedness, providing additional information that would inform the findings of the quantitative method.

After the quantitative and qualitative data analyses were carried out, I compiled the inferences at the end of Chapters 6 and 7. The inferences, then, are conclusions (meanings, understandings) derived from the results. The term 'inferences' implies strategies such as linking, elaboration, comparison and the like (Tashakkori et al., 2020). To gain a better understanding of the data, I go on to connect it to the relevant theories and previous research in relation to their quantitative and qualitative results.

After reporting the data findings and connected inferences in Chapters 6 and 7, I discuss the integrated meta inferences in Chapter 8. This is a critical step in the mixed method study when findings and conclusions from quantitative and qualitative strands are justified and then incorporated into coherent and defensible answers to the integrated mixed method research question. In other words, these inferences 'provide a comprehensive answer to the [mixed method] research question (i.e., the umbrella question or questions) addressed in the research (Tashakkori et al., 2020, p. 269). By implying strategies such as linking, elaborating, and comparing the quantitative and qualitative results, I was able to glean meaningful information from a relatively large amount of data. Furthermore, major analyses and discussion are not limited to providing answers to research question(s) but can go beyond the initial answers and develop understandings and explanations of phenomena. These interpretations create a 'gestalt', a holistic understanding bigger than a simple set of isolated conclusions based on different findings in the study (Tashakkori et al., 2020, p. 298).

However, it is essential to point out that inferences in sequential mixed methods are made throughout all research processes, especially at the end of each method strand and when making general conclusions at the end of a study. The inference

process reflects the journey from idea to data to results in the attempts to connect the dots in order to make sense of the research (Tashakkori et al., 2020).

## Ethical considerations

In this thesis, the reader will find references to my experiences as an enforcement officer and as an immigrant in Sweden. I have presented them in this manner to convey a deeper understanding of the situations I describe. In the following section, as a pragmatic researcher, I describe how I view these experiences and whether they constitute possible biases for my research. In the upcoming chapter I will also describe how the formal ethical review was conducted and approval by the Swedish Ethical Review Authority.

### Positionality

As a researcher, it is important to discuss positionality, the space in which objectivism and subjectivism meet. Bourke (2014) suggests that to achieve a pure objectivism is a naive goal, and that we cannot truly isolate ourselves from subjectivity. Research methods begin with the assertion that social researchers are located in a subjective context. The interpreter's values influence interpretations of data, preconceptions and context (Davies, 2007) and researchers cannot have complete control over their values (Bryman, 2007).

Even though I have striven to remain objective throughout my research, I must also be aware of my own subjectivity. This is where the concept of positionality comes in. Positionality is preceded by a crucial and distinctive first stage to 'recognise who you are, where you come from and how this may affect your view of the subject and your understanding of the material obtained' (Davies, 2007, p. 151). I agree with England (1994) who argues that research is an ongoing process and not a product. Thus, it is vital to continually reflect on one's position and experience throughout the research process. Since I work at the SEA, and since I have a background as a refugee, it was thus crucial for me to keep this in mind. I am aware that my positionality affected both the scope of the research (over-indebtedness) and the population of the study (immigrants in Sweden) during the research process.

Considering the topic of my research, we must not forget that the SEA has financed this research project. As a result of my long-term employment at the SEA, my own interest in reducing over-indebtedness in society, in conjunction with the SEA's interest, has moulded my purpose and direction of my thesis research. As discussed in Chapter 1 in the purpose and aim section, I have also used the findings of the study to propose social and legal changes to improve economic security and reduce over-indebtedness among immigrants. It has been argued that this type of *action research*, in which investigators aim to improve society and its institutions, introduces bias into the studies. The work of social psychologists and other researchers in the 1960s and 1970s substantially discredited the concept of value-free research. It is becoming increasingly clear, though, that social and behavioural scientists have a valid and perhaps even essential role to play in improving society and its institutions (Tashakkori et al., 2020). In short, totally value-free research is not possible since the research questions, methods and inferences are impacted by the researchers' value system in one form or another.

In qualitative research, the researcher is the instrument for collecting data. There is a reasonable expectation that the researcher's beliefs, political stance, and cultural background, such as race, class and socioeconomic status, are important variables that may influence the research process (Bourke, 2014). In light of my dual identity as an SEA employee and a researcher of immigrant origin, I am required to reflect on how my dual role affected the dynamics of the interviews with participants. Based on my and my family's experiences as migrants in Sweden, it is evident that I felt a greater sense of solidarity with many participants. Even though I acknowledge that there is no completely objective or neutral knowledge, I nevertheless attempted to minimise obvious and conscious bias by presenting the data and analysis in the most neutral manner possible. By clearly defining the purpose and research question, these experiences have reduced the possibility of bias during the survey. A final point worth mentioning is that in the qualitative survey, it may have been advantageous to have two additional interviewers, my colleagues who are multi-generational Swedes. Only about one third of the interviews were influenced by my refugee experience.

To summarise, my role at the SEA and my experience as a refugee contribute to the design and implementation of my research. Yet, I have made every attempt to be an objective researcher throughout the entire process. Separating myself from



the SEA by only working half-time, and by conducting my research at Lund University has definitely assisted me in this endeavour. Mixed methods research calls for constant reflection in the research process. This is what I did throughout by looking back at the research question that guided my work. I focused on finding answers to questions as a primary goal, which reduced the risk of bias.

## Ethical review

Because the topic of this thesis deals with sensitive data such as migration and debt, I applied for an ethical review. Ethical considerations have been a part of the research process for an extended period, but not in legal studies since these have typically been conducted in libraries. In recent years, an increasing number of law researchers embraced social methods where ethical approval is essential. In Sweden, by law, certain types of research must undergo ethical review before the research is permitted to start. The Swedish Ethical Review Authority carries out the examination. The Ethical Review Act only applies to research. For these purposes, research is based on scientific inquiry, conducted by or under the supervision of a principal researcher with relevant graduate education, and where the aim is to publish the results of the study in a scientific context (SFS "Lag om etikprövning av forskning som avser människor," 2003:460).

The empirical material for this thesis is comprised of a complete data set of debtors registered in the over-indebtedness database of The Swedish Enforcement Authority and background data obtained from Statistics Sweden. Aggregated data are not considered to be personal data if they cannot be directly attributed to a particular person. However, individual data treatment is regulated by the Personal Data Act (PDA) (SFS Personuppgiftslag, 1998:204). Factors mentioned in the Act, and which are relevant to consider in this case, are whether the treatment is included in regular duties of The SEA or Lund University (see PDA § 10 on when the processing of personal data is allowed and §9 on how the processing is to take place). If it is a question of sensitive personal data (according to Section 13 of the Act), for example, ethnicity, an ethical review must be carried out.<sup>60</sup>

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<sup>60</sup> The Personal Data Act was replaced by the Data Protection Regulation (GDPR) as of 25<sup>th</sup> May 2018.

In this study, the variable of Swedish-foreign background refers to multi-generation Swedes and first- and second-generation immigrants in Sweden. Consequently, an application for an ethics review was submitted and approved in 2015. The decision's diary number is Dnr 2015/190, approved by the regional ethics review board in Lund, Sweden.

For the qualitative part of the thesis, ethical considerations included informing the participants about the study's purpose, the participant's role in the research, and the voluntary nature of participation. During the study, the ethical challenges were confidentiality, anonymity, informed consent, and the possible effect of the researcher on the participants since my colleagues and I are employed by the SEA. We made sure that the interviewees understood the language and were willing to participate in the interview. By obtaining their consent and giving them information about what they would be asked, the participants were aware of the study's purpose.

We preserved the confidentiality and anonymity of the participants by not revealing their identities and names. Privacy and confidentiality of the interview environment were also managed carefully during the interview process by conducting the them in 'quiet rooms' located in each SEA office. The data transcriptions and discussions with my colleagues were done in these rooms using earphones. The researcher removed the participants' identities during the rewriting process. They were referred to by their pseudonyms in the verbatim quotes.

## Strengths and weaknesses

By utilising a mixed methods approach, I was able to understand how the law affects immigrants in Sweden, but also how immigrants experience the law. The methodology led me to utilise both quantitative and qualitative approaches. With the combination of the two, I was able to capture aspects that could not be captured by using just one of these approaches.

In terms of the legal perspective, my previous experience as an officer at the SEA is the most important advantage of my methodological approach. As Creswell and Creswell (2018) point out, researchers' personal experiences influence their choice

of a research approach. My knowledge of how the SEA over-indebtedness database is structured and which variables could be used, I was able to divide debts into public and private ones, giving both breadth and depth to the thesis.

Moreover, my quantitative study includes, according to the administrative definition of over-indebtedness, the entire population of over-indebted individuals included in the SEA database.<sup>61</sup> With a population of approximately 350,000 debtors and almost as many individuals in the control group, it is to my knowledge, the most extensive study of over-indebtedness in Sweden. The advantage of having the entire population in a study is that you do not have to carry out statistical tests. I have demonstrated precisely what data are contained in the over-indebtedness database.

There may also be some weaknesses associated with the quantitative approach, such as incomplete data sets because of selective reporting or difficulty gaining access to some types of content. For example, in my quantitative data collection, I had a mismatch between databases because of the under-coverage of the STATIV database, which contained people who have been registered in Sweden up until the 31st December 2013, while my extraction of the data happened in April 2016. Additionally, the quantitative survey does not provide any information regarding when immigrants came to Sweden to determine how long they stayed in the country before they became over-indebted. To be able to target preventive measures, as well as for better comparisons in calculations of over-representation, the place of birth should have been specified in terms of country and not continent.

A key variable is missing from the quantitative study, which could have contributed to a deeper understanding of the research problem, namely the year of arrival in Sweden. The variable indicates the year of the person's most recent entry to Sweden and is collected by Statistics Sweden from the Swedish Migration Board. The reason why the variable was not included in the statistical run was because it had poor coverage (i.e., there was a large dropout rate in every cycle). This is because it is voluntary for applicants to indicate when they entered Sweden when they fill in their application to the Swedish Migration Board (SCB, 2015).

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<sup>61</sup> There are some individuals who could not be matched against Statistics Sweden's database. See the beginning of this chapter.

In the same vein, I have not used the 'Residence Permit (PUTar)' variable that states the year of the person's most recent temporary or permanent residence permit. The variable refers only to residence permits during 1989-2007 and has been changed to a new variable, 'Year for Granted Residence Permit (UTAr)', from 2008 (SCB, 2015). In light of the fact that there were two different registration methods, it was decided not to combine data on residence permits and debtors for the sake of preventing bias.

The composition index is a particularly useful metric for measuring over-representation of over-indebted backgrounds within the administrative method. Yet, its use presents some challenges. No criteria exist to determine whether a discrepancy in composition indices is meaningful or significant (Coutinho & Oswald, 2004; Skiba et al., 2008). However, there have been suggestions that a confidence level of 10 per cent should be set around the population enrolment rate of the group in question (Chinn & Hughes, 1987). With regard to immigrants in Sweden who account for 17 per cent of the Swedish population when the data were extracted, disproportional over-indebtedness among immigrants would be indicated by enrolment rates outside the 17 per cent +/- 1.7 per cent range (i.e., 15.3 per cent to 18.7 per cent).

My background as an immigrant also enabled me to better understand the situation that immigrants encounter, and relate to immigrants as someone who has also experienced the process of moving to a new country. However, I am aware that having three different interviewers may have affected the results of the qualitative study. Still, since we had an interview guide as a basis, the probability of misunderstanding was low. We also discussed the interviews afterwards to ensure that the results were reliable. By using telephone interviews, we were able to cover a wider geographic range. It was also a very time and cost-saving method.

Weaknesses of conducting telephone interviews included the people who did not answer our calls. We then had to call the next person on the list, resulting in a disruption in establishing a random order. Furthermore, conducting interviews by phone eliminates the possibility of observing behaviour and body language. Consequently, some respondents' answers maybe have been shortened because they were unable to fully explain what they meant due to their limited knowledge of Swedish. Zhang Wei (one of the interviewees) explained why face to face contacts are better '[t]hen I can explain using gestures' (See qualitative findings in Chapter 7).

I also regret not recording the interviews, which I now consider to be a flaw in the method. Despite being able to return to notes, I was unable to return to the original input to determine if anything was missed. This may have been helpful, especially since we were three interviewers.

Finally, mixed methods research is a labour-intensive process. It takes a lot of time and effort to collect, analyse, and synthesise two types of data into one research product.

## Chapter 6. Quantitative findings

In this chapter, I present the quantitative findings derived from the analysis of the SEA's over-indebtedness database, paired with the background variables provided by Statistics Sweden. The comprehensive and detailed empirical data contribute to the discussion of over-indebtedness in a holistic manner and help to answer the research question, 'How can economic security among over-indebted immigrants in Sweden be understood in relation to law enforcement?'

I used an exploratory design for the univariate analysis as described in Chapter 5 on methodology to help readers who are unfamiliar with the material to understand the fundamental trends inherent in the data. I demonstrated the association observed between two or more variables by using a bivariate or multivariate analysis. In analysing the results, I first looked at the connections between the debtor's background and over-indebtedness, sex and over-indebtedness, and age and over-indebtedness. I then examined the socio-economic factors. This was followed by an analysis of the types and degrees of over-indebtedness in the database that affects individuals.

The most significant finding in the quantitative study is the strong over-representation of immigrants in the database. There are also indications that socio-economic factors—including educational level, employment, and income—affect over-indebtedness.

At the end of this chapter, following a mixed methods approach, I make inferences about the quantitative findings and discuss them in relation to previous research and theories.

# Background and over-indebtedness

The first set of analyses examined whether people with an immigrant background are at greater risk of being over-indebted. The most striking finding was the proportion of immigrant (A) debtors in the Swedish Enforcement database. When compared to the total proportion of immigrants in Sweden, Table 3 shows that immigrant debtors were over-represented by 64 per cent. As of the 31<sup>st</sup> of December 2015, 17.0 per cent of the population of Sweden was born in another country, while they accounted for 27.9 per cent of debtors in the SEA database.<sup>62</sup> Multi-generation Swedes (D) accounted for 59 per cent of debtors, although they comprised 70.4 per cent of the country’s population. In other words, multi-generation Swedes were *under*-represented among debtors by 16 per cent.

**Table 3. Distribution of the total number and percentage of debtors in the Swedish Enforcement database by background, and in comparison with their number and percentage of the Swedish population**

Background	Debtors	%	Sweden	%	(+/-)
Immigrants (A)	97,390	27.9	1,676,264	17.0	+64
Second-generation immigrants (B)	17,273	5.0	510,756	5.2	-4
Mixed parentage (C)	28,401	8.1	724,841	7.4	+9
Multi-generation Swedes (D)	205,507	59.0	6,939,156	70.4	-16
<b>Total</b>	<b>348,571</b>		<b>9,851,017</b>		

Interestingly, the proportion of debtors of mixed descent is also excessive, but not among second-generation immigrants. The mixed parentage group makes up 8.1 per cent in the database and 7.4 per cent of the national population, which means an over-representation of 9 per cent. Second-generation immigrants constitute 5.0 per cent of debtors, which is about equal to the national population (5.2 per cent). The people from this background reflect the country’s overall balance and are even slightly under-represented. However, when making a comparison among young adults (18-25 years), there is great over-representation among second-

<sup>62</sup> Equation:  $27.9/17.0 = 1.64117 \times 100 - 100 = 64$

generation immigrants. This will be presented more in-depth in the section *Over-representation among young adults*.

To gain a deeper understanding of the relationship between migration and over-indebtedness, I conducted an analysis at the country level and considered place of birth to take a closer look at over- and under-representation. The findings are revealing in several ways. Firstly, only debtors born in Sweden are under-represented. All others born outside Sweden, regardless of where they were born, are over-represented. Nevertheless, as we have seen in Table 3, the extent of under-representation of debtors born in Sweden is conditional upon the background of their parents.

As shown in Table 3, 27.9 per cent of debtors were born outside Sweden. Of these, debtors born in Asia make up the largest group (7.5 per cent). However, this over-representation is not all that extraordinary as people from Asia who have moved to Sweden constitute a considerable proportion of the population of the country, at 5.7 per cent (see Table 11 in Appendix 1). This group of debtors is over-represented by 32 per cent. However, the calculation shows that South American debtors are the most over-represented, with an over-representation level of 200 per cent. This is due to the low number of people from South America living in Sweden (0.7 per cent) yet making up 2.1 per cent of debtors. Further analysis showed that the next highest rate of over-representation, 144 per cent, is found among debtors born in Africa. This group accounts for 1.8 per cent of the population yet 4.4 per cent in the Swedish Enforcement database.<sup>63</sup>

This result is somewhat counterintuitive since, according to my experience and following conversations with my colleagues in various departments at the SEA, we had the impression that people from the Middle East were more often caught in the debt trap than other immigrants. This perception may have come about because debtors from Asia—which includes the Middle East—are most numerous in the database, though they are not the most over-represented.

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<sup>63</sup> In Appendix 1, Table 11 shows the distribution of the total number of debtors in the Swedish Enforcement database by place of birth and comparison with the proportion in Sweden.



## Migration flow and over-indebtedness

This section provides an overview of the year of registration of a person's first debt in the database. As mentioned in the Chapter 5 on methodology, the database is continuously screened and debtors are registered with later dates if they have been debt-free for more than three years. If debtors have continuously had active debts in the database without a break of at least three years, the oldest date applies. Of the 348,571 debtors included in this study, 15 per cent have been included in the database since the 1975-1989 interval. The number of registered debtors during the 1990-1994 interval is 11 per cent, the same as for 1995-1999. In other words, 37 per cent of debtors have been included in the database for 17 years or more; of these, 15 per cent have been included between 27 and 41 years.

An evident change in terms of background can be observed as the proportion of immigrant debtors in the database has increased since the 1970s. Of the 53,503 people who have been included in the register since 1975-1989, 14.5 per cent were born abroad. This proportion increased to 18.3 per cent during the 1990-1994 interval and 22.4 per cent for 1995-1999. Since 2006, the proportion of immigrants registered for the first time exceeds 30 per cent. Between registrations in 1975-1989 and 2015, the proportion of immigrants increased from 14.5 per cent to 37.3 per cent. During the same period, the proportion of multi-generation Swedes, group (D), fell from 75.2 per cent to 49.1 per cent in 2015. Second-generation immigrants also increased from 2.7 per cent to 6.1 per cent, giving an increase of 126 per cent from 1975-1989 to 2015. Mixed parentage debtors have seen a marginal increase, but in recent years they have returned to the same level as for 1975-1989.

Figure 2 shows the intercorrelations among time measures in the database and place of birth.<sup>64</sup> Of the immigrants who were first registered between 1975 and 1989 and who remain in the database today, more than half (51.2 per cent) were born in another Nordic country, followed by the EU28 except the Nordic countries (17.1 per cent) and the rest of Europe at 10.6 per cent. Of all immigrant debtors registered in 2015 who still have current debts, 32.2 per cent were born in Asia, followed by 19.3 per cent born in Africa and 18.6 per cent born in another EU country (except the Nordic countries).

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<sup>64</sup> For the sake of simplicity, the variables with the greatest changes have been included and a table of the remaining places of birth can be seen in the Appendix 1, Table 12.



**Figure 2. Proportion of debtors in the Swedish Enforcement database, by entry into the database and place of birth**

What is striking about the figures is the sharp decline in debtors born in other Nordic countries and a steep rise in debtors born in Asia, Africa and EU28 countries (excluding the Nordic countries). Similar patterns can be recognised in migration trends, as immigration until the 1970s mostly consisted of labour immigration from the Nordic countries and the rest of Europe but shifted later to refugee immigration from Asia and Africa and labour immigration from EU Member States. The latter can be seen in the rise of debtors from EU28 countries after the enlargement of the EU in 2004 and 2007.

## Sex and over-indebtedness

To compare the difference between sexes, I cross-tabulated the variable ‘sex’ with debtors. The result shows that the total population of over-indebted people in the Swedish Enforcement database consist of 61.7 per cent males and 38.3 per cent females. The proportion of males and females in Sweden is equal, which means that males are over-represented by 23 per cent, while females are under-represented by 23 per cent. This trend bears out across the background categories, though not in a uniform fashion. Two-thirds (66.4 per cent) of immigrant (A)

debtors are males, as are 63.6 per cent of second-generation immigrant debtors (B). A slightly more equal distribution is found among debtors with mixed parentage, background (C) (60.3 per cent male and 39.7 per cent female), and among background (D), multi-generation Swedes (59.6 per cent and versus 40.4 per cent).<sup>65</sup>

These results are presented in comparison to proportion in the Swedish population in Table 3. Most striking is that male immigrant debtors are the most over-represented relative to their numbers in the Swedish population, by 121 per cent. Immigrant women are also over-represented by 9 per cent in the Swedish Enforcement database—the only category in which women are over-represented. Men with backgrounds (B) and (C) are over-represented by 19 and 29 per cent respectively, while women are under-represented by 28 and 11 per cent respectively. Among multi-generation Swedes, male debtors reflect society (a minor under-representation of 0.3 per cent, rounded to zero in the Table 3). Comparatively, women are under-represented by 26 per cent.

**Table 4. Disproportionality among debtors, by background and sex**

Background	Debtors		Sweden		(+/-) within the debtors' group	
	Male	Female	Male	Female	Male	Female
Immigrants (A)	64,692	32,698	828,027	848,237	+121	+9
	18.6%	9.4%	8.4%	8.6%		
Second-generation immigrants (B)	10,980	6,293	262,482	248,274	+19	-28
	3.2%	1.8%	2.7%	2.5%		
Mixed parentage (C)	17,129	11,272	369,781	355,060	+29	-11
	4.9%	3.2%	3.8%	3.6%		
Multi-generation Swedes (D)	122,405	83,102	3,470,676	3,468,480	0	-26
	35.1%	23.8%	35.2%	32.2%		
Total	348,571		9,851,017			
	100%		100%			

<sup>65</sup> See Table 13 in the Appendix 1 for disproportionality between the sexes within the same background category, compared with national levels.

It is noticeable that regardless of the place of birth of debtors, men are over-represented in terms of proportion to the corresponding group for Sweden in general (Appendix 1, Table 14). The most considerable over-representation in terms of sex and place of birth is found among males born in South America. These men are over-represented by 333 per cent in relation to the proportion of men born in South America who live in Sweden (Appendix 1, Table 15) Men from Africa have the second highest over-representation (220 per cent), then men from Europe except for EU28 and Nordic countries (142 per cent) and men born in other Nordic countries except Sweden (136 per cent).

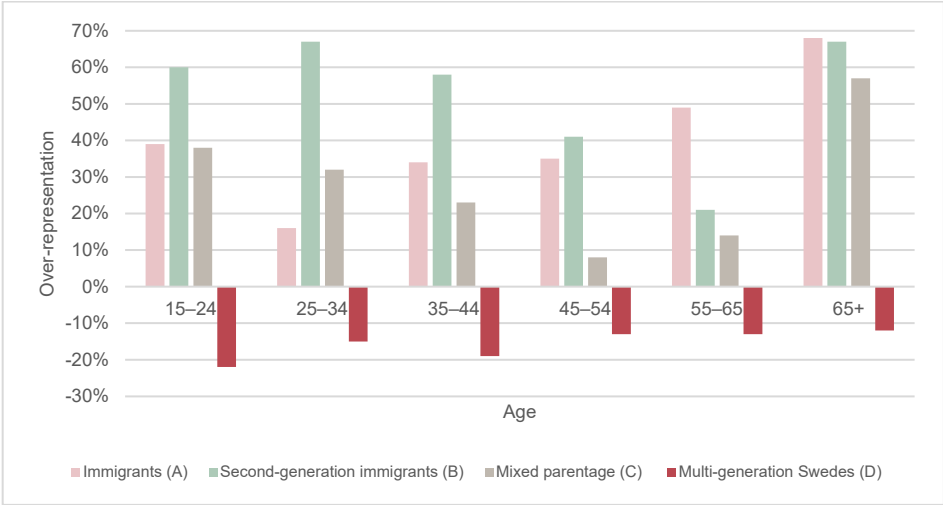
Furthermore, it is apparent from the statistics that women are over-represented to a much lesser extent and in contrast are *under*-represented in three categories: 'Asia', 'EU28 except Nordic countries', and 'Sweden'. Female debtors born in Sweden are most under-represented at minus 30 per cent, followed by female debtors born in Asia (minus 21 per cent). Women born in the EU except Nordic countries are slightly under-represented at minus six per cent, while the corresponding debtors born in North America reflect the proportion of women in Sweden who were born in North America.

## Age and over-indebtedness

The average age of debtors is 46 years, with a standard deviation of 14.5 years. The oldest debtors are multi-generation Swedes (D), with an average age of 48 years. The youngest debtors are second-generation immigrants (B), with an average age of 37 years. Immigrants (A) are 45 years on average. Debtors with mixed parentage (C) are 42 years on average. An analysis of the average age among the 748 debtors who came to Sweden as unaccompanied minors shows that the average age is 24 years, with a standard deviation of 3.1 years.

A more detailed analysis was performed to determine the average age of debtors according to place of birth (Appendix 1, Table 16). The oldest, on average, are debtors born in other Nordic countries except Sweden, at 55 years of age. If we ignore 55 debtors whose place of birth is unknown, people born in Africa are the youngest in the database and are 41 years on average, followed by debtors from Asia at 42 years. No significant differences were found when performing the

analysis in relation to sex. Individuals born in other Nordic countries except Sweden are the oldest among both male and female debtors, while people from Africa are the youngest on average. The youngest and oldest debtors in the database were born in Sweden and are 5 and 105 years old, respectively.<sup>66</sup>



**Figure 3. Disproportionality of debtors in the Swedish Enforcement database, by age and background, compared within their own age group in Sweden.**

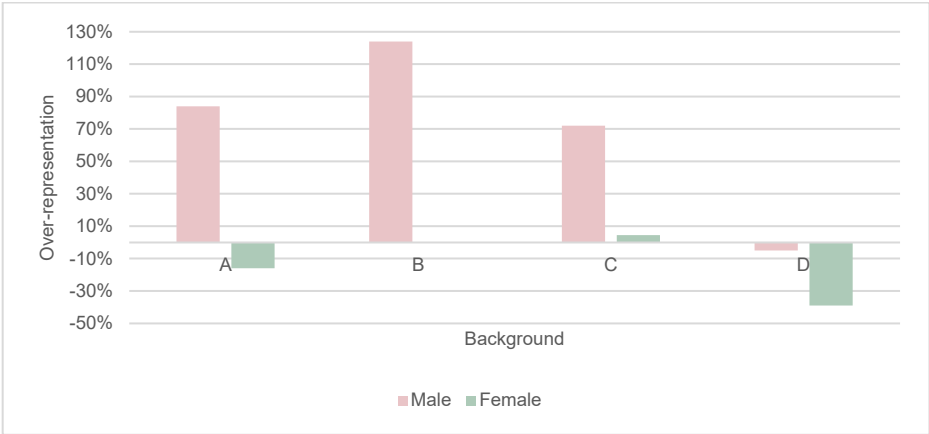
An attention-grabbing point to note is the correlation between age and background. Figure 3 shows that group (B) is over-represented among younger debtors and that group (A) has higher representation among older debtors. The data makes it clear that second-generation immigrants (B) are hugely over-represented in the age groups 15-24, 25-34, and 35-44 years. They are the most over-represented as well in the next age group, 45-54 years. But group (A) immigrants are almost at the same level of over-representation in that same age group (45-54). Immigrants (A) are most over-represented in the 55-65 years and 65+ years age groups, yet over-representation is similar among groups B and C in

<sup>66</sup> Unpaid tax on profits when selling funds and shares is a common reason why young children end up in the database. The parents buy shares for the children and sell at a profit, but do not pay the profit tax.

the oldest group. Multi-generation Swedes (D) are under-represented in all age groups.

### Over-representation among young adults

Among young adults aged 18-25 (25,896 debtors), male immigrants and second-generation immigrants are highly over-represented in the Swedish Enforcement database (Figure 4). The latter are over-represented by 124 per cent while the former are over-represented by 84 per cent. 72 per cent of men with mixed parentage are over-represented in this group as well. 72 per cent of men with mixed parentage are over-represented in this group as well.



**Figure 4. Disproportionality among young debtors, by background and sex, in relation to levels for Sweden as a whole**

Background: A – Immigrants; B – Second-generation immigrants; C – Mixed parentage; D – Multi-generation Swedes

In contrast, multi-generation female Swedes are the most under-represented at 39 per cent, followed by an underrepresentation of immigrant women, which comes in at minus 16 per cent. Finally, multi-generation male Swedes are also underrepresented by five per cent among young debtors.

## Age at first debt in the Swedish Enforcement database

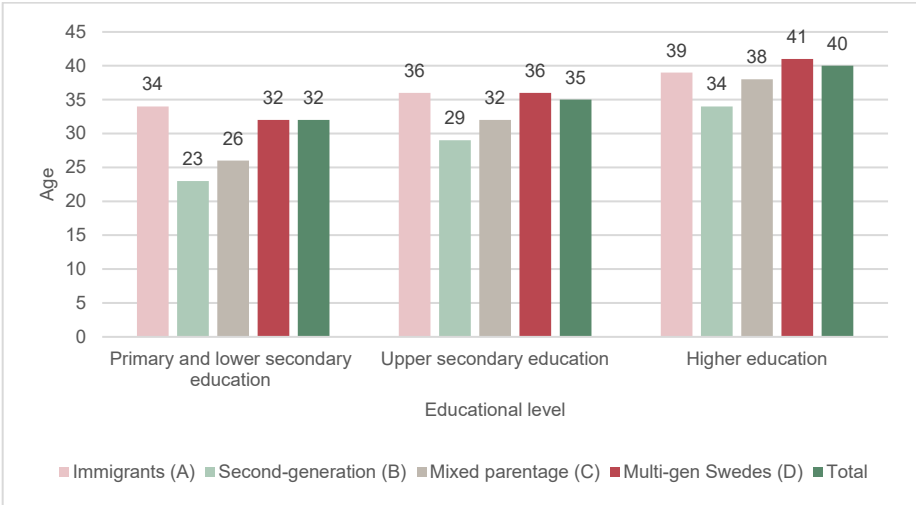
To study how over-indebtedness covaries with life course, I have produced statistics on age at first debt in the Swedish Enforcement database by analysing demographic data for 219,630 debtors registered in or after 2000.<sup>67</sup> The first set of analyses examined the differences between the sexes and showed that females are older on average (35.1 years) when their first debts end up in the Swedish Enforcement database. Males, are 33.9 years on average. Together, the average age at first debt is 34.4 for all debtors registered since 2000.

Immigrant debtors (A) are the oldest (36 years) and second-generation immigrants (B) are the youngest (27 years) when the first debt is registered. The second youngest (30 years) are individuals with mixed parentage (C), followed by multi-generation Swedes (D) (35 years).

The single most striking observation to emerge from the data comparison was that second-generation immigrants are youngest at the first debt, followed by people with a mixed parentage background (C), even when controlled against education level (Figure 5). By matching 210,834 debtors with known education levels who were added to the Swedish Enforcement database after 2000, among the 76,486 people with primary and lower secondary education, second-generation immigrants (B) are the youngest (23 years on average) when the first debt is registered in the Enforcement database. At 34 years on average, though, immigrant debtors (A) are the oldest when the first debt is registered in the Enforcement database. Even within the group of individuals with upper secondary education, second-generation immigrants (B) are the youngest (29 years on average). The oldest individuals in this education category are immigrants (A) and multi-generation Swedes (D), both of whom are 36 years on average. Among debtors with higher education, background group (B) is again the youngest.

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<sup>67</sup> Developed in respect to people first registered in and after 2000 to avoid errors with grouped dates 1975-1989, 1990-1994 and 1995-1999.



**Figure 5. Age at first debt in the Swedish Enforcement database, by background and educational level**

Figure 5 also makes clear that higher education results in the first registered debt occur later in life. On average, debtors with primary and lower secondary education are 32 years-old when they become over-indebted for the first time, while individuals with upper secondary education are 35 years-old, and people with higher education are aged 40 years on average. This pattern is found in all background categories. For example, immigrants are 34, 36, and 39 years old at these educational levels, while second-generation immigrants (B) are 23, 29 and 34 years on average when compared with the three educational levels.

Not surprisingly, the statistics show that higher income correlates with a higher age of first debt registration in the Swedish Enforcement database. Apart from individuals with no income at all, whose average age at first debt is 29 years, there is an increase in age in each subsequent income category. The average age is 28 years among those with annual incomes of up to SEK 50,000, and then we see an average age of 35 years for those with annual incomes of SEK 50,000 to 150,000. There is a further increase in the group of individuals with annual incomes of SEK 150,000 to 300,000, where the age at first debt is 38 years. The average ages are 39 years and 43 years, respectively, when the first debt is registered in the database for debtors with annual incomes of SEK 300,000-500,000 and SEK 500,000-1 million. Individuals with an annual income of over SEK 1 million have the highest average age, 46 years, when the first debt is registered in the database.



If the statistics are broken down by the background variable, it appears that as with the education level, second-generation immigrants (B) are the youngest in all income categories. Among people with low income and no income at all, immigrants (A) differ markedly in age at first debt. This background group is 34 years old on average, while multi-generation Swedes (D), the second oldest, are 26 years on average at first debt. Similar results can be found in the income group up to SEK 50,000: immigrant debtors are 33 years old on average, while multi-generation Swedes are 26 years—the second oldest. For incomes up to SEK 150,000 per year, immigrants are the oldest people in debt, while in all higher income groups, multi-generation Swedes are the oldest at registering their first debt with the Enforcement Authority.

Further analysis showed that people born in Africa become over-indebted at the youngest age (33 years on average). This is followed by individuals born in Asia (34 years), South America (35 years), Europe outside the EU28 and the Nordic countries and North America (36 years), Oceania and the EU28 except for the Nordic countries (37 years) and the Soviet Union (41 years). The oldest are people born in other Nordic countries who are 45 years old at first debt registration with the Enforcement Authority. The average age at first debt is 21 years for the 748 debtors who came to Sweden as unaccompanied minors.

## Socio-economic factors

To analyse the relationship between over-indebtedness and socio-economic factors, I examined the population of debtors and considered variables including marital status, housing, education, employment, and income. These results were then compared with the control group. As discussed in Chapter 5 on methodology, it reflects the sample through an attempt to link each debtor with another individual of the same sex, foreign-Swedish background and age, and who lived in the same municipality as the debtor when the first debt was registered at the SEA. In some cases, the results are also compared with national-level statistics obtained from Statistics Sweden.

## Marital status

Half (50.7 per cent) of the debtors never married, nor did 45.3 per cent of individuals in the control group (40.0 per cent at a national level) (Table 5). There are more substantial differences in terms of married and divorced debtors. Only 22.2 per cent of debtors are married, while the proportion in the control group and at the national level is almost double that: 42.9 per cent and 42.1 per cent, respectively. Divorced debtors account for 25.3 per cent of the Swedish Enforcement database, while the proportion in the control group and the national population is considerably lower: 10.4 per cent and 12.2 per cent, respectively. Unlike the above-mentioned marital status, where the control group and national statistics produce similar results, we found similarities between the debtor and control groups among widows and widowers. While 5.7 per cent of the Swedish population is comprised of widows and widowers, they account for just 1.8 per cent of debtors (control group: 1.4 per cent).

When the statistics are broken down to compare marital status among the different background categories, the proportion of unmarried debtors is higher across all categories for debtors compared with the control groups. On the other hand, as in the statistics above, the most remarkable differences are found in the married and divorced categories. In all four background categories, debtors are much less likely to be married, while they are more likely to be divorced than corresponding individuals in the control group. For example, the largest proportion of divorced people is in the immigrant group at 30.2 per cent, compared to 14.3 per cent in the control groups. Widowed debtors are below the national average but slightly higher than in the control group for all background categories. In other words, being unmarried or divorced increases the risk of over-indebtedness, while no such conclusions can be drawn in the case of widows and widowers.

**Table 5. Proportion of debtors in the Swedish Enforcement database (%), by marital status and background, compared to the control group**

Background: A – Immigrants; B – Second-generation immigrants; C – Mixed parentage; D – Multi-generation Swedes

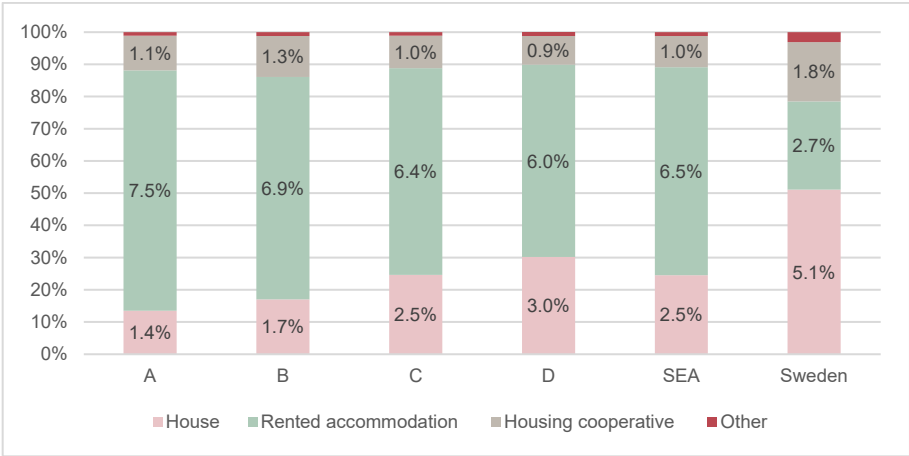
Marital status		A	B	C	D	Total	Sweden
Unmarried	Debtors	35.4	69.0	64.0	54.6	50.7	40.0
	Control group	31.5	63.4	58.3	47.7	45.3	
Married	Debtors	32.7	14.8	15.2	18.7	22.2	42.1
	Control group	52.7	29.6	33.0	41.4	42.9	
Divorced	Debtors	30.2	15.9	19.9	24.6	25.3	12.2
	Control group	14.3	6.7	8.1	9.4	10.4	
Widowed	Debtors	1.6	0.3	0.9	2.1	1.8	5.7
	Control group	1.5	0.3	0.6	1.5	1.4	

## Housing

When the statistics are broken down according to housing type, debtors are more likely to live in rented accommodations than homes that they own. Figure 6 shows that 64.6 per cent of debtors were living in rented accommodations compared with 27.4 per cent at a national level, which means a substantial over-representation of 136 per cent. On the other hand, about half of the Swedish population, 51.1 per cent, live in houses that they own, while the corresponding figure among debtors stands at just 24.5 per cent. The calculation shows that debtors who live in their own homes are under-represented by 52 per cent compared with the population of the country. Similarly, debtors living in housing co-operatives (*bostadsrätt*) account for 9.7 per cent, compared with 18.4 per cent for Sweden as a whole, which gives an under-representation of 47 per cent in the debtor group. It is worth noting the coincidence in proportion of residents in different forms of housing between the control group and the country's population. These two groups have approximately the same accommodation conditions.

The difference between debtors, the control group, and the Swedish population in general is even more evident if the form of housing is distributed according to background (Appendix 1, Table 17). Figure 6 shows a pattern whereby movement

from immigrants (A) to multi-generation Swedes (D) shows a lower proportion of residents in rented accommodation, from 74.6 per cent to 59. Between these values, we have second-generation immigrants (B) with 69.1 per cent and mixed parentage (C) with 64.2 per cent of individuals living in rented accommodation. In other words, debtors with a stronger connection to the migration variable (who are foreign-born [A] or have one or two parents born abroad [B, C]) are more likely to live in rented accommodation.



**Figure 6. Proportion of debtors in the Swedish Enforcement database (%), by housing form and background compared to the national population**

Background: A – Immigrants; B – Second-generation immigrants; C – Mixed parentage; D – Multi-generation Swedes

On the other hand, the inverse is valid regarding individuals owning/living in houses: the proportion goes in the opposite direction from (D) to (A). In fact, 30.2 per cent of multi-generation Swedish debtors (D) live in their own homes, while only 13.5 per cent of immigrant debtors (A) do the same. The same trends are observed in the control group.

### Education

Another theme that emerged from the data was the low education level of debtors (Table 6). The most crucial differences are found between the debtors, and the control group and national population. The differences are mostly in primary and

lower secondary versus higher education. More than one in three (35.4 per cent) debtors had primary and lower secondary education as their highest level of education (up to 9 years of schooling). These figures for the control group and at the national level were 15.2 per cent and 18.6 per cent, respectively. In contrast, only 12.6 per cent of debtors completed higher education, compared with 38.6 per cent in the control group and 36.5 per cent at the national level.

**Table 6. Proportion of debtors in the Swedish Enforcement database (%), by educational level and background, compared to the control group**

Note: The proportion in the Sweden column applies to people aged 16 to 74. Data provided by Statistics Sweden.  
 Background: A – Immigrants; B – Second-generation immigrants; C – Mixed parentage; D – Multi-generation Swedes

Educational level		A	B	C	D	Total	Sweden
Primary and lower secondary education	Debtors	36.8	42.5	37.1	33.9	35.4	18.6
	Control group	21.7	16.1	12.8	13.1	15.2	
Upper secondary education	Debtors	43.7	50.0	53.1	55.8	52.0	44.9
	Control group	37.5	50.7	48.8	48.7	46.2	
Higher education	Debtors	19.5	7.5	9.8	10.3	12.6	36.5
	Control group	40.9	33.2	38.4	38.2	38.6	
Total	Debtors	100.0	100.0	100.0	100.0	100.0	100.0
	Control group	100.0	100.0	100.0	100.0	100.0	

What is striking about the figures in Table 6 are the differences between the debtor groups and the control groups, regardless of the background group to which they belong. Among foreign-born immigrant debtors (A), for example, 36.8 per cent completed no more than primary and lower secondary education, compared with 21.7 per cent in the control group. 33.9 per cent of multi-generation Swedish debtors (D) completed no more than primary and lower secondary education, while only 13.1 per cent in the control group.

All debtor groups have a much lower proportion of highly educated individuals than the respective control groups. For example, 10.3 per cent of multi-generation Swedish debtors (D) completed higher education, while the corresponding proportion in the control group is 38.2 per cent. There is a smaller gap—but still quite a big difference—between immigrants (A), where the 19.5 per cent of those in the debtor group completed higher education compared with 40.9 per cent in the control group.

One of the most interesting findings was that two out of three young debtors (18-25 years) have only a primary or lower secondary level of education as their highest level of education. This is discussed in Chapter 8.

## Employment

Similar patterns were noted in terms of employment, with major differences between debtors and control groups (Table 7). Just over four in ten debtors, 41.1 per cent, are in gainful employment, while 44.9 per cent are out of work. The remaining 14.0 per cent are not in gainful employment, but there is some information about income or entrepreneurial activity during the survey year. The proportion of people in gainful employment in the control group is 73.6 per cent, while individuals with absolutely no unemployment and no income throughout the year account for 18.0 per cent.

When breaking down the statistics according to background, the largest proportion (44.0 per cent) of employed debtors are multi-generation Swedes (D), followed by mixed parentage (C) with 41.8 per cent. The employment rate among second-generation immigrants (B) is 37.7 per cent. Movement from immigrant (A) to multi-generation Swedes (D) backgrounds shows a higher proportion of people in gainful employment, while moving in the opposite direction shows higher unemployment. More than one in two foreign-born people with debts are unemployed and no employment was reported in the survey year. If we add the 14.0 per cent of people unemployed with some information from the employer during the year, this figure amounts to 64.4 per cent unemployed individuals in immigrants born abroad (A). The corresponding figures for second-generation immigrants (B) is 62.3 per cent, mixed parentage (C) 58.2 per cent, and multi-generation Swedes (D) 56.0 per cent.

**Table 7. Proportion of debtors in the Swedish Enforcement database (%), by employment status and background, compared to the control group**

Background: A – Immigrants; B – Second-generation immigrants; C – Mixed parentage; D – Multi-generation Swedes

Employment status		A	B	C	D	Total
In gainful employment	Debtors	35.6	37.7	41.8	44.0	41.1
	Control group	58.4	71.0	78.0	79.1	73.6
Not in gainful employment, but with some information from the employer about income during the year	Debtors	14.0	17.1	15.1	13.5	14.0
	Control group	9.4	12.4	9.5	7.7	8.5
Not in gainful employment	Debtors	50.4	45.2	43.1	42.5	44.9
	Control group	32.2	16.6	12.5	13.3	18.0

Table 7 shows that the differences in employment rates vary to a similar extent in the control groups. The highest proportion (79.1 per cent) of employed individuals have a multi-generation background (D); mixed parentage (C), 78.0 per cent; second-generation (B), 71.0 per cent, and immigrants (A), 58.4 per cent.

## Income

The fact that very few debtors are in gainful employment is reflected in income trends. For the reader to have an understanding of upcoming data on income, the median income in Sweden in 2015 was SEK 299,000 for the age group 20-64 (SCB, 2017b). Table 8 shows that as many as 17.2 per cent have no income at all, while 11.4 per cent have a reported yearly income between SEK 100 and SEK 50,000. This means that almost 30 per cent of debtors have an annual income of up to SEK 50,000. 26.3 per cent of debtors are in the SEK 50,000–150,000 income group, which means that more than half (54.8 per cent) of all debtors have an income of up to SEK 150,000 per year. The most significant proportion of debtors, one third (33.3 per cent), have an income between SEK 150,000 and 300,000 per year, and only 11.9 per cent earn more than SEK 300,000 per year.

One in four debtors who are foreign-born immigrants (A), or domestic-born individuals with two foreign-born parents (B), have no income reported at all. The proportion for those with mixed parentage background (C) is 19.0 per cent, and for multi-generation Swedes (D), 12.8 per cent. Two out of three (64.2 per

cent) foreign-born immigrant debtors (A) have an annual income below SEK 150,000; multi-generation Swedes (D), 49.3 per cent. Major differences can also be found among the control group, where the proportion of foreign-born individuals (A) with an annual income of up to SEK 150,000 amounts to 41.4 per cent. In contrast, the balance among domestic-born individuals with two domestic-born parents (D) is 17.5 per cent.

**Table 8. Proportion of debtors in the Swedish Enforcement database (%), by income and background, compared to the control group**

Background: A – Immigrants; B – Second-generation immigrants; C – Mixed parentage; D – Multi-generation Swedes

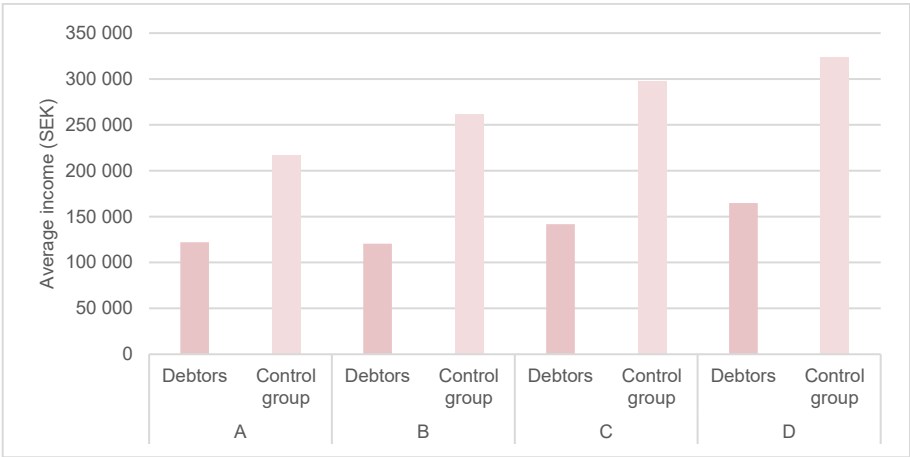
Annual income (SEK)		A	B	C	D	Total
No income	Debtors	24.6	25.1	19.0	12.8	17.2
	Control group	17.3	10.1	5.8	3.0	7.0
1-50,000	Debtors	13.9	16.0	12.9	9.6	11.4
	Control group	9.8	11.4	7.5	4.5	6.3
50,001-150,000	Debtors	25.7	23.5	25.4	26.9	26.3
	Control group	14.3	13.0	11.9	10.0	11.3
150,001-300,000	Debtors	27.3	25.8	30.8	37.1	33.3
	Control group	29.1	24.1	27.5	30.7	29.8
300,001-500,000	Debtors	7.6	8.6	10.6	12.3	10.7
	Control group	23.4	31.6	35.6	39.1	34.6
500,001-1,000,000	Debtors	0.8	0.8	1.1	1.3	1.1
	Control group	5.4	8.8	10.6	11.4	9.8
1,000,001 and up	Debtors	0.1	0.1	0.1	0.1	0.1
	Control group	0.8	0.9	1.1	1.3	1.1

The results in Table 8 indicate that debtors are more likely than the control group to be in the lower-income strata and less likely to be in the upper. For example, if debtors with incomes more than SEK 300,000 per year are studied in more detail,



it can be concluded that only 11.9 per cent are included in that category. If we consider background, it appears that 8.5 per cent of immigrant debtors (A), 9.5 per cent of background debtors (B), 11.8 per cent of background debtors (C), and 13.7 per cent of background debtors (D) have an annual income of more than SEK 300,000 per year. On the other hand, almost half (45.5 per cent) of the individuals in the control group have annual incomes in excess of SEK 300,000 per year.

The correlation between background and income is interesting because it is also found in the control group; immigrants (A) have the lowest proportion (29.6 per cent) of people with incomes over SEK 300,000, followed by second-generation immigrants (B) (41.3 per cent). Of people with mixed parentage (C), 47.3 per cent are included in the same income category. The highest income is seen among multi-generation Swedes (D); 51.8 per cent of these have incomes of more than SEK 300,000 per year.



**Figure 7. Average income of debtors in the Swedish Enforcement database by background, compared to the control group**

Background: A – Immigrants; B – Second-generation immigrants; C – Mixed parentage; D – Multi-generation Swedes

The average income among debtors is SEK 148,700 per year, while the average income in the control group is SEK 292,600 per year. However, as illustrated in Figure 7, there are differences in income depending on the background category

to which the individual belongs; and this holds true for both debtors and the control group. If attention is focused on income differences between these groups with the same background category, those in the control group have approximately twice as much annual income as debtors. Furthermore, the immigrants (A) and second-generation immigrants (B) groups have the lowest annual incomes on average: SEK 122,035 and SEK 120,504, respectively. The highest average income among debtors is among the multi-generation Swedes (D), SEK 164,722 per year.

## Types and degrees of over-indebtedness

So far, this chapter has focused on over-indebtedness in general. But as explained in the Chapter 2, the debts in the database are divided into public and private. The following two sections discuss these different types and their degrees of over-indebtedness. The first section provides an overview of the different kinds of public debts, over-indebtedness among the four immigrant groups, the debt volume, how many debts and their size. The second section continues with private debts.

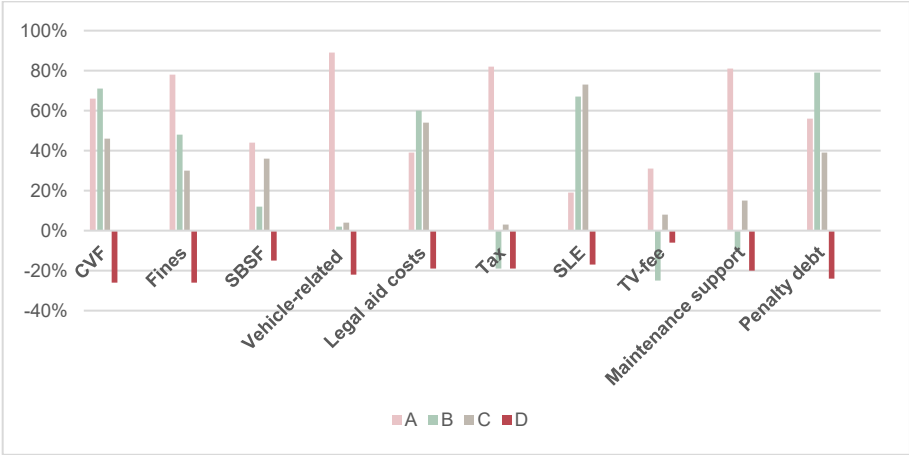
### Public debts

Of the 254,140 people who are indebted to the state, immigrant debtors (A)—just as in the previous section on overall over-indebtedness—amount to 27.9 per cent. Compared with the total immigrant population in Sweden, where immigrants account for 17.0 per cent, this indicates a 64 per cent over-representation. In contrast, multi-generation (D) Swedes account for 58.4 per cent, resulting in an under-representation of 17.0 per cent compared to levels for Sweden as a whole, where the corresponding target group is 70.4 per cent. Second-generation immigrants (B) reflect levels for Sweden as a whole, with 5.2 per cent for both the country as a whole and people indebted to the state. Debtors with mixed parentage (D) are over-represented by 16 per cent.

An interesting discovery in the data is that immigrant debtors (A) are over-represented in respect of all types of public debt, while multi-generation Swedes (D) are under-represented. Apart from foreign debts, where they make up a large

proportion for natural reasons, immigrants (A) are most over-represented among ‘Other’ debts (+98 per cent), vehicle-related debts (+89 per cent), tax (+82 per cent), maintenance support (+81 per cent) and fines (+78 per cent).<sup>68</sup>

Second-generation immigrants (B) are most over-represented with debts for fines (+79 per cent) and the Crime Victim Fund (+71 per cent). Furthermore, they are under-represented among TV licences (–25 per cent), tax (–19 per cent), other debts (–17 per cent) and maintenance support (–10 per cent).



**Figure 8. Disproportionality among debtors, by debt type and background**  
 Note: CVF - Crime Victim Fund; SBSF – Debts to the Swedish Board of Student Finance; SLE – Special legal effects.  
 Background: A – Immigrants; B – Second-generation immigrants; C – Mixed parentage; D – Multi-generation Swedes

A closer inspection of Figure 8 shows that debtors with a mixed parentage (C) are over-represented in terms of all public debt types. The largest over-representation in that group is for penalties for special legal effects (+73 per cent) and legal aid costs (+54 per cent). The smallest over-representation—but an over-representation nonetheless—is found among tax debts (3 per cent) and vehicle-related debts (4 per cent). What stands out in these findings is the under-representation pattern among multi-generation Swedes (D).

<sup>68</sup> Debts from abroad and ‘other’ debts have been removed from further analyses as these do not involve a large number of debtors.

### *The volume of over-indebtedness*

The public debt sample included 254,140 debtors at the beginning of the analyses. The mean was 14 debts and median 5. Most debtors—52.6 per cent—have up to five public debts. The data in Table 8 makes it clear that the number and size of debts are approximately the same in all background categories up to and including the 50<sup>th</sup> percentile. After that, foreign-born (A) and second-generation (B) immigrants tend to accumulate more and larger debts than the other two groups. As a result, there are outliers that will skew the results. The maximum number of debts for a single immigrant (A) is 4,898, while the maximum number of debts for a multi-generational Swede (D) is 2,241.

To perform a precise analysis, I created two different samples: one with all debtors, and one without outliers (Table 9). In the second sample, I removed 5 per cent of the individuals with the highest number of debts, individuals with between 56 and 4,898 debts per person, and 5 per cent of the individuals with immense debts (from SEK 218,900 to SEK 729,416,500). In other words, the second sample, without outliers, includes 231,422 debtors with up to 55 public debts per person and who are up to SEK 218,900 in debt. Of those removed, 36.1 per cent are foreign-born (A); 6 per cent are second-generation immigrants (B); 7.6 per cent were born in Sweden with mixed parentage (C); and 50.3 per cent are multi-generation Swedes (D).

On average, immigrants (A) have the most public debts (17) followed by second-generation immigrants (B) with 16. The mixed parentage background group (C) has an average of 14 debts. Those in the multi-generation Swedes group (D) have an average of 13. However, all four background categories have a median of 5 debts and a mean of 9. This means that the first two groups contain individuals who are responsible for increasing the average number of debts.<sup>69</sup>

The average size of the debts is SEK 78,600 per debtor. Immigrant debtors have the largest volume of debts on average (SEK 96,400) followed by second-generation immigrants (SEK 88,300). Multi-generation Swedes have average debts of SEK 71,900, while debtors with mixed parentage have the smallest debts,

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<sup>69</sup> By background, five debtors with the highest number of debts have the following number of debts per person: (A) 4,898, 4,508, 4,259, 4,088 and 3,998; (B) 3,207, 1,577, 1,517, 1,103 and 975; (C) 2,012, 1,455, 1,134, 845 and 736; and (D) 2,241, 2,013, 1,950, 1,776 and 1,553. Based on these figures, it is clear that backgrounds (A) and (B) include individuals who strongly drive up the average number of debts per person.

on average SEK 61,000 per person. Even after removing the outliers with the largest debts, immigrants still have the largest average debt level of SEK 27,900.

**Table 9. Average and maximum amount and size of public debts, with and without the 5 highest percentile, distributed by background**

Note: The size of the debts is rounded to the nearest SEK 100.

Background: A – Immigrants; B – Second-generation immigrants; C – Mixed parentage; D – Multi-generation Swedes

Background	Number of debts				Size of debts			
	Mean	Maximum	Mean without outliers	Maximum without outliers	Mean (SEK)	Maximum (SEK)	Mean without outliers (SEK)	Maximum without outliers (SEK)
<b>A</b>	17	4,898	9	55	96,400	494,021,900	27,900	218,800
<b>B</b>	16	3,207	9	55	88,300	117,681,800	26,000	218,900
<b>C</b>	14	2,012	9	55	61,000	18,111,500	26,300	218,800
<b>D</b>	13	2,241	9	55	71,900	729,416,500	26,100	218,900
<b>Total</b>	<b>14</b>	<b>4,898</b>	<b>9</b>	<b>55</b>	<b>78,600</b>	<b>729,416,500</b>	<b>27,900</b>	<b>218,900</b>

Now, I shift the focus to several different types of government debts, see Appendix 1, Table 18 and 19. In this analysis, the population as a whole is also reported compared with a population where the top 5 per cent of debts in terms of number and size are removed. I analysed the five types of debt with the most debtors: debts to the Swedish Board of Student Finance, tax debts, vehicle-related debts, fines, the Crime Victim Fund, and debts to the Swedish Social Insurance Agency.<sup>70</sup>

There are 88,931 debtors with debts to the Swedish Board of Student Finance, with debts totalling SEK 1.9 billion. Immigrant debtors (A) account for 24.4 per cent of debtors and 25.4 per cent of the total debt size. The average number of debts is 2.6 within all four backgrounds, and the average size of the debt is SEK 21,700. Immigrants (A) have the largest debt on average at SEK 22,600, while multi-generation Swedes (D) have the lowest, SEK 21,300. The 95th percentile has five debts and is SEK 52,900 in debt. After the top 5 per cent were removed and 83,328 debtors remained, the average number of debts fell to 2.4 for all backgrounds. Even the average of the debts fell, distributed as follows: (A) SEK

<sup>70</sup> TV licence debtors are most numerous (101,885 debtors), but since 1 January 2019 the television licence fee has been replaced by an individual public service fee paid through tax.

19,000; (B) SEK 19,100; (C) SEK 18,900; and (D) SEK 18,600 on average. Accordingly, each background category owes approximately the same amount for this type of debt.

In second place, in terms of the number of debtors, are debts to the Swedish Tax Agency (79,544 people), of whom 30.9 per cent are foreign-born and owe tax. Tax debts also amounted to the largest public debt of SEK 20.5 billion. Of these, immigrant debtors account for SEK 7 billion or 34.6 per cent. Immigrant debtors also have the most debts on average (9), while groups with other backgrounds have 7 debts. In terms of average size, immigrant debtors (A) have the biggest debt (SEK 49,400), while debtors born in Sweden with mixed parentage (C) have the least debt on average (SEK 29,100).

I removed the top 5th percentile with regard to debt number and size in this debt category, as well. Individuals with more than 11 debts and debts greater than SEK 581,500 were outliers. After they were removed, there were 75,567 debtors left with a total debt of SEK 4.7 billion, with immigrant debtors accounting for 35.1 per cent of the total owed. On average, immigrant debtors have the largest debt (SEK 70,700), even when outliers are removed. Similarly, as with the outliers, debtors born in Sweden with mixed parentage have the lowest average debt (SEK 56,600). The average number of debts is three in all background categories.

Immigrant debtors (A) account for 32.1 per cent of the total of 71,263 debtors with vehicle-related debts. These debtors also account for 46 per cent of the total number and size of the debt, with 18 debts and owing SEK 24,300 on average. However, second-generation immigrants (B), have the largest average number of vehicle-related debts and the highest number of such debts. These people average 19 debts amounting to SEK 26,500. Multi-generation Swedes (D) have the lowest debts on average, nine debts and SEK 12,000.

As regards vehicle-related debts, there are debtors with 41 debts amounting to SEK 56,600 in the 95th percentile. The average number and size of the debts becomes much more even when the outliers are removed. The average number of debts in the different background groups is: (A) 7, (B) 7, (C) 6, and (D) 5. The average size of the debts decreased sharply in all backgrounds, but second-generation immigrants (B) still had the most considerable debt, SEK 9,600 on average, followed by immigrant debtors (A) with SEK 9,200. Even without

outliers, debtors with background (D) have the lowest debt, SEK 7,000 on average.

There are 60,264 people who owe fines. Of these, 30.3 per cent are immigrants. There are 114,910 debts in this category, resulting in two debts on average per debtor (rounded) in all background categories. On closer analysis with decimal points, immigrants and second-generation immigrants have slightly more (2.1) debts on average compared to the other two groups, which have 1.8 debts on average. Of the total debt of SEK 375 million, immigrant debtors (A) account for 32.0 per cent. On average, the differences among backgrounds are minor, for example, second-generation immigrants (B) have the largest debt on average, SEK 6,800, while multi-generation Swedes (D) have the lowest debt, SEK 5,900. Immigrant debtors (A) have SEK 6,500 on average.

To perform analyses without the top 5th percentile, I removed debtors with more than five debts who are more than SEK 18,000 in debt. The average number then drops to 1.7 in the first two background categories and 1.6 within the last two. The average size of the debts also remains in the same order, with second-generation immigrants with the largest average debt and multi-generation Swedes with the lowest average debt, SEK 5,300 and SEK 4,900, respectively.

There are 49,312 debtors who owe money to the Crime Victim Fund. The average number of debts in all four background categories is approximately the same: (A) 1.8, (B) 2.1, (C) 2.0, and (D) 1.9 debts on average. Second-generation immigrants have the largest debt on average (SEK 1,700), while immigrants have the lowest average debt of SEK 1,400 per debtor. After the top 5th percentile has been removed (people with more than five debts and owing more than SEK 4,400), the average number and size are as follows: (A) 1.6 debts and SEK 1,200 on average; (B) and (C) 1.8 debts and SEK 1,400 on average, respectively; and (D) SEK 1.7 and 1,300 on average, respectively. That is to say, there are no major differences in terms of the different backgrounds regarding the number and size of the debts to the Crime Victim Fund.

Debts to the Swedish Social Insurance Agency in the form of maintenance support are the most common type of debt, with a total of 1,226,532 debts over 34,921 debtors in the Swedish Enforcement database. This gives an average of 35 debts,

which is the largest average in respect to public debts.<sup>71</sup> Among all debtors, immigrants (A) have 40 debts on average, background (B) individuals have 34 debts on average, while backgrounds (C) and (D) both have 33 debts on average. After removing outliers (more than 115 debts and/or owing more than SEK 108,800), the average number of debts is: (A) 20, (B) 20, (C) 20, and (D) 19. According to the debt size, immigrant debtors (A) have the highest debt on average, SEK 36,000, followed by second-generation migrants (B), with SEK 32,900 on average. Background (C) and (D) has SEK 32,300 and SEK 32,100 on average, respectively.

### Private debts

The next step is to consider the private debt, that is, all debts that are not owed to the government. Table 10 shows that there are 230,117 debtors who owe private debts. Of these, 25.6 per cent are immigrants (A), compared with 27.9 per cent for public debts. Despite a lower proportion of immigrants than in public cases, they are still over-represented by 51 per cent. Second-generation immigrants (B) make up 4.9 per cent of individuals with private debts, which gives an under-representation of 6 per cent. There is an over-representation of 8 per cent among individuals with background (C), these people with mixed parentage account for 8.0 per cent in the Swedish Enforcement database and 7.4 per cent for Sweden as a whole.

**Table 10. Distribution of the total number and percentage of debtors with private debts in the Swedish Enforcement database by background, and in comparison with their number and percentage of the Swedish population**

Background	Debtors	%	Sweden	%	(+/-)
Immigrants (A)	58 999	25.6	1 676 264	17.0	51
Second-generation immigrants (B)	11 216	4.9	510 756	5.2	-6
Mixed parentage (C)	18 442	8.0	724 841	7.4	8
Multi-generation Swedes (D)	141 460	61.5	6 939 156	70.4	-13
<b>Total</b>	<b>230 117</b>		<b>9 851 017</b>		

<sup>71</sup> This is because maintenance support is paid monthly. The funds are submitted regularly every month in the event of non-payment.



The majority of debtors with private debt are multi-generational Swedes (D), yet they are underrepresented by 13 per cent.

### *The volume of private debts*

There are approximately 1,020,000 private debts totalling SEK 46 billion in the database. Of these, immigrant debtors (A) owe 21 per cent of debts in terms of both number and size of debts, while multi-generation Swedes (D) account for 67 per cent of the number of the debts and 68 per cent of the size. In other words, 25.9 per cent of debtors in the database are immigrants and owe 21 per cent of the debts in terms of number and size.

Further statistical tests revealed that multi-generation Swedes have the highest number and size of private debts on average. Unlike with public debts, immigrant debtors (A) have the lowest number of private debts on average (3.5 debts), followed by background (B) with 4.0, background (C) with 4.4, and background (D) with 4.8 debts on average. With an average debt of SEK 220,692, debtors with background (D) are highest, followed by background (C) with SEK 168,555 and background (A) with SEK 165,207 on average. The smallest average debt is seen among second-generation immigrants (B), with an average of SEK 148,396. The median is also lowest among debtors in background category (B). This amounts to SEK 38,753 in this group, followed by background group (C) with SEK 40,894, and (A) with SEK 49,448. People with background (D) have the highest median (SEK 51,080).

The 95th percentile for private debts is 15 and SEK 656,500. When the analysis is performed without the highest 5 per cent, immigrant debtors have 3.0 debts on average, followed by second-generation immigrants with 3.2 debts on average. Multi-generation Swedes again have the most debts, 4.7 debts on average. In terms of the average size of debts, second-generation immigrants have the lowest debt at SEK 83,400 on average, while multi-generation Swedes have the highest average debt of SEK 100,600. Immigrant debtors have the second-largest debt, SEK 99,100 on average.

## Discussion

The quantitative and qualitative databases were analysed separately, as described in the methodology chapter. I will thus discuss and interpret the findings in order to prepare readers for the upcoming discussion on integrated meta-inference.

But first, a summary of the quantitative study findings. The findings enable us to conclude that immigrants are disproportionately affected by the problem of over-indebtedness in Sweden. The Enforcement database contains a 64 per cent over-representation of immigrants compared to foreign-born individuals living in Sweden. The average age of debtors is 46, and the average age of immigrant debtor is 45. It is noteworthy that there is a relationship between age and background. When the first debt is entered into the database, immigrants are the oldest, while second-generation immigrants are the youngest. As a result, second-generation immigrants have a higher over-representation among younger debtors and immigrants have a higher over-representation among older debtors.

Nearly two out of three debtors live in tenancies, which is the most common form of housing for debtors. In comparison to native-born residents, foreign-born residents have the highest proportion of tenancies and the lowest proportion of ownership. Even in the control group, immigrants are more likely to live in rental apartments than in their own houses compared to other groups. Furthermore, education, employment and income are associated with the risk of being over-indebted. As many as four of ten debtors, with marginal differences depending on which background category they belongs to, have primary and lower secondary education as their highest education level. Moreover, only four out of ten debtors are employed, and the highest rate of unemployment is among immigrant debtors. There are two out of three immigrant debtors with an annual income of up to SEK 150,000. Overall, debtors with immigrant backgrounds are least likely to be employed and most likely to live in rented accommodations, and together with second-generation immigrants, they also earn the lowest average incomes.

According to these findings, immigrants are also over-represented among all forms of debts in the SEA database, but mostly among public debts. In fact, immigrant debtors have the most and greatest public debts on average. Compared with the proportion of immigrants in the country, immigrant debtors are over-represented in all types of public debts. In contrast to public debts, immigrant debtors, on

average, have the lowest number of private debts, while multi-generational Swedes have the highest. The latter group also has the largest average debt.

This study supports previous research that suggests a relationship between low socioeconomic status and high levels of debt. According to previous studies, low education levels are linked to excessive levels of debt (Alleweldt et al., 2013; Chmelíková & Redlichová, 2020), which is also corroborated by my findings: debtors have lower education levels than the control group and the national average. More than one third of all debtors have completed no more than primary or lower secondary education.

It is of particular concern to young debtors between the ages of 18 and 25, most of whom have only successfully completed a primary or lower secondary education. The fact remains that many young debtors, among whom second-generation immigrants are most over-represented, leave school at a very young age. This finding is useful for a discussion of how and where to invest in knowledge about personal finance for young people. Evidentially, the information and knowledge about financial literacy provided in upper secondary schools does not reach those who need it the most.

On the other hand, only 12.6 per cent of debtors have achieved higher education. One unexpected finding was that there are twice as many immigrant debtors with post-secondary education than in other background categories. This may be because these individuals have a post-secondary education from their home country, but there is nothing that the statistics can confirm. However, one point to emphasise is that Sweden does not make effective use of the skills that highly educated immigrants bring to the country. This is in conflict with Sweden's fast-tracks policy, aimed at facilitating the integration of high-skilled refugees into shortage occupations by bringing them onto the job market as quickly as possible (Konle-Seidl, 2018).

As one would expect, low education is correlated with a low employment rate among debtors. About 40 per cent maintain gainful employment, in contrast to 75 per cent among the control group to which they were compared. This also is in line with earlier research, which shows that unemployed individuals in Sweden are more likely to be over-indebted (Persson, 2013). Since participation in the labour market is a prerequisite for a person's long-term integration into society (Konle-Seidl, 2018), these findings are somewhat concerning. The proportion of

people in gainful employment is lower among immigrants, both within the debtor group and among the control group, indicating that immigrants have greater difficulty integrating into society thru employment.

This finding broadly supports the research of other studies in this area linking low income with over-indebtedness. In previous research, it is stated that people with the lowest incomes are more likely to face economic difficulty, and even after controlling for other factors, income remains a strong predictor of over-indebtedness (Bridges & Disney, 2004; Chmelíková & Redlichová, 2020; Davydoff et al., 2008). The present study discovered that the average annual income of those who are in debt is half that of those in the control group, regardless of their background. However, first- and second-generation immigrant debtors have the lowest annual incomes. In fact, the proportion of immigrant debtors who do not report an income at all is 24.6 per cent, while the number is 12.8 per cent for multigenerational Swedes, who otherwise have the highest average income.

One notable finding was that these differences in income also exist among control individuals where one can view a staircase effect, lowest among immigrants and increasing for each step within the different backgrounds towards multi-generation Swedes who have the highest average annual income. These results are consistent with those of Bask (2005), who found that immigrants in Sweden earn less than Swedes, even among those immigrants with a higher education level.

The findings of my research are in agreement with those of Alleweldt et al. (2013), who state that divorced individuals have a double risk of being over-indebted in comparison to couples. One out of four debtors are divorced, a proportion which is much higher than the control group and national averages. Most divorces occur in the immigrant group, where 30.2 per cent are listed as divorced, compared with 14.3 per cent in the control group.

Housing is also an important aspect of integration in to the society (Cetrez et al., 2020) and it is worth noting that the findings of this study broadly support the findings of other studies linking over-indebtedness with housing type. For example, the results confirm that nearly two thirds of debtors live in rented accommodation (SOU, 2013:78), however, the present study extends the analysis and shows that three out of four immigrants who are in debt live in rented apartments, the highest proportion among all background groups. Part of the

explanation may be that people living in rental housing are more likely to be low-income and their chances of falling behind on their payments are higher than those of homeowners (Alleweldt et al., 2013; Davydoff et al., 2008).

The quantitative findings indicate that the law's intention to prevent over-indebtedness has largely failed with respect to the immigrant population. They also indicate that people from lower socioeconomic groups are disproportionately affected by over-indebtedness and that immigrants are highly prevalent among those with low socioeconomic status. An integrated meta-analysis was conducted using these findings in conjunction with those from the qualitative study to create a comprehensive picture of this complex research issue.

# Chapter 7. Qualitative findings

This chapter presents the results of the qualitative study based on interviews with previously over-indebted immigrants. My objective is to use these findings to complement the quantitative survey's answers to the research question.

These qualitative findings are derived from interviews with 17 immigrants who were former debtors. Focusing on this specific population—those who were able to pay their debts—allows me to clarify other causes of over-indebtedness than economic ones. These findings provide insight into the knowledge gaps among immigrants that may result in over-indebtedness, as well as the differences in the legal cultures of Sweden and the countries of origin. Interview participants were born in Bulgaria, Chile, China, Democratic Republic of Congo, Eritrea, Iran, Iraq, Kurdistan<sup>72</sup>, Lebanon, Somalia, Tanzania, Turkey, and the former Yugoslavia. They were 41 years old on average and their time in Sweden extended between 8 and 37 years. Pseudonyms have been deployed throughout this thesis to protect the identity and privacy of participants.

Data analysis revealed three main themes: the causes of over-indebtedness, cultural and legal barriers to economic security, and the subjective consequences of over-indebtedness. It is important to note that some findings may pertain to more than one section, but for the purpose of reading and for the sake of keeping certain quotes of interviewees together, I have arranged them in the most appropriate manner.

At the end of this chapter, I draw conclusions about the qualitative findings and discuss them in relation to previous research and theories.

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<sup>72</sup> Despite the fact that Kurdistan is a geo-cultural region, and not a nation state, the interviewee referred to it as a country.

## Causes of over-indebtedness

What follows is a review of the causes of the over-indebtedness identified through the interviews with previous debtors. There are two types of over-indebtedness themes: over-indebtedness associated with financial problems and over-indebtedness associated with other causes.

### **Financial problems – ‘Everything went so fast!’**

Issues related to a lack of income were not particularly prominent in the interview data. When the participants were asked about the causes of over-indebtedness, some replied that they ended up in the database due to late tax payments. According to Tahira, a female from Lebanon who has lived in Sweden for 20 years and owns a small restaurant (not a limited liability corporation but rather a sole proprietorship), her business was successful in the beginning. After a while, she was not earning enough to meet her monthly tax payments. This meant that her unpaid debts to the Swedish Tax Agency started to increase. According to Tahira, ‘Everything went so fast!’, and the debts became too large to repay.

I received similar feedback while working as an Enforcement Officer. I remember a furniture salesman we had to visit a couple of times per year when his tax debts were due for collection. He was amiable and polite every time we arrived, and our conversations did not usually last long. Both parties knew what needed to be done: He showed us the property we would foreclose on and sell at auction to meet his debts. Sometimes, if we knew for certain that he would pay off the debts in the next few days, we left the property in his possession until they were paid, and the foreclosure decision was revoked. This allowed him to avoid additional costs for transport and sales. ‘Some months are better than others,’ he once told me. ‘I should learn to save money during the good times.’

Ammar, a 48-year-old immigrant from Iraq, had lived in Sweden for 12 years and like Tahira, had opened a restaurant shortly after arriving. He too suffered from recurring tax debts. He said, ‘I did not know much about Swedish tax rules and regulations,’ and tax debt began to accumulate after a while. In the end, the total tax debt had increased to almost SEK 200,000, which was impossible for him to pay. He tried to borrow money to make the payment, but his lack of income and

security made him unable to borrow through formal institutions. He went to all the central banks and approached 15-20 smaller lenders without success. Unlike many others interviewed, he contacted the Enforcement Authority to ask for an instalment plan of about SEK 3,000-4,000 a month, which was rejected by the SEA. As a result, his tax debts ended up in the Enforcement database, and he began to be 'chased by the authorities'. To be able to continue running his business, he borrowed money from family and friends to pay his debts.

Lack of income was what made Soran and Dawit over-indebted. In our interview, Soran, a 34-year-old male from Kurdistan who moved to Sweden ten years ago, was unable to pay a bill because he was dependent on social security (welfare) payments and did not receive his benefits on time. Lack of funds meant that he could not pay all the bills when they were due. Initially, he knew nothing about the Enforcement Authority and what happens if you do not pay. He stated, 'Had I known about the "blacklist", I would have tried to borrow money to pay my debts on time.' Similarly, Dawit, a 38-year-old male from Eritrea, ended up in the Enforcement database because of insufficient income. When he lived in rented accommodation, he could not pay the rent, nor could he pay the TV fee. He did not understand why he had to pay, given that he did not watch the Swedish channels. Discussions recurring in the interviews are addressed in the Chapter 8.

### **Legal and economic literacy: 'A yellow paper'**

A recurring theme amongst interviewees is that they were unaware of the debt for one reason or another. For example, Vahid, a 41-year-old man born in Iran and living in Sweden for eight years, owed fines and taxes. He said he had not received bills for the fines, or any demands from the Swedish Tax Agency. If he had been told that he had debts to pay, 'Then I would have paid.' He did remember that he once had received 'a yellow paper', which he believed came from a debt collection agency (*inkasso* in Swedish) or, 'It might have been a paper about my tax return', but it was not from the Enforcement Authority. He says he does not understand Swedish and Swedish law all that well and signed all the papers without knowing what they meant.

Mohamed from Somalia was also indebted to the Tax Agency and did not know what the debts related to. According to him, the debt was a mistake as he 'missed paying something to the Tax Agency'. When asked what it was that he failed to



pay, he said, 'I don't know what it was, but when I found I'd incurred a debt, I paid immediately.' He had not been aware that the bill had been sent to the Enforcement Authority. He stated, 'I talked to the Swedish Tax Agency, and they said it was something I'd failed to pay or that I'd paid too late.'

Similarly, a woman from Iraq, who had Swedish Tax Agency debts, claimed that the over-indebtedness was a mistake:

The date I was given to pay the money I owed to the Swedish Tax Agency was on the weekend. I made a payment on the last day, but since it was a weekend, the funds were deducted from my account on the Monday, and the money was received late. I didn't know the money hadn't arrived on the same day the payment was made because it was a weekend. I didn't know I was in debt, and I thought I'd receive a reminder or a debt collection agency letter before the debt was sent to the Enforcement Authority. I knew that debts could be forwarded to the Enforcement Authority, but never thought my debts would be. I thought you received more information before the debt was sent to the Enforcement database. I'd paid on the wrong day of the weekend; I couldn't know that this would be the outcome. (Nabila, 42, Iraq, 14 years in Sweden)

Zhang Wei became over-indebted due to his lack of knowledge about Swedish subscription termination procedures and the Swedish legal rules in relation to debt repayment. Zhang is a 50-year-old male who was born in China but moved to Sweden in 2007. After a while, he decided to move to another European country, and it was in connection with that move that his debts arose:

It's an electricity debt. We lived in a rented apartment during our time in Sweden. The landlord didn't tell us that we had to terminate the electricity contract three months before moving out. I thought that the owner would deal with all contact with the utility company when we moved. But the utility company sent bills to our new address for six months' worth of back payments. We haven't lived in this house for a long time, and we have to pay the bills even though somebody else was living there. We didn't know the rule that you have to terminate the contract three months in advance. You [the Enforcement Authority] have to find out who lives at the house. I've talked to the owner and the utility company; I've made lots of calls to them, but they transfer my calls to one another and put the blame on me. I've paid for three months, and then no more. I've explained to the enforcement officers, but they say there's nothing they can do. They say I have to contact the District Court. I don't accept responsibility for this debt. I've contacted a lawyer,

but he advises me to pay. He says I have to find out who lived in the house from August 2018, and that they have to reimburse me. Otherwise, I can send the matter on to the Enforcement Authority. I don't know what to do. I'm waiting now, and we'll see... Problems arise when moving here and there. We don't understand the rules. It's easy to get into debt with the authorities, and so we quickly found ourselves in debt. (Zhang Wei, 50, China)

In addition, he did not realise that he had to deregister the car that was not in use and that was not insured. And so, he was in debt to the Swedish Transport Agency because he did not notify them when he moved out of the country. He continued, 'I phoned the Swedish Transport Agency, and although I explained my situation, that we'd moved to another country and I hadn't received the invoice. They told me that I'd have to pay, or they'd send the debt to the Enforcement Authority. They just said, "You have to pay. The Swedish Transport Agency doesn't send reminders."' When asked whether he knew he was required to submit any new address to companies and authorities, he replied, 'No, I told the Swedish Tax Agency the relocation date, when we moved away from Sweden. I thought they'd pass that information on to everyone else. But I misunderstood.' In summary, he was unaware that debts from the Swedish Transport Agency ended up in the Enforcement database and why this happened. He felt that the process of becoming over-indebted was too swift. He concluded, 'Without understanding it, I think it's passed very quickly to the Swedish Enforcement Authority.'

During my interview with Osman, a male from Turkey, I discovered that he did not know what debts he had accrued. A check in the database showed that he had a parking fine, two debts to a tax office, and one vehicle tax debt. The reason for his over-indebtedness was a misunderstanding, he said. He started a new trading company and became a partner with his brother, who had missed a tax payment but thought it was paid. But according to the debtor, the debt was paid two or three days late and so had already been sent on to the Enforcement Authority. The debtor could not understand why he had a tax debt in his name if they had a trading company: 'I did not know that the debt was sent to the Enforcement Authority until the enforcement officer sent a letter. I paid immediately.' He did not even know he had a parking fine and owed money to the Swedish Transport Agency before it ended up in the Enforcement database.

Another person who ended up in the Enforcement database without his knowledge is Dimitar from Bulgaria. His vehicle-related debts had ended up with

the Swedish Enforcement Authority due to his negligence. Shortly after he moved to a new apartment, he moved abroad without giving his new address to all authorities and companies. His unpaid debts continued to accrue during his time abroad, and ultimately, they were sent for collection. He explained that his over-indebtedness is unfortunate and not a result of 'bad income'. He understands now that he must register his change of address and knows that it is his responsibility to do so.

Similarly, after Ammar paid his tax debts, he had television licence bills sent to the Enforcement Authority. He did not understand why he had to pay for a TV licence when he does not even own an apartment. He cannot get an apartment due to a payment discrepancy in the tax documents; and although he is registered at an address, he spends most of his time sitting in a restaurant. When I worked the Enforcement Authority, I heard several times from immigrant debtors, 'Why do I have to pay for a Swedish TV licence when I do not understand Swedish?'<sup>73</sup>

Some of the participants have experienced difficulties with their economic situation because they did not receive adequate information when they arrived in Sweden. For example, Osman said that he received insufficient information about debts and the Swedish economic system when he came to Sweden.<sup>74</sup> He explained, 'I went to SFI [Swedish for Immigrants], but I don't think I learnt anything. Maybe a little, but not much. Nothing about rules and systems and such.'

Mohamed from Somalia recounted a similar experience and said that his arrival in Sweden was rough. 'I had a tough time when I came to Sweden. I had three children and a tough life. I took a Swedish for Immigrants course.' According to him, no information was provided regarding debts and excessive debt, so he educated himself through conversations with friends.

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<sup>73</sup> The TV licence fee has been discontinued and replaced by a levy on tax.

<sup>74</sup> When the knowledge of economic systems is considered, even the less visible differences in economic systems can have a significant influence. For instance, when I was a recently arrived refugee, a man from our corridor saw kiwi fruit for sale cheaply at the shop and filled a bag with them. At the checkout, the cashier asked something he did not understand, and then she began to transfer the kiwi fruit from that bag to another bag. At that moment, he thought 'The Swedes are so kind, she is going through all the kiwi fruit to make sure none of them are rotten', he told us at the refugee camp. However, he was shocked when it was time to pay, because the kiwis were priced per fruit and not per kilo, as they were in his home country. He paid for the fruit, embarrassed about having to return some of them due to his lack of language and differences in the economic system.

It is important to emphasise that only two of the 17 interviewees were aware that they were entitled to budget and debt counselling. As pointed out in Chapter 2, all municipalities in Sweden are legally obligated to assist residents who require support. The problems may also be the result of cultural or linguistic differences, which will be discussed in the Cultural aspects section.

### **Lack of attention: 'I did not know'**

Helping a friend and lack of attention was the reason why Mary, a 34-year-old female from Tanzania, became over-indebted. She lent her car to a friend who incurred three parking fines without telling her. When the first bill came, Mary paid it, but when she received the next two bills, she thought they were reminders for the first one. She thought, 'Maybe I paid too late, and they didn't receive their money on time.' She never contacted either the Enforcement Authority or the creditor for clarification regarding the bills. After a couple of months, she also got into debt because of a vehicle tax. She does not live at the address where the notices were sent, and there were problems with the post office. The people who currently live at the address did not tell her about the bill in time, and so she ended up in debt.

Similarly, Mohamed, a 48-year-old man from Somalia, stated that his excessive debt was a result of his friend's actions: He received a parking fine when someone else used his car. 'My friend had the car when I left Sweden for a while, but he said nothing to me about fines when I came back.' He explained further, 'I received a letter from the Enforcement Authority, but by then it was already too late. The debts were already in the Enforcement database. According to him, he had to pay twice. 'First I paid the Swedish Transport Agency, and then the Enforcement Authority' for the debts to be removed from the database. In this case, he paid parking fines to the Swedish Transport Agency and reimbursed the Enforcement Authority for other expenses arising as a result of the initial debt being sent to the authority. During the interview, we discovered that he had recently incurred another SEK 700 debt in the Enforcement database, which was made up of a late payment fee of SEK 100 on vehicle tax plus an enforcement fee of SEK 600. According to Mohamed, it is important to clear debts. 'You have to pay your bills to the Enforcement Authority. Even though I don't have the money to pay, I have to borrow to pay this debt.'

## Cultural aspects

In this section, I present some findings related to cultural aspects, including views of the legal system, expectations regarding the actions of authorities, and the limitations imposed by the language barrier.

### **Perspective on the institutions: ‘The Swedish system is quite cold.’**

Some interviewees had negative comments about the authorities and the enforcement system. For example, Darin from Kurdistan said that his over-indebtedness was not due a lack of money. He is self-employed and runs a company that sells cars. He owes taxes because his payment was late due to a change of bank. He did not know that the debt would, ‘. . . be transferred to the Enforcement Authority so quickly’. He stated that ‘The Swedish system is too bureaucratic and strict’, regardless of the intention or reasons behind debts. He thinks that the system is too harsh on people and companies who want to do the right thing but receive the same ‘penalty’ regardless of whether the debt is SEK 300 or SEK 300,000. He thinks that the Enforcement Authority should not chase people with small, single debts as vehemently as people who are repeatedly over-indebted or—for example—criminals. He highlighted several times in the interview how common it is for others in the same industry to sell cars ‘on the black market’, with ‘a black monthly income of SEK 300-400,000’.<sup>75</sup> This has a major impact on people like him, who do everything by the book: He provides receipts up front and a guarantee on everything he sells. His competitors receive payments in other countries or work illegally, which makes him question why he should struggle and pay taxes (SEK 300,000 a year) when he faces unfair competition in his industry. He concluded ‘That undeclared work knocks the legs from under people who abide by the law. Ultimately, this challenging and unfair competition could lead to either over-indebtedness or starting to work illegally.’

A 61-year-old Iraqi man, Mustafa, who owns a small business and has lived in Sweden for 30 years, feels that ‘the Swedish system is quite cold, emotionally’. When he fell ill for a short period, he incurred one small tax debt, one debt to a

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<sup>75</sup> Working illegally means working without following the law and avoiding paying taxes, for example.

supplier, and one vehicle-related debt. He was not offered rescheduling of payments. He stated, 'Although I never had debts or had defaulted on payment before, they [the authorities] never gave me a chance to delay payment—not even when I offered to produce a medical certificate relating to my illness.' His over-indebtedness accumulated since everything had to be paid at the same time, which he was unable to do when he was ill. He did not know until it was too late that his public debts were worsened when moved to the SEA. He received help from his family, and they came to his rescue quite quickly. He thinks that others who do not have the support of family or good friends are exploited. Although his family did not know what to do in the beginning and his debts went on to the Swedish Enforcement Authority, Mustafa is grateful and wonders, 'What if I were alone and became ill?' This was a short-term illness, he emphasises, but still; everything went to the Swedish Enforcement Authority very quickly.

Franc, who had debts to the Swedish Board of Student Finance that ended up in the Enforcement database, pointed out that he found the authorities to be 'cold'. Regarding the Enforcement Authority's first letter, the debtor called the creditor and received neither 'good treatment nor proper answers' from them. When asked whether he could elaborate, Franc merely stated that he thought they were 'irrational' and did not consider the personal trauma that had caused his over-indebtedness. He stated several times that it was due to trauma but provided no further details.

Gloria, a female debtor from the Democratic Republic of Congo who ended up in the Enforcement database due to unpaid debts relating to mobile telephones did not find the authorities to be 'helpful or pleasant'. Without being able or willing to give a more detailed answer, Gloria stated that 'the Swedish Enforcement Authority and the structure of the system' was trying to 'punish' her. Her debt was a small sum at first but grew rapidly, so she 'ignored it'. It is easy to understand her experience of the rapid increase of the debt since private debts grow quickly if they are not paid. As explained in Chapter 2 about the SEA, a small debt can quickly grow into a larger one if not paid on time. A mobile bill for SEK 350 may result in the debtor being forced to pay SEK 1,870 when the debt is finally collected.

In the Tahira's case, she felt that the people she spoke to at the Tax Agency were 'unhelpful and rigid' and showed no understanding at all. This was why she had not contacted the SEA: She was 'discouraged' by the Swedish Tax Agency's

response. After a short discussion, she concluded that ‘Understanding and fair treatment are important components for people to want to contact authorities in general.’

Despite Vincente’s claim that the information he received from the debt collection company was informative, he did not contact the Swedish Enforcement Authority when asked whether he had done so. He admitted that he did not dare to because he had a preconceived notion that the people at the SEA are ‘hard’ and ‘tough’. He suggested that the SEA should approach debtors, since many debtors are afraid to approach them.

### **Reverse expectation: ‘They have to call us.’**

We asked respondents in the interviews whether they had any contact with their creditors or authorities, such as the Swedish Tax Agency. Having grown up in Turkey but relocated to Sweden 20 years ago, Osman stressed the importance of communication with creditors and the authorities by saying, ‘They have to call us before they send [the debt] on to the Enforcement Authority.’ He continued, ‘They should call and tell us about the debts,’ because it is easy to miss something. He stated that the authorities should not send letters as they may be lost in the post or ‘You might miss it if you’re away.’ This debtor believes that the best solution is to phone debtors or use governmental e-mail software. Osman concluded that, ‘*Kivra* [e-mail software] is good. You have everything in the same place there.’ Mohamed also mentioned *Kivra* and said that it is easy to use. He pointed out that bills can be managed in the software.

Georgi, a male from Bulgaria who incurred debt when he moved abroad, also mentioned *Kivra*. He said that he could have avoided ending up in the Enforcement database if he had received a message about the debt through this system.

The topic of contact was also raised again in discussions with Nabila from Iraq, who also thinks that the authorities should do more before debts are sent to the SEA. ‘The state should do things differently and provide more information,’ she said. ‘They should contact debtors before issuing a payment default so that they know to pay. You could be phoned or sent to *Kivra*... or contacted by e-mail. Not just in hard-copy format.’ When asked whether she had received any help with understanding the procedure, she said that she had not sought help from the

municipality or anyone else to resolve the situation or obtain information. ‘It’s difficult. I don’t know where to turn. If I ask different people, I get different answers to many questions.’ She concluded, ‘Honestly, I still don’t understand what kind of debt it was... something to do with an annual income or something. I just paid it; it was a lot of money.’ She borrowed money from friends to pay the debt.

But not all participants advocate governmental e-mail software. Dino had unpaid tax debts without knowing it. When he was reminded of his obligations via *Kivra*, where he was registered, he did not act when the debt first originated. As a result, he missed the first notification of the debt, the debt reminder, and everything after that. He perceives that there are risks in only using e-mail to maintain contact with the authorities, ‘Cases risk falling “between two stools” if you no longer receive a letter sent through the postal system’. He was unclear at first on why he had tax debts and was unable to account for them. Still, during the interview he emphasised several times that his over-indebtedness did not indicate a shortage of money, but rather a lack of information and bad debt management on the part of the authorities.

Most participants agreed that debts end up in the Enforcement database far too quickly and that they should have more opportunities to avoid this happening. Darin would like to receive more reminders from the authorities. He stated that many other self-employed people work hard, maybe 60 hours a week or more, and this type of ‘heads-up’ before the due date would make a big difference when it comes to ensuring that the money arrives at the Tax Agency on time. He stated:

I’d like the Swedish Tax Agency to send a reminder before the payment has to be made. Not after the due date, but before. Maybe even ten days before I have to pay. The best way to send a reminder is electronic—via text message, for example. (Darin, 31, Kurdistan, 20 years in Sweden)

A similar reasoning comes from Vahid, a male from Iran who has now lived in Sweden for eight years. He had no contact with either the creditors or the Enforcement Authority. He had not even heard of the Enforcement Authority, but now he knows that he must make direct contact or send an e-mail if new demands arise. But since he works long days at a restaurant, it would be better for him if creditors or the authorities phoned or e-mailed him as soon as a payment



is due. It is easy to get hold of him that way because he always has his mobile with him.

Likewise, Mohamed expressed a desire to be contacted additional times before his debts were sent in for collection. In addition, the contact does not need to be conducted in the native language:

It's good to make contact with the Swedish authorities in Swedish, but the system feels wrong. You have to get more reminders. You might miss the post. You might miss an invoice. They [the debts] shouldn't be sent to the Enforcement Authority so quickly without talking to you first... You can get an invoice via e-service nowadays. I had a home equipment loan from the Swedish Board of Student Finance. They sent it to me directly via e-service and said the debt would be sent to the Enforcement Authority if I didn't pay the loan. I borrowed from friends and paid (Mohamed, 48, Somalia, 16 years in Sweden).

Even Mustafa, who concluded the interview by saying that the information he received from the creditor was 'quite okay', thinks that debtors should be given a chance before moving on to the next stage; at least postponement of the matter while the debtor contacts the creditor, or a last-minute reminder before debts are sent to the Enforcement Authority for collection. His debt was a one-off thing for him, he said, but he knows several immigrants with poorer Swedish and he helps them with information all the time. The information often comes too late, 'because people don't understand when or who to pay'. Others, like him, are small business owners and do not always have time for the paperwork. Then, 'An extra knock on the door would be good, maybe an e-mail or a phone call' to remind them that the payment is due.

### **Language barriers: 'We can speak simple Swedish'**

An issue that generally emerged during the interviews was a linguistic barrier that prevented the participants from acquiring and understanding the authorities' information. Even though the minimum time spent in Sweden for those interviewed is eight years, many asked for information in their native language or in easy Swedish.

In the case of Zhang Wei, who had lived in Sweden for 12 years at the time of the interview, he initially indicated that he preferred the authorities to contact him by

phone. Later, he changed his mind and clarified why: 'I think it's better to arrange a meeting to explain. We're foreigners; face to face is better. Then I can explain using gestures. I can show it, which is much easier.' He continued, 'It's difficult to understand everything over the phone. Sometimes my son helps me when I talk to the district court on the phone. He's 18 years old. He understands difficult words in Swedish. I don't.' He elaborated:

We study Swedish for immigrants and work. We can speak simple Swedish. But we don't really understand all the rules. I think there are often misunderstandings between us and the authorities. I have five children. They understand everything. But I don't understand when they [the authorities] write to me. It's really tough when you have children, and you get into debt and have to pay fines. It's expensive (Zhang Wei, 50, China, 12 years in Sweden).

Dawit, born in Eritrea, who had lived in Sweden for 19 years, visited the city's Citizens' Office with general questions about credit ratings and the like. When asked what SEA could have done, or what was missing in general, he specified that he would have liked to see better information in easy-to-read Swedish and have the option of partial payment as an alternative.

Tahira, who had lived in Sweden for 20 years, wished that government forms and brochures were in an easy-to-understand Swedish. A similar opinion was expressed by Soran, who said he would have appreciated the information about being 'blacklisted' (having a payment default) being available in his language or easy Swedish when he was new to the country.

Gloria, a debtor from the Democratic Republic of Congo who had lived in Sweden for 17 years, stated that the debt she owed to SEA did not arise from a lack of funds. She requested further information in simple Swedish regarding how to avoid a similar situation in the future.

## Consequences

The most prevalent theme in the interviews was a sense amongst interviewees that they are excluded from the financial market. Most of the interviewees suspected that it was SEA that set the payment default, thereby excluding them from the

financial market. We were frequently asked in the interviews whether we were able to remove the payment default for them.

### **Financial and social exclusion: 'I'm blacklisted'**

Even those who have accidentally ended up in the Enforcement database and have no problem paying their debts have experienced devastating outcomes. According to Vahid, 'The Enforcement Authority isn't good. Now I have problems running my business when others see I'm blacklisted.' He pointed out that though his debts were due to mistakes and a lack of knowledge, he is not allowed to borrow money, which he sometimes needs for the business.

Similarly, Ammar explained that he would like to take a loan to renovate and develop his restaurant, but no one will give him credit because of the payment default. He feels that the situation is unfair because he tried to get a loan on an instalment plan before he ended up in the Enforcement database, but then it was rejected because he did not have sufficient income at that time. His income is much higher now, but according to him, the default rating has caused problems. During the interview, he asked many questions about payment default, such as when it disappears and whether it can be removed early.

Soran also asked questions. He asked several times whether I was sure that he is debt-free now. He does not want debts because he does not like payment defaults. They cause problems for him and his family. He explained, 'I was going to buy an iPad for my daughter at Elgiganten [technology store] and pay by instalments, but when everything was sorted the purchase didn't go through. My daughter was very sad.' He continued, 'I didn't know about the blacklisting. Is there any way it can be removed?'

Commenting on payment defaults, one of the interviewees said that she did not know much about the Enforcement Authority before, but she knew that anyone with a payment default, 'Can't get a loan. You can have problems trying to rent' (Nabila, 42, Iraq). This is what family members have told her. She received some information through SFI when she came to Sweden, but it was not enough. She concluded, 'I still don't know much about them [the Enforcement Authority].' When asked about the consequences, she explained that the default had affected her, and she could 'not even buy small things like a mobile phone'. It has also

affected her mental well-being: 'I felt bad in the beginning.' She has found this situation, with debts and exclusion, to be a tough time in her life.

Another informant explained that over-indebtedness and a poor credit rating have affected him enormously. He cannot buy a car or even a mobile phone. He said:

They have to think about the fact that they're ruining someone's life; they have to think about people a bit. I have a family and children. I love Sweden, but I think the rules are wrong. There are millions of people who can make mistakes. You might forget, for example, you might fall ill and so on. Sometimes I spend three months working in Turkey, or someone dies, and then I have to travel to the funeral, and I might be late in paying a debt. If you get stuck with the Enforcement Authority, you have a bad credit rating for three years and it ruins lives, even after you've paid. You can't buy a TV, a telephone. It destroys lives. Then you have to go to your friends, your relatives and put your purchases in their names. Sometimes they don't want to, and you get anxious. I think it's very, very wrong. And if you don't have any debt at the Enforcement Authority, they have to clear your name. I think you shouldn't end up stuck for three years. Why is it like that even though I'm 'clean' [debt-free]? (Osman, 49, Turkey, 20 years in Sweden).

According to Oaman, the situation takes a negative emotional toll. He has paid all his debts and much more, he says. But he still cannot buy a car for his daughter. He can pay 20 per cent of the amount and would like to put the rest on credit, but cannot because he is 'stuck with that payment default'. He feels very sad and excluded. At the end of the interview, he states, 'I've paid, but now my life is ruined.'

When asked about the consequences, another interviewee, Mary, explained that she feels excluded despite having good finances today and was unable to buy a new mobile in instalments due to a poor credit rating.

Similarly, Mohamed, who did not know what the Enforcement database and payment defaults were before his debts were sent to the Enforcement Authority, points out that he is financially excluded. 'It has affected me a lot,' he says. 'I can't get subscriptions. I can't do what I want to do, buy things and so on. It's not been good for me.' In the end, he admitted that he still does not know much about poor credit ratings: 'I know if you have debts and don't pay them, you'll end up in the Enforcement database. And you can't borrow money, I know that. But that's all I know.'

Zhang Wei said he was shocked initially because he was unaware of the Enforcement Authority. He explained how over-indebtedness and the poor credit rating affected him:

You can't do anything for three years. It causes me a lot of stress. You can't get a mobile phone. As a family with children, that's very important to me. When we moved back to Sweden, my son needed the Internet for his homework. We went to Telenor [telecoms service provider], and they said you have a payment default and you can't have a subscription. I explained the situation, that my child needs the Internet for school, but the answer was still no. After that, I asked my friend to help out. He put the subscription under his name and the bill comes to him. Now I've paid my debt, but I can't transfer the Internet subscription into my name even though I'm debt-free (Zhang Wei, 50, China, 12 years in Sweden).

He explained that he was unaware that the default would cause him problems for three years. It has affected his well-being:

I went to the doctor and said that I'd been feeling bad about my finances. When we moved back to Sweden, I had no job and I had bills to pay for electricity as well as fines from [another country]. They froze my business account there, and I had no money. I couldn't pay. It was all very stressful. November came, and it's cold and dark in Sweden. The doctor helped me – he gave me medicine. Now I feel much better. (Zhang Wei, 50, China, 12 years in Sweden)

In summary, a listing in the SEA database indicates a payment default, and credit reporting companies issue a record of non-payment (also referred to as a “default notice” or “payment default record”) even if the debt is not the result of insufficient funds. The interviewees expressed that they are very concerned about this record of non-payment and wish they had been removed sooner because it causes both financial and social damage to them, as well as health problems.

## Discussion

In combination, these qualitative findings suggest that over-indebtedness is also associated with factors other than financial ones. To minimise the possibility of ending up in the Swedish Enforcement database (apart from the quantitative

findings in Chapter 6), knowledge of the Swedish legal and economic systems is paramount.

In general, as demonstrated in the quantitative study findings (Chapter 6), immigrants are burdened by public debts to a greater extent than private debts. Public debts have a faster route into the database. The interviews revealed that immigrants are concerned about debts ending up in the database so quickly. Several respondents suggested that the authorities should contact them more frequently before sending debts to the Enforcement database.

This study found that payment default and the subsequent financial exclusion was a recurring problem among the interviewees. This posed problems for both economic and social integration. It was also stressed that exclusion affects both the individual and the family, an example being a debtor who is unable to purchase items or maintain an Internet subscription.

However, when studying over-indebtedness among immigrants, it is vital to consider it in the context of their legal culture, including their legal consciousness (cf. Merry, 2010). Due to the globalisation of society, comprised of individuals from diverse ethnic, religious, and racial backgrounds, the necessity for a discussion about legal cultures has now become even more apparent (Shamir, 2015). Legal culture is a broad category of human behaviour encompassing how people think about law in their everyday lives, the practices in which they engage in the legal system, and how law is perceived as a tool for the regulation and resolution of disputes. In addition, legal culture is a determinant of when, why, and where people seek help from the law or from other institutions. In other words, the legal culture migrants bring with them plays an important role in their relationship to the law in their country of residence as well.

When studying legal culture, we develop an understanding of the challenges that immigrants may face when they move to new countries. These challenges include the ability from the very first moment of arrival to deal with the different laws and regulation of immigration offices, tax offices, and other legal institutions. In the thesis research, I thus used the concept of legal culture to explain how immigrants cope with a new legal system in connection with their over-indebtedness.

According to these qualitative findings, but also according to my own personal experience, it is not uncommon that immigrants become fearful when in contact with SEA. These fears may due be in part to their negative experiences with

authorities in their home country, as well as their insufficient knowledge of the Swedish language or Swedish legal system. As I mentioned in the Introduction (Chapter 1), one of the main misconceptions that some newcomers hold was the belief that SEA officials had the right to use physical force to collect debts. This was often commonplace in their home countries, but not legal in Sweden.

One's perception of the legal system affects whether a person is willing or not to contact legal institutions in times of need (Merry, 2010). Consequently, the individuals' negative experiences with government officials in their home countries may be transferred to their new countries in the form of what they perceive to be the new country's legal culture. Interviews showed that only a small number of respondents had contact with creditors or the SEA. These results can be considered from the perspective of Nelken (2014a), who argues that legal culture impacts the likelihood that people will seek assistance from the legal system.

However, the interviews also revealed that individuals had a number of unpleasant experiences in dealing with Swedish authorities. The reasons may be due to language deficiencies and/or the poor manner in which the authorities treated them. As an example, at the end of the interview with Tahira, she confirmed Merry's (2010) statement, that people must feel understood and treated fairly in order to seek assistance from authorities. Having encountered unhelpful communication from the Swedish Tax Agency, she did not contact SEA.

Some of those interviewed expected that the SEA should contact them several times before debts were registered in the database. This finding is in contrast with the dominant socio-legal environment in Sweden that most often requires one to contact authorities in order to resolve disputes. It can be concluded that the interviewees were not particularly afraid of authorities, but that they lacked sufficient knowledge of the Swedish enforcement system.

These findings agree with previous research on legal literacy. It indicates that individuals who lack sufficient knowledge and awareness of the law are vulnerable to financial difficulties. Specifically among immigrants, such obstacles arise due to a lack of understanding of the economic and legal processes within their adopted country (Carbó et al., 2005; Kelley et al., 2012; Lusardi & Tufano, 2015; Schlosser, 2012).

From my viewpoint, immigrants are particularly vulnerable to financial exclusion because they do not have sufficient knowledge about the Swedish system of debt enforcement. Data from both the quantitative study and qualitative surveys support this conclusion. For instance, the quantitative survey shows that tax debt makes up a considerable portion of immigrants' debts. The qualitative study findings indicate that many of these debts arise from a lack of knowledge and information. The interviewees did not know what the debts were, that tax debts were accumulating, and that they were sent to be enforced without providing them with a further explanation.

The same is also true for immigrants in Sweden who, due to their lack of knowledge of the law or its relevance to their daily lives, are obligated to pay fees to the Swedish Motor Insurance Association (*Trafikförsäkringsföreningen* [TFF]). Immigrants have the highest over-representation in this debt category (+89 per cent), as it is one of the major debt traps for immigrants. Immigrants who purchase a car do not realise that in Sweden, it is mandatory to obtain insurance on the vehicle under the penalty of being fined. The size of the fine is much higher than an ordinary insurance premium would cost; in 2022 the fine for a car was SEK 180/day. My colleagues and I have been asked by immigrants on numerous occasions why they need car insurance if they do not drive much or if they feel they do not need it. Zhang Wei mentioned it in the interview. He stated that he did not understand why debts from the Swedish Transport Agency ended up in the Enforcement database.

Child Maintenance Support is another public debt where immigrants are highly over-represented by 81 per cent. In my experience, many immigrants find it illogical to pay the support through the Swedish Social Insurance Agency, which is the practice in Sweden if the parents do not agree on the payment between themselves. The demand for payment is also questioned if the child visits the parent who is required to pay maintenance support.

We can conclude from the interviews that more attention needs to be paid to immigrants' lack of understanding of the language and legal system. Many that I met, as well as some in the interviews, did not understand why they had to pay to view Swedish TV channels when they were watching channels from their home country. When the bill for Swedish broadcasting arrived, they did not bother paying and their debts ended up with the SEA, resulting in high fees and payment defaults.



It was surprising during the interviews and in my contacts with immigrant debtors, that many of them asked for more information in their native language, or in an easy Swedish version, even if they had lived in Sweden for a long time. This poses an integration issue since, as we are aware, it is necessary for one to adopt the language of one's host country in order to become culturally integrated (Algan et al., 2012; Constant et al., 2012). Silbey (2005) suggests that general cultural aspects can influence the legal culture. Moreover, if one is unable to communicate in the native language, it may prove difficult to adapt to the culture and there is a high probability of remaining economically disadvantaged (Manning & Georgiadis, 2012). In other words, having a working knowledge of the Swedish language would enable immigrants to gain a better understanding of the legal system, as well as be better prepared to avoid over-indebtedness (Kubal, 2013).

My research confirms what has been demonstrated in previous research: that immigrants tend to turn to family and friends for financial assistance when over-indebted (Correa & Giron, 2013; Datta & Aznar, 2019). Several interviewees borrowed money from friends and family to settle their debts and to fund the growth of their businesses since they were unable to obtain loans from established financial institutions due to payment default.

In summary, it is important that the expected legal measures end up in the right landscape for them to have an effect (Mathiesen, 2005b). Preventing over-indebtedness seems to be a difficult task in a landscape where the debtor has no contact with the creditor or SEA, does not understand, or is not aware of the legal situation, and is used to a different economic system than. This creates a gateway for financial and social exclusion, a topic that I discuss in the following chapter.

# Chapter 8. Meta discussion

This thesis demonstrates that over-indebtedness is a complex, multifaceted issue. Among its significant quantitative findings is the over-representation of immigrants in the database across all types of debt. Compared to the country's population, male immigrants are the most over-represented. Research demonstrates the importance of socioeconomic factors contributing to economic security. Having a high level of education, a higher employment rate and a higher income reduce the risk of being over-indebted. Notably, among the debtors and the control group, immigrants are under-represented in employment rates and income levels, accounting for their high proportion among the over-indebted.

According to the results of the sequential qualitative study, legal and economic literacy are contributing factors to immigrants' over-indebtedness in Sweden, in addition to their financial issues. The qualitative study also sheds light on immigrants' perceptions of the legal system and institutions, which they perceive as rigid and inflexible.

The interviewees stated that debts are sent to the database too quickly, and the authorities should give them more opportunities before payment default. Many interviewees indicated they were not given enough information by Swedish authorities when coming to Sweden, which might have mitigated the risk of over-indebtedness. A recurring theme was the interviewees' exclusion from the financial market and the impact of this exclusion.

Using an integrated meta-inference of the quantitative and qualitative findings, I analyse and discuss the data beyond simply providing answers to the research question to develop an understanding and explanation of the data in a broader context. This method aims to interpret data holistically rather than draw isolated conclusions on the research question (cf. Tashakkori et al., 2020). In the end, I have been able to build a holistic picture of the law's functions and dysfunctions,

in order to better grasp the complex issue of over-indebtedness, and its effects on the economic security of immigrants in Sweden.

## Functions and dysfunctions of legal actions

Merton's (1968) theory of manifest and latent functions and dysfunctions provided a valuable framework for understanding over-indebtedness (Merton, 1968). Thus, a more comprehensive understanding was gained by reaching beyond the stated intentions of the government and institutions while examining the unintended consequences of their actions. Additionally, discussing latent functions supported the understanding of the actual effects law enforcement had on over-indebted immigrants in addition to their stated intentions. This helps sociologists of law gain insight into the process and consequences of debt enforcement practices (cf. Berger, 1963).

Indeed, the SEA is responsible for maintaining a willingness for citizens to pay in order to prevent over-indebtedness (Förordning med instruktion för Kronofogdemyndigheten, 2016:1333). Hence, the SEA functions to strengthen the degree of economic security, providing access to knowledge and information to prevent citizens from over-indebtedness. However, its high prevalence suggests this policy is ineffective. The quantitative analysis in this research shows that over-indebtedness is widespread, affecting immigrants and their children more than others.

Although the Swedish legislature intends to prevent over-indebtedness—an essential component of economic security—the quantitative study found that immigrants in Sweden are disproportionately over-indebted with private and public debts. Notably, immigrants are 64 per cent over-represented in the Enforcement database relative to the Swedish population. As a result, the SEA has been ineffective in ensuring economic security for immigrants in Sweden compared to multi-generational Swedish families.

Furthermore, the qualitative findings indicate that the SEA's intention of providing knowledge and information to the public for debt management has not reached the immigrant population. Several respondents mentioned not having sufficient information about the Swedish enforcement process. They reported that

during their establishment process, including Swedish language education, there were shortcomings in preparing immigrants to understand the Swedish economic system if they came from an economic system dissimilar to Sweden's. Thus, it is probably much easier for an immigrant from a similar background to adapt to the new country.

According to Swedish immigration policy, newcomers should be integrated gradually, in a dynamic, multifaceted manner. The integration process begins after the immigrant obtains a permanent residence permit and mentally adjusts to the host society. All parties are expected to participate in the integration process, including the government and its agencies, assisting immigrants in adapting to their new social environment (Cetrez et al., 2020; Konle-Seidl, 2018). However, immigrants are over-represented among all debt types, and the largest over-representation is public debts, such as taxes, maintenance support and vehicle-related obligations. Ergo, government agencies have contributed to a latent dysfunction in economic security for immigrants.

For example, by simplifying business start-ups for immigrants in Sweden, the authorities intend to integrate them into the economic sphere. Nevertheless, the quantitative results show that immigrants are over-represented by 82 per cent in tax debts. Qualitatively, the findings indicate that a lack of understanding of the Swedish tax system and how taxes are collected when sent to the SEA has resulted in many immigrants becoming over-indebted. Using Merton's (1968) language, immigrants often end up in unexpected over-indebtedness with all its implications due to the intention to be financially independent.

The concept of integration is not new in Sweden. In fact, since the 1960s and 1970s, the Swedish government has implemented an integration policy to accommodate and integrate new immigrants (Borevi, 2014). So, while all authorities and the state are responsible for supporting immigrants who are integrating into Swedish society, state debts are a debt trap for immigrants. Notably, these liabilities and subsequent records of non-payments have the opposite effect, creating exclusion (see Chapter 9).

Moreover, when the first debt is entered into the database, immigrants are the oldest, whereas second-generation immigrants are the youngest on average. Hence, second-generation immigrants have a higher over-representation among younger debtors, and immigrants have a higher presence among older debtors.

Thus, apparent problems exist with integration, passed down through the generations, the opposite of what was intended with immigration. This research demonstrates that law enforcement is dysfunctional for over-indebted immigrants' and second-generation immigrants' economic security.

Moreover, although immigrants comprise a smaller percentage of public debt, in private debt (all cases except those considered public according to the Enforcement Act), immigrants are still over-represented by 52 per cent. Thus, loans and other financial commitments are the most common private debts between debtors and creditors. The laws governing the banking and financial services sector ensure that everyone has equal access to credit regardless of their cultural background. Nevertheless, previous research has found that these laws have increased credit discrimination against immigrants, representing a high-risk demographic for lenders due to their socioeconomic status (Aldén & Hammarstedt, 2016; Basa et al., 2012).

According to Henrikson (2016), this finding deems further discussion since existing regulations do not adequately protect consumers who miscalculate future economic conditions. Some applicable rules may make the consumer's financial situation even more difficult during this phase. Having solid legal standing, the creditor can exert economic pressure with fees and penalty interest if the contract is breached, resulting in a vicious cycle of debt and making it more difficult for a person to become debt-free in the long term. This cycle contributes to economic insecurity, an issue further discussed in the next chapter. Hence, this combination of findings opens the door to further discussion about excluding over-indebted immigrants in Sweden.

## Debtorisation and exclusion

As previously mentioned, creditworthiness is essential in today's credit society since payment defaults can lead to financial exclusion and its repercussions. In Sweden, as discussed in Chapter 2, default on a payment notification (*Betalningsanmärkning*) is assigned once a debt is registered in the Swedish Enforcement database. Payment default indicates the debtor has failed to meet financial obligations. Credit information companies share this information when

individuals or businesses apply for credit, rent a home or purchase items in instalments. Moreover, a credit check is conducted based on this information.

Hence, persons with debts in the SEA register are financially excluded because they cannot fully participate in the financial sphere due to the subsequent record of non-payment (cf. Anderloni et al., 2008; Gloukoviezoff, 2007). However, the qualitative study shows that even those who recently paid their debts were at risk of financial exclusion since a record of non-payment remains three years after the debt is paid. Based on the interviews and my work experience at the SEA, immigrants have a basic understanding of a record of non-payment but not its full implications. Many immigrants refer to it as a 'blacklist', further emphasising its connection to financial exclusion. Ergo, those 'blacklisted' cannot access financial services.

Quantitative research provides evidence that immigrants in Sweden are over-represented among the country's over-indebted citizens. Hence, immigrants in Sweden are at higher risk of being denied financial assistance due to payment defaults. Moreover, the qualitative findings confirm that excessive debt leads to financial exclusion, as participants in this study reported exclusion from the financial market. Even those who easily pay their debts are adversely affected by records of non-payment.

According to the quantitative data and previous research, individuals from lower socioeconomic groups are disproportionately affected by over-indebtedness. Furthermore, the quantitative study shows that immigrants commonly have a low socioeconomic status. The results indicate differences between the debtor and control group concerning employment and income. However, there are also differences between various backgrounds. Employment rates and income levels are the lowest for first- and second-generation immigrants and highest for multi-generational Swedes, both in the debtor and control groups. Hence, these combined results demonstrate that the legal and institutional intentions of the Swedish government for immigrants' successful economic integration are not fully realised.

The qualitative findings also indicate other factors involved in the Enforcement database registration. The lack of legal and economic knowledge and difficulties with the Swedish language contribute to immigrants being included in the

Enforcement databases. Hence, even if financial difficulties do not primarily cause indebtedness, they may result in exclusion from financial institutions.

The interviewees clarified that although many debts were incurred due to mistakes and a lack of knowledge, debtors are not permitted to borrow money, for example, for their businesses. Several respondents stated that they could not afford small things, such as internet subscriptions, that are necessary for a normally functioning life in today's Sweden. It was also clear that debtors and their children were affected, as the latter suffered when the parents experienced financial exclusion, as in the case of the daughter who did not get the iPad she needed for school.

Thus, people listed in the Enforcement database struggle to escape over-indebtedness. As previously mentioned, small debts can spiral when fees and interest are added. For example, a debt of SEK 350 can become a debt of SEK 1,870 when sent in for collection. Thus, how a debtor can pay SEK 1,870 when lacking SEK 350 in prior months remains questionable.

In cases where the debtor lives on the margins but has a job, a decision on wage attachment can derail the debtor's opportunities to pay other debts. Thus, several debts can end up in the database the following month. Along with a payment default, this increase can lead to a vicious spiral of debt that becomes difficult to escape.

A member of the lower socioeconomic class, who simultaneously experiences records of non-payment, financial exclusion, high-interest rates and fees, and possible wage deductions, increases the risk of *debtorsation* (in Swedish *Gäldenisering*). The concept builds on the term 'prisonisation', coined by Donald Clemmer and used to describe the process of shaping the psyche and behaviour of convicts by social and structural factors during their imprisonment. It describes the latent dysfunction among prisoners in American prisons. Prisoners who spend much time in the prison culture are prisonised. Thus, the prison climate requires them to adapt to the culture, making it challenging to rehabilitate them (Clemmer, 1940 in Mathiesen, 2005b).

Similarly, 'debtorsation' is when debts become larger due to interest rates and fees. Moreover, the record of non-payment excludes debtors from the financial system, resulting in the late payment of new debts, accumulating additional fees and interest, and greater over-indebtedness. When a debtor has a salary but lives

on the margin of subsistence, wage attachment can create even less disposable income, leading to further unpaid debts.

As seen in previous studies confirmed by the qualitative findings of this research, the inability to pay debts can lead to shame and poor mental health (cf. Basa et al., 2012; Datta & Aznar, 2019; Krumer-Nevo et al., 2017), contributing to exclusion. Several participants expressed concerns about the implications of financial exclusion on deteriorating health. The interviewees also explained that payment default could ruin debtors' lives, although they were debt-free and had a solid income at the time of the interviews. An excessive amount of debt may also adversely impact a person's health (Basa et al., 2012; Warth et al., 2019). Consequently, sick leave and reduced income could result in new unpaid debts.

The quantitative findings regarding the extent of over-indebtedness among debtors support the idea of debtorisation. Notably, three of four debtors with public debts had two or more debts, while the median debtor had five, and the average debtor had 14 public debts. However, on average, immigrants have the highest number of public debts (17) and the largest debt volume (SEK 96,400). Moreover, 37 per cent of debtors have been listed in the register for 17 years or more, with 15 per cent between 27 and 41 years. These statistics support the conclusion that a process of debtorisation is occurring.

According to the qualitative findings, immigrants have fewer interactions with SEA due to cultural norms and reverse expectations of the legal system. This finding aligns with observations in a forthcoming SEA research report, showing that only 16 per cent of immigrants would contact the creditor if they could not pay a bill on time. Notably, the corresponding figure for multi-generational Swedes is 57 per cent (Vuleta, Svensson, & Selaci, 202x). In the end, avoiding contact with the SEA may complicate exiting the debt cycle, a factor the SEA should consider in its work (see the recommendations for practical implementations to prevent over-indebtedness in Chapter 9). Ultimately, the interaction between over-indebted immigrants and the legal system impacts their legal consciousness. For individuals to be conscious of their legal entitlements, and in the end to avoid over-indebtedness and subsequent debtorisation, the system must provide positive reinforcement (Merry, 2010).

Finally, the combination of the findings from the two studies (quantitative and qualitative) suggests that immigrants in Sweden have a higher risk of over-



indebtedness, reducing economic security and leading to financial and social exclusion. It is clear from the quantitative findings that socioeconomic factors such as employment and income contribute to over-indebtedness. The qualitative findings suggest that despite years of living in Sweden, other factors, such as a lack of proficiency in the Swedish language and a lack of knowledge of the Swedish economic and legal systems, may also contribute to exclusion among immigrants.

# Chapter 9. Conclusion

This research examined the nexus between migration and debt enforcement governed by legal regulations. It also sought to develop new insights into the role played by the law that contributed to over-indebted immigrants' social and financial exclusion in Sweden. Thus, the following research question was addressed: 'How can economic security among over-indebted immigrants in Sweden be understood in relation to law enforcement?'

Combining both quantitative and qualitative approaches was necessary to answer the question. The quantitative data explained the broader complexity and magnitude of the problem of over-indebtedness in Swedish society by revealing the more pernicious effects it had on the immigrant population. The qualitative data provided a more in-depth understanding of the everyday manifestations of over-indebtedness, particularly the repercussions on immigrants' financial and societal exclusion. Thus, these studies provide a comprehensive picture of over-indebtedness among migrants, especially when it comes to financial and social exclusion. In so doing, they fill a research gap by identifying a socio-legal perspective on this issue.

This chapter presents and discusses the main conclusions of this thesis research: the outcome of a mixed methods research question drawn from the current study results. I go on to discuss the theoretical and methodological implications of the study, followed by recommendations for preventing excessive debt for immigrants in Sweden. The chapter concludes with suggestions for future research.

## Economic (in)security

The SEA's failure to prevent over-indebtedness with subsequent law enforcement disproportionately affects immigrants, contributing to debtors' economic and legal insecurity among over-indebted immigrants in Sweden. The research findings suggest that poor socioeconomic status and a lack of knowledge of the Swedish economic and legal systems contribute to immigrants' over-indebtedness, particularly with public debt and its subsequent consequences. Hence, the manifest intention of law enforcement to contribute to economic security can become counterproductive and contribute to exclusion and segregation.

I began my research by combining the databases of Statistics Sweden with the SEA. I chose an administrative model to determine and quantify over-indebtedness, a model based on case records obtained through legal proceedings that reflect the non-payment of debts as shown in the Swedish Enforcement database (cf. Betti et al., 2007; Elliot & Lindblom, 2019). As a result, I obtained a wealth of quantitative data, combining its results with a subsequent qualitative study, which allowed me to better understand the complexities of over-indebtedness. By adding the interviewees' perspectives, I incorporated the personal experience of legal actions, which is impossible to capture from quantitative research alone. Thus, by interviewing 17 borrowers who managed to pay their debts, I acquired insight into the causes and consequences of over-indebtedness, even for borrowers who did not incur the debt due to financial hardship.

The quantitative findings indicate that immigrants in Sweden are highly over-represented in the SEA's database across all debt types. These results do not conform to the expectations of the legal regulations aimed to prevent excessive debt (*Förordning med instruktion för Kronofogdemyndigheten*, 2016:1333). The results support the notion that a low socioeconomic status increases the risk of being over-indebted (Alleweldt et al., 2013; Chmelíková & Redlichová, 2020; Persson, 2013). Immigrants are among those with the weakest socioeconomic standing within the debtor and control groups. This status is a challenge to immigrants' integration into society since long-term integration depends on their participation in the labour market (Konle-Seidl, 2018).

I used Merton's (1968) theory of manifest and latent functions and dysfunctions to analyse and understand economic security among over-indebted immigrants concerning law enforcement. I also applied Friedman's (1969) concept of legal culture. I included the concept of legal consciousness (Merry, 2010) to analyse individuals' understanding of the Swedish legal system, their experiences with the laws and regulations governing debts and the effects of debt enforcement practices on the economic security of immigrants.

I concluded that the law's purpose of preventing over-indebtedness is at a substantially greater risk of failure when applied to immigrants than to multi-generational Swedes. Accordingly, the quantitative study indicates that immigrants account for a disproportionately high percentage of all debt types in the Enforcement database, especially among public debts. These results indicate a dysfunctional relationship between immigrants and the Swedish authorities, which has implications for economic security and, ultimately, integration into Swedish society.

The qualitative study's results show that although the interviewees could repay their debts, they experienced difficulties with law enforcement and record of non-payments, resulting in their exclusion from society. Due to a lack of access to financial products, this process may become self-reinforcing and contribute to social exclusion in general (Kempson & Whyley, 1999). Hence, financially excluded people 'can no longer lead a normal social life in the society in which they belong' (Gloukoviezoff, 2007, p. 220).

In the same vein, a lack of understanding of Swedish legal culture, including low legal and economic literacy, contributes to the risk of over-indebtedness and the subsequent exclusion of immigrants in Sweden. These findings confirm previous research, providing additional evidence suggesting that immigrants' insufficient understanding of economic and legal processes in their host country may increase the likelihood of financial exclusion (Carbó et al., 2005; Kelley et al., 2012; Lusardi & Tufano, 2015; Schlosser, 2012).

It is also important to emphasise that immigrants have a lower tendency to contact their creditors and the SEA. Several factors may be at play here, including the legal culture of immigrants' countries of origin and persistent language barriers for many immigrants despite living for many years in the country. Due to the expectation that their creditors will contact them additional times, many

immigrants unknowingly risk that their debts will be submitted for collection. This risk is particularly the case for public debts, such as taxes, which have a quicker route to the SEA than private debts that require additional steps before being entered into the database.

Consequently, inclusion in the Enforcement database may result in payment defaults, leading to economic insecurity and exclusion in addition to over-indebtedness. As a result, the SEA's ineffectiveness in preventing over-indebtedness has the opposite effect of putting immigrants at risk of social exclusion in Sweden. Thus, immigrants are also at greater risk of debtorsation, a process that makes it difficult to get out of the negative spiral of debt. In the end, immigrants who are debtorsated may have difficulty integrating into Swedish society.

Overall, being over-indebted and risking segregation for an extended period is detrimental to individuals, families and society. Consequently, both the government and individuals need to prevent over-indebtedness at the earliest possible stage when immigrants arrive in Sweden through laws and regulations and motivational interactions between individuals and society. Indeed, the significant influx of Middle Eastern migrants in 2015 and 2016, added to the recent migrants from Ukraine, poses a significant challenge for integration. To integrate into the Swedish economy and society, these groups must avoid over-indebtedness and subsequent exclusion.

This research is relevant for academic discussions in migration studies, socio-legal studies and economic security, contributing to policy discussion and discourse about immigrant integration.

## Interdisciplinary contributions of the thesis

Contributions to the sociology of law from this thesis include:

**First**, I developed a theoretical framework based on the fusion of Merton's (1968) theory of manifest and latent functions and dysfunctions with the concept of legal culture to analyse the empirical data. The combination enabled me to explore the interaction between law and society at the macro, micro, and intermediate meso levels (Banakar, 2009). I made significant connections between theoretical

generalities and empirical findings using middle-range theories (cf. Sharrock et al., 2003). To bridge the gap between grand theories and empirical research, I conducted empirical research on over-indebtedness among immigrants beyond the immediate data (cf. Sharrock et al., 2003; Sztompka, 2003). I did this with the assistance of Merton's functionalism to avoid abstract theorising that is not testable empirically and typically criticises functionalism.

**Second**, over-indebtedness has been studied mainly from the perspectives of economics and economic sociology (Swedberg, 2009), not from sociology of law. A significant obstacle in economic sociology is that the law plays a marginal or non-existent role (Swedberg, 2003, 2009). After all, 'money is a social phenomenon which always has two sides: an economic and a legal one' (Frerichs, 2013, p. 7). Adding a sociological analysis of the role of law in debtors' economic lives offers another dimension to economic sociology. It moves towards *the economic sociology of law*, which does not yet exist as a topic in this subfield (Swedberg, 2009) but is a newly emerging research field (Ashiagbor, Kotiswaran, & Perry-Kessaris, 2013; Cotterrell, 2013; Perry-Kessaris, 2015; Swedberg, 2003, 2009).

Nevertheless, this research does not predominantly rely on legal facts for its explanations but on social relations and structures in which actors are embedded. From a sociological perspective, it is always the actor's reaction to the law that matters, not what legal regulations say (Swedberg, 2009). According to Cotterrell (2013, p. 50), studies of law controlling economic relations and structures are more urgent since they are needed to realise 'new ways [in] the nature of economic life, its conditions of existence and its broad consequences in society'. In summary, this research enriches the idea of *the economic sociology of law* by producing empirical studies on the role that law and regulations play in the economic sphere, highlighting their interrelation with society. The research also contributes to a better understanding of how the legal system simultaneously facilitates and hinders economic growth.

**Third**, this research contributes to the development of migration studies by combining socio-legal research and economic security studies for immigrants. This contributes to understanding immigrants' integration. Previous studies have often focused on migrants and over-indebtedness or the nexus between financial and social exclusion among migrants. Thus, it was challenging for me to find empirical studies on over-indebtedness grounded in a sociological analysis of the

role of law that addresses migrants' economic lives. This thesis also presents new empirical material on immigrants' economic security, advancing the study of migration and its interdisciplinary relationship with sociology, law and economics.

I wish to emphasise that the research results provide a methodological and theoretical contribution to socio-legal research. Socio-legal studies tend to be restricted to a top-down or bottom-up approach due to the difficulty of collecting multiple types of empirical data and limitations in the researcher's primary interest (Banakar, 2020). Thus, my research objective has been to examine top-down and bottom-up approaches to over-indebtedness using quantitative and qualitative methods, which is unusual in socio-legal studies.

## Recommendations for practical implementation to prevent over-indebtedness

As a consequence of the aggregated impacts of an existing social structure, when that structure is clearly dysfunctional, there arises a strong and persistent call for change (Merton, 1968). In other words, by focusing on the dysfunctional consequences of the law connected to over-indebtedness, we approach social analysis in a way that facilitates evaluations of both the underlying factors for social stability, and the potential sources for change. By highlighting the connection between over-indebtedness and the subsequent dysfunction of financial and social exclusion, we can strive for change. In the end, immigrants can avoid the exclusion that arises from these by avoiding over-indebtedness and records of non-payment.

A reasonable approach to tackle the issue of over-indebtedness among immigrants in Sweden should be both legal and social in nature. In light of the refugee flows from the Middle East in 2015-2016 and the current flow of refugees from Ukraine, it is imperative that these recommendations be implemented as soon as possible. To facilitate successful economic integration, it is important to prevent over-indebtedness traps at an early stage. In the end, the authorities, as well as society as a whole, must play a significant role in preventing the debtors' process in order to achieve successful integration of immigrants into society.

## Legal approach

Since the publication of my research report (Vuleta, 2018), based on analyses included in this thesis, the SEA has changed the way it works to prevent over-indebtedness. An initiative was launched by the Authority to prevent over-indebtedness among immigrants in Sweden. Thus, the Authority has, among other things, updated its own education model, which aims for teachers, social workers, debt advisers, etc. to include a chapter on decreasing over-indebtedness among immigrants. The preliminary results of this thesis have also contributed to the Swedish Migration Board's education of asylum seekers, as well as knowledge-raising initiatives in the form of radio and digital channels for Arabic, Somali, and Persian speakers.

Nevertheless, additional measures are necessary to prevent over-indebtedness among immigrants in Sweden. I recommend that Swedish authorities, along with the Swedish Enforcement Authority, take a leading role in minimising the risks of over-indebtedness in society, especially among immigrants. According to current legislation, the SEA should have primary responsibility, though this responsibility should also be shared with the authorities that are creditors in the database. It should be the responsibility of the SEA to produce statistics every three years and, based on those statistics, the relevant authorities should introduce appropriate measures to reduce over-indebtedness. For example, my research indicates that it is important to inform the immigrant populations in Sweden about Swedish taxation rules—the economic and legal sphere where immigrants are highly over-represented due to excessive debt. Together with the SEA, the authorities should take the initiative to prevent over-indebtedness by making immigrants aware of the Swedish tax rules and regulations.

The SEA should also co-operate with the Swedish Financial Supervisory Authority and the National Agency for Education in updating Swedish language education (*Swedish for immigrants*) to meet the needs of newly arrived immigrants. Students attending the course should have a comprehensive understanding of the Swedish economic and legal system, as well as the consequences of becoming over-indebted.

To reach out to immigrants in Sweden, the given authority should establish guidelines for how it can respond to and engage with those whose legal cultures differ from the Swedish one. The authority should also develop working methods



that will make communication easier for those who have not contacted the authority because they do not have the necessary knowledge of Swedish, or because they are intimidated by authorities. SEA could accomplish this by utilising more of its employees with a mother tongue other than Swedish. For example, I enlisted the assistance of a colleague who spoke Arabic to inform a Swedish-Arabic group on social media about payment default.

The thesis research results show that immigrants are over-represented among all forms of debt, but particularly among public debt, both in terms of number and size. To prevent over-indebtedness, I propose that each authority that is a creditor, in conjunction with the SEA, takes responsibility. It is imperative that the state first get its own house in order before pointing the finger at others.

In addition to the above suggestions, I am also positive to the previous proposal of declaring that a debt that has not been paid in full in 15 years after payment confirmation will be barred under a Swedish statute of limitations (SOU, 2013:78). In that event, creditors will lose their right to collect the claim, which means that the debt must be written off in the creditor's accounts when it becomes statute-barred. Nevertheless, 15 years of enforcement without full payment have generally left receivables (amounts owned to a business) uncertain, and as such, it is questionable how much value they are actually worth. However, as they become statute-barred, the probability of debtors' rehabilitation decreases. A final prescribed period of limitation would, in fact, provide rehabilitation and a fresh start for over-indebted individuals who do not qualify for debt restructuring and have no hope of escaping debtors' rehabilitation.

## **Social engagement**

As we saw in the qualitative study results of the thesis, over-indebtedness is often due to the legal culture and the lack of information about the Swedish financial system. In many cases this could be avoided by using the Swedish association life, which has a great potential to integrate immigrants. For example, I and many others got off to a good start in Sweden by promptly becoming members of a sports association. But it is not only young people or sports associations that should be involved. Of Sweden's approximately 200,000 non-profit associations, there should be room for everyone's interest and for all age groups. For example, between the ages of 40 and 64, eight out of ten Swedes are members of at least

one association, while, at the same time, we know that the average age of over-indebted immigrants is 45 years. By including immigrants in these associations, perhaps some of these immigrants could avoid over-indebtedness through better information and integration into Swedish legal culture.

According to Statistics Sweden, there are approximately 975,000 people who are active in a sports or outdoor association and 395,000 people who are active in a cultural, music, dance or theatre association (SCB, 2020). Further, 75 per cent of the population, 16 years and older, are members of one or more associations and 29 per cent are active in at least one association. At the same time, as mentioned in an upcoming research report, we found that 91 per cent of immigrants who take courses in *Swedish for immigrants* or *Swedish as a second language* answered that they are not members of any non-profit association, seven per cent were members of an immigrant association and only three per cent were members of a political association. In the same survey, more than a third answered that they do not know or socialise with people who were born or have lived in Sweden for a long time. Thus, immigrants remain socially isolated from mainstream Swedish society and are at risk of financial exclusion and over-indebtedness.

Getting to the point, I propose an approach from the individual perspective in which each immigrant, after arriving in Sweden, fills out a questionnaire regarding what they are interested in and what activities they enjoy so that they can be matched with appropriate associations. I also suggest that Swedish associations register their interests in providing care and supervision for these individuals in accordance with the predominant social and legal norms in Sweden, including the Swedish language. In particular, associations that receive grants from the state should be required to foster integration of immigrants in order to receive their grants.

## Suggestions for future research

A future study could examine the significance of the arrival municipalities in terms of the likelihood of over-indebtedness. Such a study could allow comparisons between immigrants who have moved to big cities versus those who have moved to rural areas. According to my knowledge, small municipalities in the interior of

Sweden have provided better conditions for low-skilled workers who came here during immigration in the 1990s. Based on the findings, it would be possible to emphasise the critical role that local municipalities play in ensuring the financial well-being of immigrants, thereby reducing risks of over-indebtedness and financial and social exclusion.

Another way to alleviate over-indebtedness among immigrants in Sweden would be to conduct a large-scale survey of the country of birth instead of place of birth or to identify the language spoken by those who are over-indebted. As an example, categorizing Asians debtors as one group is too broad since this would constitute an overly heterogeneous group. Instead, future research could narrowly focus on specific subgroups of debtors, providing information that could be used to target over-indebtedness prevention measures at the appropriate time.

It would be beneficial to perform large-scale studies of over-indebtedness based on subjective definitions and measurement methods. It is well known that there are advantages and disadvantages to each definition of over-indebtedness; therefore, a comparative study would provide insight into the issue from a different perspective and new information that can assist in reducing over-indebtedness. Such a study should be conducted using mixed methods, although this time the qualitative study should be carried out first, and followed by the quantitative study.

I have further reported that 15 per cent of the debtors included in the Enforcement database have been listed there for 27 to 41 years, a situation that brings me to the debtors' debate I have raised. It would be beneficial to conduct further research that examines the situations of the long-term debtors. Several factors need to be addressed, such as why they have been in the register so long and how their over-indebtedness relates to potential health problems.

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# Appendices

## Appendix 1: Descriptive statistics

**Table 11. Distribution of the total number of debtors in the Swedish Enforcement database by place of birth and comparison with the proportion in Sweden**

Place of birth	Debtors	%	Sweden	%	(+/-)
<b>Africa</b>	15,254	4.4	178,624	1.8	+144
<b>Asia</b>	26,062	7.5	565,050	5.7	+32
<b>EU28 except Nordic countries</b>	16,478	4.7	331,926	3.4	+38
<b>Europe except EU28 and Nordic countries</b>	15,026	4.3	238,565	2.4	+79
<b>Nordic countries except Sweden</b>	14,935	4.3	245,633	2.5	+72
<b>North America</b>	1,951	0.6	35,780	0.4	+50
<b>Oceania</b>	142	0.0	5,245	0.1	n/a
<b>South America</b>	7,202	2.1	68,571	0.7	+200
<b>Soviet</b>	285	0.1	5,722	0.1	0
<b>Sweden</b>	251,181	72.1	8,174,753	83.0	-13
<b>Unknown</b>	55	0.0	1,148	0.0	n/a
<b>Total</b>	<b>348,571</b>	<b>100.0</b>	<b>9,851,017</b>	<b>100.0</b>	

**Table 12. Proportion of debtors in the Swedish Enforcement database (%), by entry into the database and place of birth**

First debt	Place of birth									
	Africa	Asia	EU28	Europe	North America	Nordic countries	Oceania	Unknown	Soviet	South America
1975–1989	6.1	7.0	17.1	10.6	1.1	51.2	0.1	0.0	0.2	6.6
1990–1994	12.0	16.9	13.2	10.8	1.7	32.3	0.1	0.0	0.6	12.4
1995–1999	16.4	24.1	12.0	17.0	1.9	18.2	0.2	0.0	0.4	9.8
2000	13.7	25.9	11.4	20.4	2.3	15.5	0.2	0.1	0.5	10.1
2001	17.9	27.7	10.1	17.2	2.3	14.6	0.1	0.1	0.4	9.5
2002	15.2	26.6	11.7	18.8	2.6	13.8	0.2	0.0	0.4	10.7
2003	17.0	27.1	10.8	18.8	2.3	14.9	0.1	0.0	0.3	8.7
2004	17.3	28.6	12.0	18.9	1.9	11.6	0.2	0.0	0.3	9.1
2005	18.6	29.2	12.1	18.3	2.4	10.4	0.2	0.1	0.3	8.4
2006	16.0	29.7	12.8	18.5	2.1	12.3	0.0	0.0	0.3	8.3
2007	16.7	28.1	15.3	18.0	2.7	11.2	0.1	0.1	0.3	7.6
2008	15.6	29.2	18.3	18.9	1.9	9.0	0.1	0.0	0.3	6.6
2009	15.1	29.3	20.1	16.7	2.0	9.6	0.2	0.0	0.3	6.6
2010	14.4	29.4	21.8	16.7	1.8	8.9	0.1	0.1	0.3	6.6
2011	16.4	29.1	21.8	15.5	1.9	9.1	0.2	0.0	0.1	5.8
2012	16.7	30.7	19.5	15.5	2.3	8.9	0.2	0.1	0.2	6.0
2013	18.0	31.7	19.6	14.5	1.8	8.5	0.2	0.1	0.2	5.4
2014	17.3	31.8	19.5	14.7	2.2	8.3	0.2	0.2	0.3	5.5
2015	19.3	32.2	18.6	13.9	2.3	7.1	0.1	0.1	0.2	6.0
<b>Totalt</b>	<b>15.7</b>	<b>26.8</b>	<b>16.9</b>	<b>15.4</b>	<b>2.0</b>	<b>15.3</b>	<b>0.1</b>	<b>0.1</b>	<b>0.3</b>	<b>7.4</b>

**Table 13. Disproportionality between the sexes within the same background category, compared with national levels**

Background		Debtors			Sweden			(+/-)	
		Male	Female	Total	Male	Female	Total	Male	Female
Immigrants (A)	Count	64 692	32 698		828 027	848 237		+34	-34
	%	66.4%	33.6%	100%	49.4%	50.6%	100		
Second-generation immigrants (B)	Count	10 980	6 293		262 482	248 274		+24	-25
	%	63.6%	36.4%	100%	51.4%	48.6%	100		
Mixed parentage (C)	Count	17 129	11 272		369 781	355 060		+18	-19
	%	60.3%	39.7%	100%	51.0%	49.0%	100		
Multi-generation Swedes (D)	Count	122 405	83 102		3 470 676	3 468 480		+19	-19
	%	59.6%	40.4%	100%	50.0%	50.0%	100		
Total	Count	<b>215 206</b>	<b>133 365</b>		<b>4 930 966</b>	<b>4 920 051</b>		<b>+23</b>	<b>-23</b>
	%	<b>61.7%</b>	<b>38.3%</b>	<b>100%</b>	<b>50.1%</b>	<b>49.9%</b>	<b>100%</b>		



**Table 14. Disproportionality between the sexes within the same place of birth category, compared with national levels**

Place of birth		Enforcement database		Sweden		(+/-)	
		Male	Female	Male	Female	Male	Female
<b>Africa</b>	Count	11 026	4 228	95 085	83 539	+38	-41
	%	72,3%	27,7%	53,2%	46,8%		
<b>Asia</b>	Count	18 087	7 975	283 155	281 895	+39	-39
	%	69,4%	30,6%	50,1%	49,9%		
<b>EU28 except for Nordic countries</b>	Count	10 737	5 741	168 746	163 180	+28	-29
	%	65,2%	34,8%	50,8%	49,2%		
<b>Europe except for EU28 and Nordic countries</b>	Count	9 973	5 053	117 720	120 845	+35	-34
	%	66,4%	33,6%	49,3%	50,7%		
<b>North America</b>	Count	1 271	680	18 382	17 398	+27	-28
	%	65,1%	34,9%	51,4%	48,6%		
<b>Nordic countries except Sweden</b>	Count	8 932	6 003	105 674	139 959	+39	-29
	%	59,8%	40,2%	43,0%	57,0%		
<b>Oceania</b>	Count	107	35	3 365	1 880	+17	-31
	%	75,4%	24,6%	64,2%	35,8%		
<b>Unknown</b>	Count	40	15	677	471	+23	-33
	%	72,7%	27,3%	59,0%	41,0%		
<b>Soviet</b>	Count	157	128	1960	3 762	+61	-32
	%	55,1%	44,9%	34,3%	65,7%		
<b>Sweden</b>	Count	150 514	100 667	4 102 939	4 071 814	+19	-19
	%	59,9%	40,1%	50,2%	49,8%		
<b>South America</b>	Count	4 362	2 840	33263	35 308	+25	-23
	%	60,6%	39,4%	48,5%	51,5%		
<b>Total</b>	Count	<b>215 206</b>	<b>133 365</b>	<b>4 930 966</b>	<b>4 920 051</b>	<b>+23</b>	<b>-23</b>
	%	<b>61,7%</b>	<b>38,3%</b>	<b>50,1%</b>	<b>49,9%</b>		

**Table 15. Disproportionality among debtors, divided by place of birth and sex, in relation to the levels in the country**

Place of birth		Enforcement database		Sweden		(+/-)	
		Male	Female	Male	Female	Male	Female
Africa	Count	11 026	4 228	95 085	83 539	220	50
	%	3,2%	1,2%	1,0	0,8		
Asia	Count	18 087	7 975	283 155	281 895	79	-21
	%	5,2%	2,3%	2,9%	2,9%		
EU28 except Nordic countries	Count	10 737	5 741	168 746	163 180	82	-6
	%	3,1%	1,6%	1,7%	1,7%		
Europe except EU28 and Nordic countries	Count	9 973	5 053	117 720	120 845	142	17
	%	2,9%	1,4%	1,2%	1,2%		
Nordic countries except Sweden	Count	8 932	6 003	105 674	139 959	136	21
	%	2,6%	1,7%	1,1%	1,4%		
North America	Count	1 271	680	18 382	17 398	50	0
	%	0,3%	0,2%	0,2%	0,2%		
Oceania	Count	107	35	3 365	1 880	n/a	n/a
	%	n/a	n/a	n/a	n/a		
South America	Count	4 362	2 840	33 263	35 308	333	100
	%	1,3%	0,8%	0,3%	0,4%		
Soviet	Count	157	128	1960	3 762	n/a	n/a
	%	n/a	n/a	n/a	n/a		
Sweden	Count	150 514	100 667	4 102 939	4 071 814	4	-30
	%	43,2%	28,9%	41,7%	41,3%		
Unknown	Count	40	15	677	471	n/a	n/a
	%	n/a	n/a	n/a	n/a		
Total	Count	348 571		9 851 017			
	%	100		100			

**Table 16. Age among debtors by sex and place of birth**

Sex	Place of birth	Mean	Std. Deviation	Median	Minimum	Maximum	N
Male	Africa	41	12.3	40	16	93	11,026
	Asia	42	12.4	40	16	92	18,087
	EU28 except Nordic countries	45	13.6	44	17	95	10,737
	Europe except EU28 and Nordic countries	44	13.0	44	17	93	9,973
	North America	45	12.2	45	18	86	1,271
	Nordic countries except Sweden	55	12.3	56	16	97	8,932
	Oceania	45	10.9	43	21	89	107
	Unknown	38	13.0	37	19	70	40
	Soviet	49	14.7	48	25	91	157
	Sweden	47	15.1	47	7	101	150,514
	South America	45	12.4	43	18	95	4,362
<b>Total</b>		<b>46</b>	<b>14.6</b>	<b>46</b>	<b>7</b>	<b>101</b>	<b>215,206</b>
Female	Africa	39	11.2	38	16	93	4,228
	Asia	42	11.7	41	15	95	7,975
	EU28 except Nordic countries	45	13.9	44	7	100	5,741
	Europe except EU28 and Nordic countries	44	13.5	43	17	95	5,053
	North America	44	12.3	43	20	89	680
	Nordic countries except Sweden	55	12.7	55	8	95	6,003
	Oceania	41	9.8	44	21	59	35
	Unknown	41	9.8	40	23	54	15
	Soviet	51	12.7	53	26	83	128
	Sweden	46	14.5	46	5	105	100,667
	South America	46	12.6	44	17	93	2,840
<b>Total</b>		<b>46</b>	<b>14.3</b>	<b>46</b>	<b>5</b>	<b>105</b>	<b>133,365</b>
Total	Africa	41	12.0	40	16	93	15,254
	Asia	42	12.2	40	15	95	26,062
	EU28 except Nordic countries	45	13.7	44	7	100	16,478
	Europe except EU28 and Nordic countries	44	13.2	43	17	95	15,026
	North America	44	12.3	44	18	89	1,951
	Nordic countries except Sweden	55	12.5	55	8	97	14,935
	Oceania	44	10.7	43	21	89	142
	Unknown	39	12.2	38	19	70	55
Soviet	50	13.9	51	25	91	285	

	Sweden	46	14.9	47	5	105	251,181
	South America	45	12.5	44	17	95	7,202
	<b>Total</b>	<b>46</b>	<b>14.5</b>	<b>46</b>	<b>5</b>	<b>105</b>	<b>348,571</b>

**Table 17. Proportion of debtors in the Swedish Enforcement database by housing form and background compared to the control group and national population**

Note: A – Immigrants; B – Second-generation immigrants; C – Mixed parentage; D – Multi-generation Swedes

Housing form		A	B	C	D	Total	Sweden
<b>House</b>	Debtors	13.5	17.0	24.6	30.2	24.5	51.1
	Control group	27.5	39.8	48.2	59.2	49.7	
<b>Rented accommodation</b>	Debtors	74.6	69.1	64.2	59.7	64.6	27.4
	Control group	50.6	34.9	29.0	22.2	30.2	
<b>Housing co operative</b>	Debtors	10.8	12.7	10.1	8.9	9.7	18.4
	Control group	21.3	25.0	22.4	18.2	19.6	
<b>Other</b>	Debtors	1.1	1.2	1.1	1.3	1.2	3.1
	Control group	0.6	0.3	0.5	0.4	0.4	

**Table 18. Distribution of the total number of debtors with public debts by type of debt and background**

Note: A – Immigrants; B – Second-generation immigrants; C – Mixed parentage; D – Multi-generation Swedes

		A	B	C	D	Total
<b>Crime Victim Fund</b>	Amount	13,962	4,373	5,319	25,658	49,312
	%	28.3	8.9	10.8	52.0	100%
<b>Fines</b>	Amount	18,288	4,611	5,771	31,594	60,264
	%	30.3	7.7	9.6	52.4	100%
<b>Swedish Board of Student Finance</b>	Amount	21,695	5,143	8,992	53,101	88,931
	%	24.4	5.8	10.1	59.7	100%
<b>Vehicle-related debts</b>	Amount	22,901	3,803	5,522	39,037	71,263
	%	32.1	5.3	7.7	54.8	100%
<b>Legal aid costs</b>	Amount	5,165	1,807	2,486	12,404	21,862
	%	23.6	8.3	11.4	56.7	100%
<b>Tax</b>	Amount	24,599	3,353	6,049	45,543	79,544
	%	30.9	4.2	7.6	57.3	100%
<b>Special legal consequence</b>	Amount	496	213	316	1,436	2,461
	%	20.2	8.7	12.8	58.4	100%
<b>TV-fee</b>	Amount	22,599	3,985	8,188	67,113	101,885
	%	22.2	3.9	8.0	65.9	100%
<b>Maintenance support</b>	Amount	10,735	1,640	2,953	19,593	34,921
	%	30.7	4.7	8.5	56.1	100%
<b>Foreign debts</b>	Amount	566	86	89	427	1,168
	%	48.5	7.4	7.6	36.6	100%
<b>Penalty debt</b>	Amount	1,000	349	389	2,026	3,764
	%	26.6	9.3	10.3	53.8	100%
<b>Other</b>	Amount	289	37	43	491	860
	%	33.6	4.3	5.0	57.1	100%

**Table 19. Amount and size (SEK) of the public debts by background**

Note: A – Immigrants; B – Second-generation immigrants; C – Mixed parentage; D – Multi-generation Swedes

	Background	Mean	Mean,(SEK)	N
<b>Crime Victim Fund</b>	A	1.8	1,410	13,962
	B	2.1	1,727	4,373
	C	2.0	1,615	5,319
	D	1.9	1,532	25,658
	Total	1.9	1,524	49,312
<b>Fines</b>	A	2.1	6,547	18,288
	B	2.1	6,761	4,611
	C	1.8	6,229	5,771
	D	1.8	5,943	31,594
	Total	1.9	6,216	60,264
<b>Swedish Board of Student Finance</b>	A	2.6	22,583	21,695
	B	2.6	21,926	5,143
	C	2.6	21,371	8,992
	D	2.6	21,319	53,101
	Total	2.6	21,668	88,931
<b>Vehicle-related liabilities</b>	A	17.7	24,265	22,901
	B	19.3	26,501	3,803
	C	11.4	15,526	5,522
	D	8.8	11,999	39,037
	Total	12.4	16,988	71,263
<b>Legal aid costs</b>	A	1.2	4,859	5,165
	B	1.3	3,878	1,807
	C	1.3	3,835	2,486
	D	1.3	4,160	12,404
	Total	1.3	4,265	21,862
<b>Tax</b>	A	3.5	204,679	24,599
	B	3.3	235,577	3,353
	C	3.3	132,446	6,049
	D	3.2	161,450	45,543
	Total	3.3	175,738	79,544
<b>Special legal consequence</b>	A	1.1	117,734	496
	B	1.1	24,685	213
	C	1.1	30,347	316
	D	1.1	41,656	1,436
	Total	1.1	54,068	2,461
<b>TV fee</b>	A	8.2	11,308	22,599

	B	8.7	11,942	3,985
	C	8.6	11,749	8,188
	D	8.5	11,624	67,113
	Total	8.4	11,576	101,885
<b>Maintenance support</b>	A	40.1	35,970	10,735
	B	34.4	32,909	1,640
	C	33.1	32,278	2,953
	D	32.8	32,138	19,593
	Total	35.1	33,364	34,921
<b>Penalty debt</b>	A	1.2	5,116	1,000
	B	1.2	4,042	349
	C	1.2	4,240	389
	D	1.2	5,791	2,026
	Total	1.2	5,289	3,764

## Appendix 2: Conversation guide

### Introduction

Hi my name is \_\_\_\_\_ (and I am looking for \_\_\_\_\_; is that you?). In this call, I wish to discuss our collaboration in a research project designed to reduce over-indebtedness among foreign-born people. According to the Enforcement database, there are many people with debts who are born abroad or have parents born outside Sweden. In order to better support future debtors, we would like to understand more about this issue.

You have already paid a debt in the Enforcement database. That's great! That's why we would like your assistance in answering some questions related to why the debt ended up in the database and how you resolved the issue.

We have made a random selection from our registers. You are one of those we are calling and your answers will be anonymous. Do you have time to talk to us for a few minutes? Participation is completely voluntary, and I will take notes during the discussion. Nothing will be recorded. In the event that you wish to stop the interview, you may do so at any time.

If the individual does not have time, ask them for a time or day that is convenient.

In the event that we detect that the person does not understand us adequately, we interrupt in a polite manner and thank them for their time.

### Start the interview

Restate that this relates to research aimed at reducing debt among people with foreign backgrounds. Before I ask you about your debts and how you resolved them, I would like to ask you just a few questions about your background.

What country were you born in?

How old are you?

How long have you lived in Sweden?



Thanks. I now will ask some questions about the debt / debts you had. I see you had a... debt(s).

Do you mind if I ask what lead to the debt(s) being included in the Enforcement database? What happened before? Can you tell me a little about your debt situation, background, how, when, why / cause?

Ask spontaneous questions based on what the respondent says, for example: When you received the demand from X from the beginning, did you contact them (e.g., the Swedish Tax Agency, Radiotjänst, etc.)? If so, what did they say? In an attempt to resolve the situation, did you ask for help from someone else? Were you aware that the debt would be sent to the Swedish Enforcement Authority? Did you know what the SEA was before X sent the debt to the Enforcement database?

How has over-indebtedness affected you? How has it affected your life? (Ask follow-up questions / develop based on the interviewee's answers.)

Thank you for taking the time to talk to me. Your feedback is very helpful in our efforts to provide better support and prevent foreign-born individuals from becoming over-indebted in the future. Thank you. Have a nice day!

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## Law and Social Exclusion

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Davor Vuleta has been employed by the Swedish Enforcement Authority (Kronofogden) since 2007. As an enforcement officer and a former refugee, he developed a scholarly interest in the issue of over-indebtedness among immigrants in Sweden and its consequences for immigrants' daily livelihoods. The main objective of this study is to examine the economic security of over-indebted immigrants in Sweden. A mixed-methods sequential explanatory design approach was utilised to obtain a comprehensive understanding of these complex issues. Merton's functionalist theory of manifest and latent functions and dysfunctions was used to analyse the data, including the concept of legal culture that complements the theoretical model. The thesis findings show that current law enforcement strategies regarding over-indebted immigrants contribute to debtorisation, a process that negatively impacts individuals' economic security and can lead to social and economic exclusion.

