

Minority Women Between Two Margins: Intersectional Justice in Land and Inheritance Disputes among Indigenous Communities

Aprila Niravita* 

Universitas Negeri Semarang, Semarang, Indonesia
aprilaniravita@mail.unnes.ac.id

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*Corresponding Author

Abstract

Women belonging to indigenous communities may experience overlapping forms of disadvantage arising from gender, customary status, economic position, and minority identity. This article examines the intersectional dimensions of land and inheritance disputes involving indigenous women in Indonesia. The research seeks to determine whether legal frameworks addressing indigenous rights and gender equality are capable of responding to vulnerabilities that arise simultaneously from multiple identities. Employing an intersectional socio-legal methodology, the study analyzes constitutional provisions, customary law, statutory frameworks, judicial decisions, and selected disputes involving land and inheritance. The article argues that single-axis approaches to discrimination are inadequate because they may recognize either women's rights or indigenous rights while overlooking the interaction between the two. In certain circumstances, indigenous women may face exclusion from customary land while simultaneously experiencing institutional barriers when seeking protection through state law. Conversely, interventions designed exclusively around gender equality may weaken culturally specific forms of community governance without addressing the structural causes of dispossession. The study therefore proposes an intersectional model of minority justice that recognizes women's individual rights alongside collective indigenous rights. It concludes that effective legal protection requires institutions capable of identifying overlapping vulnerabilities and designing remedies that avoid reproducing either gender-based or cultural marginalization. The article contributes to intersectionality scholarship by applying the framework to property, inheritance, and indigenous justice in Indonesia.

[Perempuan yang termasuk dalam komunitas adat mungkin mengalami berbagai bentuk kerugian yang tumpang tindih yang timbul dari gender, status adat, posisi ekonomi, dan identitas minoritas. Artikel ini mengkaji dimensi interseksional dari sengketa tanah dan warisan yang melibatkan perempuan adat di Indonesia. Penelitian ini bertujuan untuk menentukan apakah kerangka hukum yang membahas hak-hak masyarakat adat dan kesetaraan

gender mampu menanggapi kerentanan yang muncul secara bersamaan dari berbagai identitas. Dengan menggunakan metodologi sosial-hukum interseksional, studi ini menganalisis ketentuan konstitusional, hukum adat, kerangka hukum, keputusan pengadilan, dan sengketa terpilih yang melibatkan tanah dan warisan. Artikel ini berpendapat bahwa pendekatan satu sumbu terhadap diskriminasi tidak memadai karena pendekatan tersebut mungkin hanya mengakui hak-hak perempuan atau hak-hak masyarakat adat tanpa mempertimbangkan interaksi antara keduanya. Dalam keadaan tertentu, perempuan adat mungkin menghadapi pengucilan dari tanah adat sementara secara bersamaan mengalami hambatan kelembagaan ketika mencari perlindungan melalui hukum negara. Sebaliknya, intervensi yang dirancang secara eksklusif di sekitar kesetaraan gender dapat melemahkan bentuk-bentuk tata kelola komunitas yang spesifik secara budaya tanpa mengatasi penyebab struktural dari penggusuran. Oleh karena itu, studi ini mengusulkan model keadilan minoritas interseksional yang mengakui hak-hak individu perempuan bersamaan dengan hak-hak kolektif masyarakat adat. Kesimpulannya, perlindungan hukum yang efektif membutuhkan lembaga yang mampu mengidentifikasi kerentanan yang saling tumpang tindih dan merancang solusi yang menghindari reproduksi marginalisasi berbasis gender atau budaya. Artikel ini berkontribusi pada kajian interseksionalitas dengan menerapkan kerangka kerja tersebut pada masalah properti, warisan, dan keadilan bagi masyarakat adat di Indonesia.]

Keywords: indigenous women, intersectionality, land rights, inheritance, minority justice

Introduction

Land is not merely an economic asset for many indigenous communities in Indonesia but a foundation of social identity, cultural continuity, livelihood, political authority, and collective belonging. Within customary communities, land may be connected to ancestry, sacred practices, kinship structures, and obligations toward future generations. Consequently, disputes over customary land frequently involve more than questions of title or possession. They may determine who belongs to a community, who can participate in decision-making, and who has access to material resources. Indigenous women occupy a particularly complex position within this structure. They may depend upon customary land for agricultural production and household security while possessing weaker authority over its formal control or inheritance. Their vulnerability therefore cannot be adequately understood through either gender discrimination or indigenous marginalization alone. It emerges from the interaction between these categories, alongside class, marital status, age, geographic location, and access to state institutions. This intersection creates a distinctive legal problem requiring an

analytical framework capable of recognizing multiple and simultaneous forms of disadvantage.

The Indonesian Constitution provides an important normative foundation for addressing these problems. Article 18B(2) of the 1945 Constitution recognizes and respects traditional communities and their traditional rights, while Article 28I(2) establishes protection against discriminatory treatment. Article 28D(1) guarantees equal treatment before the law, and Article 28H(2) recognizes the right to special treatment to obtain equal opportunities and benefits. Indonesia has also ratified the Convention on the Elimination of All Forms of Discrimination against Women through Law No. 7 of 1984 and has enacted Law No. 39 of 1999 on Human Rights. Indigenous peoples' land interests are further addressed through sectoral legislation, including agrarian and forestry regulations. Yet these norms do not automatically resolve conflicts between collective customary authority and women's individual rights. The central difficulty is determining how state law should intervene when a customary rule may simultaneously protect collective identity and generate unequal consequences for women.

Intersectionality provides a useful theoretical framework for addressing this difficulty. Crenshaw (1989) originally developed the concept to explain how conventional anti-discrimination frameworks could fail women whose experiences were shaped by both race and gender. Rather than treating identity categories as independent variables, intersectionality examines how social structures interact to produce distinctive forms of disadvantage. Collins and Bilge (2016) subsequently conceptualized intersectionality as an analytical framework concerned with the interaction of power, inequality, social location, and institutional structures. Applied to indigenous women in Indonesia, the framework requires examination of how gender, customary membership, economic dependency, territorial marginality, and institutional authority interact. An indigenous woman may be simultaneously disadvantaged by a customary inheritance rule, limited access to formal documentation, and economic dependence on family land. Treating these factors separately may obscure the mechanism through which exclusion actually occurs.

Previous scholarship has examined indigenous rights, gender equality, customary law, and land governance in Indonesia, but these fields often remain analytically separated. Research on indigenous land rights has emphasized recognition, territorial control, and the relationship between customary communities and the state (Arizona, Wicaksono, and Vel 2017; Benda-Beckmann, Benda-Beckmann, and Griffiths 2005). Gender scholarship has examined women's position within customary and agrarian structures, including the relationship between women's rights and communal authority (Blackwood 1995; Bowen 2003). International research on indigenous women similarly demonstrates that gender inequality cannot be separated from colonialism, dispossession, and structural marginalization (Kuokkanen 2011; UN Women 2020). Nevertheless, comparatively limited attention has been given to how Indonesian legal institutions

should resolve disputes when indigenous women's individual property claims intersect with legitimate collective claims over customary territory.

This article contributes to that literature by developing an intersectional model of minority justice for land and inheritance disputes. Its central argument is that neither an exclusively individual-rights approach nor an exclusively collective-rights approach provides sufficient protection. An individualistic model may disregard the social and cultural significance of customary land, while an unqualified collective-rights model may allow internal gender hierarchies to remain immune from scrutiny. The appropriate approach is therefore relational: women's individual equality must be protected within a framework that also recognizes indigenous collective identity, customary institutions, and territorial rights. Such an approach treats collective autonomy and gender equality not as inherently contradictory principles but as interests that must be reconciled through proportionality, participation, and context-sensitive remedies.

The research employs a normative and socio-legal methodology. The normative component analyzes the 1945 Constitution, Law No. 5 of 1960 on Basic Agrarian Principles, Law No. 39 of 1999 on Human Rights, Law No. 7 of 1984 ratifying CEDAW, Law No. 6 of 2014 on Villages, relevant forestry legislation, inheritance principles, and judicial developments concerning indigenous rights and land. The socio-legal component draws upon empirical and doctrinal scholarship concerning indigenous women, customary governance, land dispossession, and access to justice. The analysis uses four dimensions: recognition, substantive equality, participation, and remedy. These dimensions allow the study to determine whether legal institutions merely recognize indigenous communities and women as abstract rights-holders or actually provide mechanisms capable of addressing overlapping forms of vulnerability.

Results and Discussion

1. Intersectionality and the Structure of Indigenous Women's Disadvantage

The first finding is that indigenous women's vulnerability cannot be adequately explained through a single category of discrimination. Intersectionality demonstrates that disadvantage may be produced through the interaction of several institutional structures rather than through one identifiable discriminatory rule. Crenshaw (1989) emphasized that legal categories constructed around race or gender separately can make certain experiences invisible. For indigenous women, the equivalent problem occurs when legal analysis separates indigenous rights from women's rights. A land dispute may therefore be classified exclusively as a customary-rights issue even when the distribution of land within the community is gendered. Alternatively, it may be framed solely as a women's property-rights dispute without considering the collective character of customary territory. Both approaches risk producing incomplete legal reasoning because the woman's social position is created through the interaction of gender and indigenous membership.

Indigenous women's position is also shaped by economic structures. Land frequently constitutes the material foundation of household livelihoods, particularly where indigenous communities rely on agriculture, forests, fisheries, or other natural resources. Losing access to customary land can therefore affect women through several channels simultaneously: loss of income, reduced food security, increased dependence on spouses or relatives, and weakened participation in community institutions. FAO (2011) emphasizes that women's access to land is closely connected with food security, livelihoods, and empowerment. In indigenous communities, however, individual land access may be structured through collective tenure. This means that protecting women may require more than granting individual titles. Legal institutions must examine the rules governing membership, use rights, inheritance, decision-making, and transfer within the customary system.

Intersectionality also requires attention to social location. Not all indigenous women experience customary institutions in the same manner. Married and unmarried women may possess different rights; widows may face different inheritance consequences from daughters; women with higher economic status may have greater bargaining power than poorer women; and women living in remote territories may experience significantly greater barriers to state institutions. Collins and Bilge (2016) emphasize that intersectionality concerns relationships among multiple dimensions of social inequality rather than fixed identity categories. This means that legal remedies must be sensitive to context. A uniform rule declaring that all customary inheritance arrangements are discriminatory may overlook variations between communities, while a blanket deference to customary law may conceal serious forms of internal exclusion.

Indigenous women's vulnerability is further complicated by the historical relationship between state law and customary authority. Colonial and postcolonial legal systems have frequently classified customary communities through administrative categories that determine whether their rights are recognized. Benda-Beckmann, Benda-Beckmann, and Griffiths (2005) demonstrate that legal pluralism produces interactions between state and customary legal orders rather than a simple opposition between "modern" and "traditional" law. For indigenous women, navigating these plural systems can create additional burdens. A woman may need to establish customary membership before asserting a collective land claim while simultaneously demonstrating individual standing before a state institution. The legal system may therefore impose multiple evidentiary demands on precisely those individuals who possess the fewest institutional resources.

2. Customary Land, Collective Rights, and Women's Individual Claims

Customary land presents a distinctive legal problem because its normative structure differs from the individualized conception of property that dominates modern land administration. Customary territories may involve layered rights held by communities, clans, families, and individuals. Benda-Beckmann, Benda-

Beckmann, and Spiertz (1996) demonstrate that property in plural legal systems is better understood as a bundle of socially embedded relationships than as a simple exclusive entitlement. Consequently, a woman's claim to land may take different forms: she may possess a right to cultivate land, a right derived from lineage, a right through marriage, or a right to participate in decisions concerning communal territory. State institutions that ask only who holds formal title may fail to recognize these overlapping rights.

The Basic Agrarian Law provides a significant legal basis for recognizing customary rights while simultaneously placing them within the national land system. Article 3 recognizes the implementation of customary rights to the extent that such rights remain in existence and are consistent with national interests and statutory provisions. This formulation creates both recognition and conditionality. Indigenous communities may therefore possess customary rights, but their legal effectiveness may depend upon state recognition and administrative procedures. For indigenous women, this conditionality creates an additional problem: if the community itself is required to prove its legal existence and territorial boundaries, individual women may have difficulty asserting internal rights before the community's collective status has been established.

The Constitutional Court's development concerning customary communities has significantly influenced this field. Constitutional Court Decision No. 35/PUU-X/2012 is particularly important because it distinguished customary forests from state forests and strengthened the constitutional position of indigenous communities in relation to customary territories. The decision represented a significant transformation in the legal treatment of indigenous territorial rights. Yet the decision primarily addressed the relationship between indigenous communities and the state rather than the internal distribution of rights within communities. Its significance for indigenous women is therefore indirect but substantial: strengthening collective land rights may protect women from external dispossession, while leaving unresolved the question of whether women enjoy equal authority within the collective.

This distinction reveals a fundamental tension between external justice and internal justice. External justice concerns protection of indigenous communities against governments, corporations, and other external actors seeking to acquire or exploit customary territory. Internal justice concerns how rights and resources are distributed among community members. A legal framework may successfully protect a community against state dispossession while simultaneously failing to address gender inequality within the community. Both dimensions matter. Kuokkanen (2011) argues that indigenous women's rights must be situated within broader struggles over self-determination while also confronting gendered structures within indigenous communities. Legal policy should therefore avoid assuming that collective protection automatically produces equality for all community members.

The appropriate response is not to subordinate customary land to individualized ownership. Such a move could unintentionally facilitate fragmentation and privatization of indigenous territories. Instead, women's rights should be protected through recognition of equal membership and use rights within collective tenure structures. This may include equal participation in decisions concerning land allocation, inheritance, resource use, and external agreements. Such an approach protects collective territorial integrity while preventing collective identity from being used to justify exclusion. The central principle is that collective rights should function as a shield against external dispossession, not as an automatic justification for internal discrimination.

3. Inheritance, Customary Norms, and the Gendered Distribution of Land

Inheritance disputes provide a particularly revealing context for intersectional analysis because they determine how customary land and family assets are transferred between generations. Indonesian inheritance law is pluralistic, with Islamic, customary, and civil-law traditions operating within different social and institutional contexts. This legal plurality can provide communities with normative flexibility but may also generate uncertainty. For indigenous women, the outcome of an inheritance dispute may depend upon the interaction between customary membership, family structure, religious affiliation, and the legal forum in which the dispute is heard. The result is that formally equal rights may have very different practical consequences depending on which legal order becomes authoritative.

Gendered inheritance rules are not uniform across Indonesia. Anthropological scholarship demonstrates that kinship systems structure women's property rights differently. In some communities, matrilineal systems provide women with important positions in property transmission, while in others, patrilineal structures privilege male lineage. Bowen's (2003) research on Indonesian customary and Islamic law demonstrates the complexity of legal pluralism surrounding inheritance and family relations. Blackwood's (1995) analysis of Minangkabau women similarly demonstrates that matrilineality should not automatically be equated with complete gender equality. Women may possess important property-related rights while remaining constrained in other areas of authority. This illustrates why intersectional analysis must avoid romanticizing customary institutions as inherently egalitarian.

The Minangkabau example is particularly instructive because matrilineal descent can provide women with significant relationships to ancestral property while authority over communal resources may remain institutionally differentiated. The distinction between ownership, management, inheritance, and decision-making is therefore essential. A woman may be the symbolic or genealogical holder of ancestral property without possessing unilateral power to alienate it. Conversely, she may participate in collective management without possessing an individualized inheritance share. Legal institutions that interpret these arrangements through conventional property categories may mischaracterize both the community's collective interests and women's actual rights.

A rights-based analysis should therefore distinguish between formal inheritance entitlement and substantive control. Having one's name recognized as an heir does not necessarily guarantee effective access to land. Social norms, family pressure, economic dependence, lack of documentation, and fear of community exclusion can discourage women from asserting legal claims. Agarwal (1994) emphasizes that women's property rights have material consequences for bargaining power and autonomy, particularly within households and communities. For indigenous women, land rights can similarly affect their capacity to resist domestic dependency, participate in community decisions, and respond to external dispossession. Inheritance law should therefore be evaluated not merely by doctrinal equality but by its consequences for women's actual bargaining position.

The legal system should also avoid imposing a single model of inheritance on diverse indigenous communities. Cultural autonomy has constitutional significance, and customary systems may embody legitimate collective values. However, cultural autonomy cannot be absolute when its implementation produces serious and systematic violations of individual rights. CEDAW provides a relevant normative standard because it requires states to eliminate discrimination against women in areas including property, family relations, and economic life. The challenge is therefore to develop a proportionality-based approach: customary rules should receive respect where they protect legitimate communal interests, but their application should be subject to scrutiny where they produce unjustified gender-based exclusion. This approach reconciles cultural pluralism with substantive equality.

4. The Relationship between Indigenous Self-Determination and Gender Equality

Indigenous self-determination is a central principle in contemporary indigenous-rights law. UNDRIP recognizes indigenous peoples' rights to self-determination, cultural identity, traditional institutions, and participation in decisions affecting them (United Nations 2007). Self-determination is essential because indigenous communities have historically experienced external governance that marginalized their institutions and undermined territorial control. However, the recognition of collective autonomy raises a difficult question: how can legal systems protect indigenous self-determination without insulating gender inequality from constitutional review? Intersectional justice requires answering this question without treating indigenous cultures as inherently oppressive or, conversely, assuming that cultural practices are beyond legal scrutiny.

Kuokkanen (2011) argues that indigenous women's rights must be addressed within indigenous self-determination rather than as an external project imposed upon indigenous communities. This insight is important because gender equality interventions can themselves reproduce colonial patterns when they treat indigenous institutions as inherently backward and assume that state law is automatically emancipatory. Indigenous women may have their own strategies for

transforming customary institutions from within. Legal systems should therefore create space for women's participation in customary governance rather than simply replacing customary institutions with state-controlled structures. The goal should be decolonial gender justice, in which women can challenge discriminatory practices while retaining meaningful connections to community identity.

The distinction between cultural practice and cultural authority is particularly important. A community may have legitimate authority to define its cultural identity, but that does not necessarily authorize leaders to exclude certain members from participation or material resources. Collective rights belong to communities as social entities, yet communities are composed of individuals who possess constitutional rights. The challenge is therefore relational: the state must protect collective institutions while ensuring that individual members are not reduced to instruments of collective identity. This principle is consistent with the Indonesian constitutional commitment to both cultural recognition and equality before the law.

Institutional participation provides one practical mechanism for reconciliation. Indigenous women should have meaningful representation in customary decision-making bodies, village institutions, land negotiations, and tourism or resource-development processes affecting customary territory. Participation matters because formal rights are often ineffective when individuals lack voice in institutions responsible for interpreting them. Arnstein's (1969) distinction between token and substantive participation remains relevant: women sitting symbolically within a decision-making body does not guarantee influence. Meaningful participation requires information, deliberative power, access to procedures, and the capacity to challenge decisions.

The principle of participation also has implications for external land negotiations. When governments or corporations seek agreements concerning customary territories, consultation should not be conducted exclusively with male customary leaders if women are materially affected by the transaction. International standards concerning indigenous peoples emphasize participation and free, prior, and informed consent (United Nations 2007; ILO 1989). An intersectional approach extends this principle by asking whether the internal distribution of decision-making power allows women to participate meaningfully in collective consent processes. Indigenous consultation should therefore be both community-based and gender-responsive.

5. Legal Pluralism and Access to Justice for Indigenous Women

Legal pluralism is a defining feature of disputes involving indigenous land and inheritance. State courts, customary institutions, religious courts, village authorities, administrative bodies, and mediation mechanisms may all influence the resolution of a dispute. Griffiths (1986) conceptualized legal pluralism as the coexistence of multiple legal orders within a social field, while Benda-Beckmann, Benda-Beckmann, and Griffiths (2005) emphasized that people navigate these systems strategically. Indigenous women may therefore select or be directed toward

different forums depending upon the nature of their claim. The problem is that forum selection is not neutral. Some institutions may be more accessible, affordable, culturally legitimate, or responsive to women than others.

Formal judicial access can be particularly difficult in remote indigenous territories. Distance, legal costs, documentation requirements, language, and unfamiliarity with state procedures may prevent women from pursuing claims. UN Women (2020) identifies access to justice as a critical dimension of indigenous women's rights because discrimination frequently operates through institutions rather than through explicit legal rules. A woman may possess a theoretically valid claim but remain unable to enforce it because she lacks transportation, legal representation, evidence of land ownership, or knowledge of procedural requirements. Substantive equality therefore requires attention to the institutional conditions under which rights can actually be exercised.

Customary dispute resolution can offer advantages, including cultural legitimacy, lower costs, and greater familiarity. However, its effectiveness depends upon the structure of the institution. If customary adjudication is dominated by male elders, women may face difficulties challenging decisions that affect their land or inheritance rights. This does not mean that customary justice should be rejected. Instead, customary institutions should be evaluated according to procedural fairness, participation, transparency, and the availability of remedies. Community legitimacy and human-rights compatibility should operate together rather than being treated as mutually exclusive standards.

State courts should also develop greater competence in handling customary evidence. Indigenous land rights may not be documented through conventional certificates, maps, or written contracts. Evidence may consist of oral histories, genealogical narratives, customary boundaries, collective practices, sacred sites, or community testimony. Conventional evidentiary standards may disadvantage indigenous claimants if judges demand documentation that customary systems historically did not produce. The Constitutional Court's recognition of customary forests illustrates the importance of adapting legal interpretation to the specific nature of indigenous territorial rights. An intersectional approach adds another layer by requiring courts to consider whether women have distinct evidence concerning cultivation, inheritance, caregiving, or customary use.

Effective remedies should be similarly differentiated. A court may declare that a community possesses customary rights without addressing the position of women within that community. Conversely, it may grant an individual property claim without considering the collective consequences for customary territory. Remedies should therefore be designed to protect both dimensions where possible. These may include recognition of equal membership rights, restoration of access to land, participation orders, compensation, protection against retaliation, or institutional reforms within customary governance. The objective should not be to produce a winner and loser but to reconstruct legal relationships so that collective rights and individual equality can coexist.

6. Toward an Intersectional Model of Minority Justice

The findings support the development of an intersectional minority-justice framework consisting of four principles: recognition, equality, participation, and remedy. Recognition requires legal institutions to acknowledge indigenous peoples as collective rights-holders and indigenous women as individual rights-holders. Equality requires scrutiny of rules that produce unjustified gender-based exclusion within customary systems. Participation requires meaningful involvement of women in decisions concerning land, inheritance, and external development. Remedy requires institutions to address both the individual harm suffered by women and the collective interests of indigenous communities. These principles should be applied together because each is insufficient on its own. Recognition without equality can preserve internal exclusion; equality without cultural recognition can undermine indigenous autonomy; participation without remedy can become symbolic; and remedies without recognition can fragment collective rights.

The first institutional reform should involve gender-responsive recognition of customary land governance. Administrative procedures for recognizing indigenous communities and territories should identify how rights are distributed within the community, including women's participation in customary decision-making and access to land. This does not require the state to redesign every customary institution according to a uniform gender model. Instead, recognition procedures should ensure that women's interests are visible and that discriminatory practices are not automatically legitimized through administrative recognition. The process should involve women representatives, customary authorities, local government, and independent facilitators where necessary. Recognition should therefore function as a mechanism of rights protection rather than merely as an administrative classification.

Second, land and inheritance dispute resolution should incorporate intersectional impact assessment. Before deciding a dispute, courts and administrative bodies should ask how the proposed decision affects different categories of community members. Does recognition of collective ownership improve or restrict women's access? Does an individualized inheritance order fragment culturally significant land? Does a customary settlement protect the woman's economic security? These questions would encourage judges to move beyond binary reasoning. The purpose is not to replace legal rules with subjective assessments but to ensure that legal interpretation considers the distributional consequences of apparently neutral decisions.

Third, indigenous women's participation should become a substantive component of land governance. International indigenous-rights standards already emphasize participation and consent in decisions affecting indigenous peoples (United Nations 2007; ILO 1989). Indonesian village and customary governance mechanisms can incorporate gender-responsive procedures without eliminating customary institutions. Women should have access to meetings, information,

negotiation processes, and dispute-resolution mechanisms. Where customary councils lack female participation, community-based capacity-building and legal empowerment programs can strengthen women's ability to assert rights. Such measures would address the institutional dimension of intersectionality rather than treating discrimination as merely an individual interpersonal problem.

Finally, legal aid and judicial institutions should be adapted to the realities of indigenous women. Legal services should be geographically accessible, culturally competent, and capable of operating across state and customary legal systems. Legal aid providers should understand customary tenure, gender relations, inheritance pluralism, and indigenous governance. Courts should also develop guidelines for evaluating customary evidence and assessing claims involving collective and individual rights simultaneously. Such reforms would transform minority justice from a reactive model, in which women receive protection only after losing land or inheritance, into a preventive model in which legal institutions identify structural risks before disputes escalate.

Conclusion

This article demonstrates that indigenous women in Indonesia occupy a distinctive legal position created by the intersection of gender, customary membership, economic dependency, and territorial marginalization. Land and inheritance disputes expose the limitations of single-axis approaches because neither indigenous rights nor women's rights alone fully explains the harms experienced by women situated within customary communities. Collective indigenous rights are essential for protecting communities against external dispossession, yet collective autonomy cannot automatically justify internal gender inequality. Conversely, gender equality must not become a vehicle for dismantling customary institutions or reproducing paternalistic state intervention. The appropriate approach is therefore intersectional: legal institutions must protect individual women's dignity and equality while simultaneously respecting legitimate collective rights, cultural identity, and indigenous self-determination.

The article proposes four principles for future legal development: recognition, substantive equality, meaningful participation, and effective remedy. These principles should inform the recognition of customary territories, inheritance adjudication, administrative decision-making, customary dispute resolution, and legal-aid services. Future research should complement normative analysis with empirical comparative studies across different indigenous communities, particularly those with contrasting kinship systems such as matrilineal, patrilineal, and bilateral communities. Such studies should investigate how women actually experience customary land governance, how courts evaluate customary evidence, and which institutional arrangements most effectively reconcile collective autonomy with gender equality. Ultimately, minority justice should not force indigenous women to choose between belonging to their communities and

enjoying equal legal rights. A legitimate legal order must make both forms of belonging possible.

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