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Dear Umi Supraptiningsih,

Thank you for your submission.

Submission ID	233995716
Manuscript Title	Inequality as a Cultural Construction: Women's Access to Land Rights in Madurese Society
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Cogent Social Sciences - Your revision is due

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Ref: COGENTSOCSOCI-2023-0068

233995716

Inequality as a Cultural Construction: Women's Access to Land Rights in Madurese Society
Cogent Social Sciences

Dear Umi Supraptiningsih,

Following our recent decision letter, we would like to remind you that your paper, "Inequality as a Cultural Construction: Women's Access to Land Rights in Madurese Society", 233995716, is due for revision on Mar 20, 2023.

Cogent Social Sciences is eager to receive your revised submission. We are here to help you, should you need any support. Please contact us at OASS-peerreview@journals.tandf.co.uk for assistance with your revised submission.

Alternatively, if you have decided not to continue with your revision, and would prefer to submit your manuscript elsewhere, please let us know by emailing OASS-peerreview@journals.tandf.co.uk.

Please ensure you include the following elements in your revised submission/Please check the attachment for information on what you will need to include in your revised submission. If you have any further questions about your submission, please do not hesitate to contact us. To submit your revised manuscript please go to <https://rp.tandfonline.com/submission/flow?submissionId=233995716&step=1> and log in. You will see an option to revise alongside your submission record.

Best wishes,

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Cogent Social Sciences

In compliance with data protection regulations, you may request that we remove your personal registration details at any time. (Use the following URL: <https://www.editorialmanager.com/COGENTSOCSOCI/login.asp?a=r>). Please contact the publication office if you have any questions.

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13 Maret 2023 pukul 13.25

Kepada: Erie Hariyanto <erie.mh@gmail.com>

[Kutipan teks disembunyikan]

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13 Maret 2023 pukul 13.31

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13 Maret 2023 pukul 15.20

Kepada: Cogent Social Sciences <oass-peerreview@journals.tandf.co.uk>

Thank you, we've been reminded. Soon we will send back the revised results according to the Reviewer's instructions before March 20, 2023

[Kutipan teks disembunyikan]

Umi Supraptiningsih <umistainpamekasan@gmail.com>

18 Maret 2023 pukul 10.09

Kepada: Cogent Social Sciences <oass-peerreview@journals.tandf.co.uk>

Here is our announcement that the latest version (revised version) of the article has been submitted to the system. We also attach a clean file version for completeness. In the latest version, we have carefully responded to all comments, added data, re-read literature by including some new literature, and refined the analysis. We thank you for your cooperation and continuous support for the publication of our article.

[Kutipan teks disembunyikan]

Cogent Social Sciences

Inequality as a Cultural Construction: Women's Access to Land Rights in Madurese Society --Manuscript Draft--

Full Title:	Inequality as a Cultural Construction: Women's Access to Land Rights in Madurese Society
Manuscript Number:	COGENTSOCSCI-2023-0068
Article Type:	Research Article
Keywords:	inequality; women's access; land ownership; cultural constructs; Madurese society
Manuscript Classifications:	50.10.27 Human Rights Law & Civil Liberties; 50.10.34 Land Law; 60.3.1.30.3 Gender and the Law
Abstract:	<p>This article investigates the challenges faced by women on Madura Island, East Java, Indonesia in obtaining property rights, particularly in regards to land ownership. In Madurese society, land ownership rights have been largely awarded to male offspring. The study used a constructivist perspective and data from field observations, interviews, document analysis, and literature review to examine how power is perpetuated in Madurese society through cultural norms. The results show that these challenges are rooted in cultural construction that leads to unjust treatment of women within the family. The dominance of patriarchy in Madurese culture has created additional difficulties for women, who are already responsible for managing domestic affairs. Despite their crucial role in the family, the ongoing discrimination against women in obtaining property rights has a significant impact on their future, as they are forced to rely on men. The cultural construction that shapes the treatment of women in Madurese society continues to restrict their independence</p>

Inequality as a Cultural Construction: Women's Access to Land Rights in Madurese Society

Abstract

This article investigates the challenges faced by women on Madura Island, East Java, Indonesia in obtaining property rights, particularly in regards to land ownership. In Madurese society, land ownership rights have been largely awarded to male offspring. The study used a constructivist perspective and data from field observations, interviews, document analysis, and literature review to examine how power is perpetuated in Madurese society through cultural norms. The results show that these challenges are rooted in cultural construction that leads to unjust treatment of women within the family. The dominance of patriarchy in Madurese culture has created additional difficulties for women, who are already responsible for managing domestic affairs. Despite their crucial role in the family, the ongoing discrimination against women in obtaining property rights has a significant impact on their future, as they are forced to rely on men. The cultural construction that shapes the treatment of women in Madurese society continues to restrict their independence.

Keywords: inequality, women's access, land ownership, cultural constructs, Madurese society

1. Introduction

Women in Madura, Indonesia often struggle to obtain land due to uneven access. In terms of inheritance, women are more likely to inherit land if they are the only daughter or part of a group of sisters, but a male heir is typically responsible for distributing the inheritance if there are both daughters and sons in the family. This can make it difficult for women to obtain land through inheritance. One of the families investigated by this study has one daughter and six sons; the daughter is the eldest child, but her gender disqualified her from inheriting a part of the family's land. Such cases are prevalent in Madurese society and have existed for a long time. According to data from 2021, in Madura's four regencies, there were 18,704,470 land ownerships by men compared to only 33,283 land ownerships by women. Due to the dominance of the patriarchal system in Madurese society, cultural construction tend to take precedence over aspects of justice, enabling the continuance of this practice (Pattiruhu, 2020).

Up to this point, there are three main themes in the research on the challenges faced by women. The first theme involves studies that demonstrate the ongoing disadvantages that women experience within their families, such as limited ownership rights to just a home in which to live and being responsible for domestic tasks (Istianah, 2020; Marwinda & Margono S, 2020; Sumaryati, 2018). The second theme involves research on the disadvantages women face in inheritance matters (Arba et al., 2020; Alfarisi, 2020; Taqiyuddin, 2020; Wahyu, 2018). The third theme involves studies that show a shift in perceptions of women's roles in public spaces (Indarti, 2019; Suarmini et al., 2018; Zuhdi, 2019). Despite these three trends, research on the impact of injustice on Madurese women's rights to own land as an economic resource has not been extensively examined. This study aims to fill this gap by analyzing the injustices that Madurese women face in terms of access to land ownership.

This report aims to address the lack of attention given to the impact of injustice on Madurese women's rights to own land as an economic resource in previous studies. It addresses three main points: the cultural construction of women in Madurese society; the factors that contribute to discrimination against women in terms of land ownership on Madura; and the effects of this injustice on the lives of Madurese women.

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1 This study suggests that the inequality faced by Madurese women in terms of land rights
2 is a result of societal views on women's place in relation to ownership of possessions. Madurese
3 women are only allowed to own a home to live in, while men have the right to inherit other
4 movable and immovable property. Even being the oldest daughter does not change a woman's
5 cultural status as someone who is not entitled to ownership of land. As cultural influences that
6 support this discriminatory treatment have increased, Madurese women have become more
7 reliant on men.
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10 **2. Literature Review**

11 **2.1. Cultural Construction**

12 Construction, in this context, refers to a social concept that is closely connected to the human
13 mind (Franks, 2014). This aligns with Haslanger's (2017) assertion that ideas that originate
14 from mental processes are societal constructions with strong ties to social and intellectual
15 history. Through the mind, knowledge is created and becomes the result of a series of symbolic
16 interactions that shape cultural reality (Karman, 2015). Haryono (2016) agrees with Tilaar that
17 culture is created by humans and vice versa; the culture that people create influences their lives.
18 There is a reciprocal relationship between humans and culture, which impacts the individuals
19 who experience it (Haryono, 2016). Furthermore, cultural construction occurs continuously
20 throughout the process and is not restricted to early formation alone (Mesquita et al., 2016).
21 Therefore, it is closely related to the changes that are inherent to culture itself (Trubshaw,
22 2011). However, these changes have limits; long-standing cultural constructions in any society
23 cannot be easily altered (Pratiwi et al., 2020).
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26 One of the most challenging cultural constructs to change is gender bias. Many gender
27 notions are based on fictional stories that are socioculturally manufactured to legitimize gender
28 reality, which is influenced by the power of the dominant group in a cultural community
29 (Haslanger, 2017). This shows how certain interests can appropriate and exploit cultural
30 construction (Muktiyo 2015). In the context of gender, patriarchy refers to a culture that favors
31 men by creating gender imbalance (Sakina & A., 2017). The cultural constructions created by
32 male domination in communities portray women as submissive, weak, and dependent (Sakina
33 & A., 2017). Gender inequality not only occurs in the home but also persists in public settings,
34 such as when it comes to property ownership, where women's access and influence are limited
35 (Akinola, 2018). A concrete example is India's land leasing registration process, which led to
36 a higher male child survival rate (Bhalotra et al., 2019). In this context, Indian culture
37 establishes ideals that elevate the status of boys because they are land heirs (Bhalotra et al.,
38 2019). It is important to address this form of gender inequality.
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44 **2.2. Gender Inequality**

45 In anthropology, gender is not just a classification based on biological sex, but also includes
46 other factors such as social class and age (Boe, 2015). Despite being a non-essential category
47 that can change depending on cultural construction (Septiadi & Wigna, 2015), Lindqvist et al.
48 (2021) argues that gender has several important aspects, namely physiology, identity, legal
49 distinction, and social distinction that determines how to behave according to gender norms
50 and expression. These aspects cannot be separated from inherited cultural constructions that
51 have propagated gender myths and stereotypes, such as generalizations and prejudices about
52 the binary classification of male and female qualities (Roof, 2015; Heilman, 2012). This
53 differentiation is then used to form opinions about what is appropriate for men and women
54 (Ellemers, 2018). Past research has shown that such cultural constructions of gender are often
55 unequal, as demonstrated by studies by Greenberg and Greenberg (2020), Van Der Pas and
56 Aaldering (2020), Incikabı and Ulusoy (2019), and Atir and Ferguson (2018). Gender disparity
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1 is therefore something constructed by culture, particularly by people with influence in their
2 cultural community.

3 The problem of gender inequality has significant effects on many parts of human
4 existence, especially for women. Women's independence, access to education, and employment
5 opportunities, for instance, are constrained (Branisa et al., 2013). Similar to this, women are
6 frequently seen as the party carrying the higher burden in other spheres of life, such as politics
7 and the economics, particularly in instances where access to resources are involved (Sitorus,
8 2016). A research by Daytana and Salmun (2021) on the availability of potable water in Central
10 Sumba lends credence to this claim. Despite being given limited access to it, the women there
11 must provide clean water. In the context of land ownership, land snatching is a practice that
12 frequently perpetuates gender inequality, showing a disregard for women's rights (Levien,
13 2017). Women's vulnerability is rendered worse when their access to crucial resources is
14 restricted, whether due to cultural norms or discriminatory government
15 management mechanisms (Tantoh et al., 2021). The fact that food security and livelihoods
16 become stable when women's access to land ownership and their participation in decision-
17 making are taken into account, however, demonstrates that gender inequality does not simply
18 impact women (Tantoh et al., 2021).

22 **2.3. Access to Land**

23 Land is a source of life that is vital for the growth and well-being of individuals and societies
24 (Mahfiana, 2016). It is therefore important to consider access to land. According to research
25 by Muraoka et al. (2018), access to land directly impacts rural households' ability to earn a
26 living and produce food, illustrating the connection between welfare and access to land. The
27 theory of Ribot and Peluso (Hafidh & Krisdyatmiko, 2020) explains that access refers to the
28 ability to benefit from something that can be controlled, whether it be property, a human
29 resource, or an institution. Access is therefore related to power rather than ownership, as those
30 in positions of authority can profit from something even if they do not own the resources
31 (Hafidh & Krisdyatmiko, 2020). When it comes to land, access is not just about who owns the
32 land, but also about who has power over it and how they have that power.

33 There is a persistent disparity in land access between men and women from a gender
34 standpoint (Levien, 2017; Akinola, 2018; Joshi, 2020). Women are consistently disadvantaged
35 by systems of land production and reproduction established by dominant powers (Tsikata,
36 2016), which are manifested in administrative procedures and legal property ownership and to
37 which women have significantly less access than men (Mahfiana, 2016). Additionally,
38 women's access to land is hindered by the conversion of land to commercial usage (Ndi, 2019).
39 This impacts women's well-being, particularly in terms of their limited livelihood options
40 (Tsikata, 2016). Unfortunately, as this study will show, gender disparity in land access is also
41 a cultural construction. Akinola (2018) argues that patriarchal views that deny women land
42 ownership have perpetuated gender inequality in Africa, making it challenging to grant women
43 land rights when cultural factors are taken into account.

50 **3. Methodology**

51 This study was conducted in four regencies on the Indonesian island of Madura in East Java.
52 The location was chosen due to the ongoing unfair land ownership practices in Madurese
53 society. Qualitative data was collected through observation, interviews, and a review of
54 documents and literature and served as the foundation of the study. Observations of current
55 land rights transfer practices were made in both rural communities with lower levels of
56 education and in more urban areas. The focus was on multi-child households, specifically those
57 with both female and male children, in order to better understand the social practice of
58 transferring property rights to offspring (heirs) through inheritance.

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1 In addition to observations, data was collected through interviews with 13 informants
2 who represented different age ranges, genders, occupations, positions, and educational
3 backgrounds and had a range of knowledge about land transfer processes in Madura. The
4 selection was also based on their Madurese ancestry and expected general understanding of
5 Madurese culture. The questions asked of the informants related directly to inheritance transfer
6 patterns, the transfer procedure, and the likelihood of daughters inheriting land from their
7 parents. The information obtained included statements about discriminatory practices against
8 women in Madurese society. Some informants with more expertise were asked more detailed
10 questions, although certain questions were repeated.

11 Furthermore, a review of relevant documents and literature was conducted to
12 supplement the analysis. The data from the documents is presented as the proportion of land
13 owned by men and women, supported by letters of land ownership bearing their names.
14 According to data from the regional government office, Madurese men own significantly more
15 land than Madurese women. The literature review was conducted in a systematic manner by
16 mapping literature that was relevant to the main issue being examined in this research. It not
17 only supported the arguments in this paper but also established that the focus of this study
18 differed from previous studies.

19 The data collected through these approaches was initially mapped according to their
20 respective trends. It was then categorized into three groups based on the repeated questions.
21 The first category illustrates the cultural construction of women's position in Madurese society.
22 The second category highlights the disparity in land ownership between Madurese women and
23 men. The third category presents an overview of the effects of Madurese women's unequal
24 access to land ownership. The data was then interpreted by providing context before being
25 organized into this article. This set of steps was a crucial part of the overall data collection and
26 article writing process.

31 4. Findings

32 4.1. Women's Positions in Madurese Culture

34 Madurese women occupy a peculiar cultural position in Madurese society. A woman's crucial
35 roles as a mother and wife who administers the household are respected. Madurese society
36 regards women as family members who must be protected and maintained; men strive for the
37 well-being of the women in their families in order to cultivate their own self-esteem in front of
38 society. Women are placed in a sacred space separate from the sphere of males. This reality is
39 viewed as a social phenomenon in which religion serves as a doctrine that directs people's
40 behavior within the framework of culture. As a result, many Madurese customs are also based
41 on religious beliefs. Religion becomes the basic foundation of Madurese social, cultural, and
42 economic activities — the social bonds between people, and this affects the position of women
43 in various ways. Kyai Haji Maskur, a 50-year-old Madurese religious leader, stated:

44 “Madurese women are highly respected and serve as a symbol of prosperity in
45 the home; if women are cared for and respected, the family will prosper. Indeed,
46 Madurese women are relegated to the kitchen, the well (laundry), and the bed.
47 However, for kitchen and laundry matters, the women do not have to do
48 everything themselves; they can act as managers or directors, directing people or
49 *santri* (Islamic boarding school students) to complete the tasks.”

50 Women have played significant roles throughout Indonesian history. Teuku Malahayati, for
51 example, was the commander of the Aceh naval force in the seventh century. In addition, five
52 of Acehese crowned rulers were female. The Melayu Kingdom had a female monarch ruler
53 as well. It can be seen that historically women have had power and a very strategic position as
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well as women in Madurese society. According to Hajjah Noer, a 70-year-old traditional Madurese woman figure:

"Madurese women are strong and respected. They are highly regarded in the home by both the husband and the children, and they play a role in dividing household chores and making household decisions. As wife and mother, they are also in charge of the household's finances."

Madurese women are seen as patient and sincere in caring for their families. The following statement by Hajjah Mufridah, a 55-year-old female Muslim figure in Pamekasan Regency, exemplifies this:

"I was untiring in taking care of my nine children. *Alhamdulillah* (all praise is due to Allah), my children were all able to finish their education and get jobs without me spending a lot of money. My children have grown up to be obedient and modest."

In Madurese culture, it is customary for a woman's parents to prepare a home for her and her husband after she marries, which demonstrates the high regard in which women are held. If the parents are unable to build them a home, the couple will be required to live with the parents of the bride. Khozainah, a 45-year-old Madurese woman, explained:

"In our family, each daughter received a house to live in as well as the right to the land (where the house stands). However, we do not get any land in the form of rice fields or yards — no plot other than those on which the houses are built. Here, it is (also) part of our tradition that women return to their parents' homes (after marriage)."

In Madurese society, the parental kinship system is recognized, but sons are preferred to daughters in terms of land ownership. Even if the family's firstborn is a girl, this still holds true. In Madurese society, the division of labor between men and women has taken place culturally. While the males support the family, the women's jobs are primarily domestic in nature—cooking, cleaning, and caring for the home. A man will be referred to as being *nespah*, or wretched, when he performs home duties. A 45-year-old Madurese woman named Hosniyah said:

"No verbal or written work division is required. As a housewife, my duty is to take care of the house by doing washing, cooking, cleaning, and taking care of the kids, while my husband is in charge of making a living."

In Madurese society, a man who performs domestic tasks may be referred to as *sial*, which translates to "unlucky." Despite societal changes, this cultural norm persists. Madurese community leader Haji Sofa, 50, said:

"The wife is in charge of cooking and taking care of the house and kids. Husbands aren't allowed to go into the kitchen and dry their wives' clothes. If this happens, the husband has lost to his wife and is *sial*. A husband has to work to support his wife."

The statement underscores the strictly defined gender roles that exist within Madurese society. Regardless of the specific circumstances, it is typically the responsibility of the wife to care for the home and children, while the husband is expected to provide for the family. If the husband is required to perform domestic tasks, it may be seen as a failure on the part of the wife, leading to potential legal action by the husband's family. There have been instances where a divorce has been sought on the grounds that the wife was unable to fulfill her expected responsibilities within the household.

4.2. Inequality in Land Ownership Rights between Men and Women in Madura

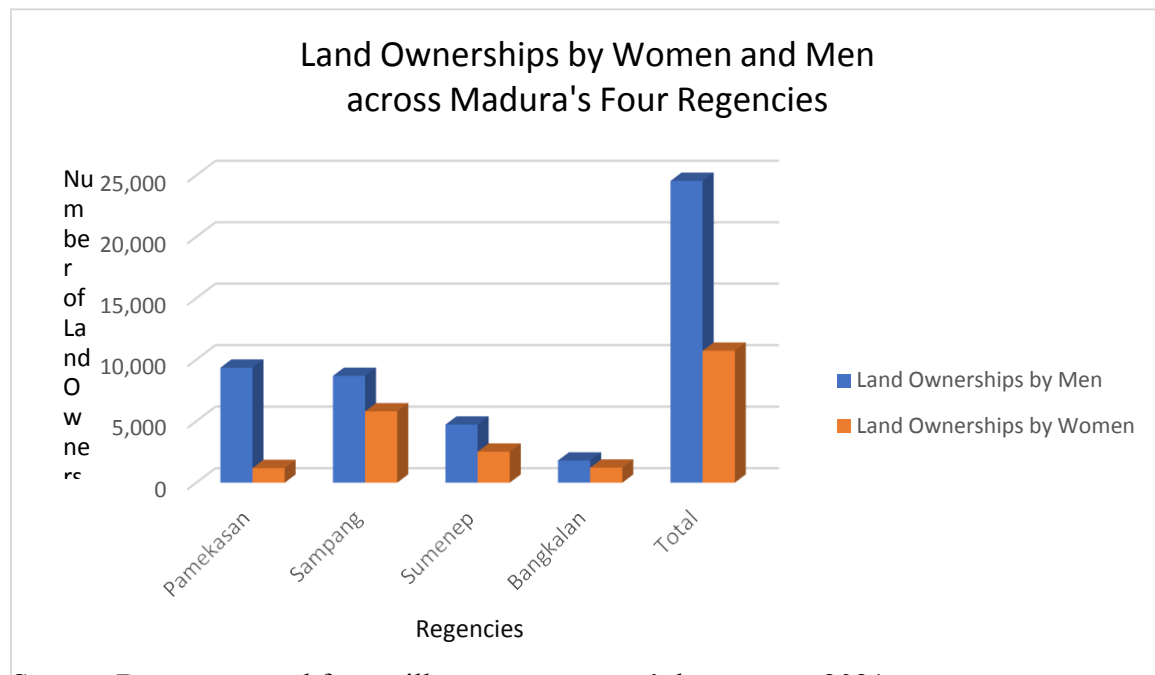
Article 9 paragraph (2) of the Basic Agrarian Principles (UUPA) establishes the legal equality of men and women in terms of land ownership, stating that male and female Indonesian citizens

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have equal rights to own and utilize land for themselves and their families. However, information gathered from randomly selected villages across the four districts of Madura revealed the following:

District	Amount of land ownership by men	Amount of land ownership by women	Gap
Pamekasan	9,344	1,187	-8.157
Sampang	8,680	5,796	-2.884
Sumenep	4,725	2,520	-2.205
Bangkalan	1,801	1,223	-578
Total	24,550	10,726	-13.824

Source: Source: Data from village governments' documents processed in 2021



Source: Data processed from village governments' documents, 2021

4.2.1. Madurese Women's Rights Pertaining to House Ownership

The unequal distribution of land rights among Madurese women can be attributed to several underlying factors. One of the primary drivers is culture. In many cases, Madurese parents prepare homes for their married daughters as part of the cultural tradition, which then become the property of the women. This practice serves as a means of securing a home for their daughters after marriage and is often seen as a substitute for the lack of direct inheritance of land and other financial assets. However, this cultural norm also perpetuates the unequal distribution of land rights, as it often results in women being limited to receiving only a house as part of their inheritance. Informant Khozainah said:

“In our family, each daughter received a house to live in as well as the right to the land (where the house stands), while even though the sons got no house, they were given land plots to grow crops as a source of income. Here, it is (also) part of our tradition that women return to their parents' homes to live with them (after marriage).”

It is important to note that the third most common basis for divorce presented before Madura's religious courts is the issue of residence. Parental participation in deciding where newlyweds

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1 should live is astonishingly high. Some parents have asked their sons to bring their bride to live
2 with them. When the newlyweds have acquired their own home, there is typically no problem.

3 The second factor is lineage. If a family consists only of daughters, the rights may be
4 divided among them through the granting of power of attorney to the eldest daughter. This is
5 supported by Fatimah, age 45;

6 “As one of two daughters, I inherited an equal share of the house fields, and yards
7 alongside my sibling. The division of these assets was made while our mother was still
8 alive, and our father had passed away. Consequently, when our mother passed away,
10 there was no conflict regarding the inheritance, as we simply carried out the verbal
11 instructions she had given us.”

12 The third factor is education. Even if a woman possesses a higher level of education or
13 knowledge, it does not necessarily translate to a change in their position with regard to these
14 rights, regardless of the resources invested in obtaining such education. This point is supported
15 by Jamilia, age 35:

17 “I have two sister. My older sister chose not to pursue higher education at a university,
18 instead opting to assist our parents in managing the crop fields. I continued my
19 education to the master's level, requiring a significant investment from my parents due
20 to study outside of the city. Upon getting married, I only received a house and did not
21 receive any land in the form of rice fields or yards from my parents.”

22 In retrospect, there are three key factors that contribute to the Madurese cultural norm of
23 women only receiving a house from their parents upon marriage. One is culture, as Madurese
24 society traditionally follows strict gender roles, with men expected to manage the family's
25 financial affairs and women expected to manage the household. This division of labor often
26 leads to men being the primary inheritors of land and other financial assets. Second is lineage;
27 in Madurese families where there are only daughters, land ownership rights are typically
28 divided among the daughters through the granting of power of attorney to the eldest daughter.
29 The third is education; despite a woman's level of education or knowledge, it does not
30 necessarily translate to a change in their position with regard to land ownership rights.
31 Together, these three factors highlight how Madurese women are often limited to receiving
32 only a house as part of their inheritance.
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37 **4.2.2. Madurese Women’s Rights Pertaining to Land Ownership**

38 It is common for Madurese women to hold ownership rights over the plot of land on which
39 their house, where they live with their husband and children, is built. There are instances where
40 women may also hold rights to agricultural lands, yards, or business venues. However, if a
41 family includes one or more sons, it is typically the responsibility of the eldest son to divide
42 the assets among the siblings. In families with only daughters, the eldest daughter is typically
43 granted this authority. The following statement is from an interview with Hajjah Soffa, a 55-
44 year-old Madurese woman:
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46 “I have one sibling, and we are both women. Our parents provided each of us
47 with a place to live and a place of business, but they did not specify how the
48 remaining assets should be distributed upon their death. As a result, upon the
49 passing of our parents, we frequently disagreed over the division of the
50 inheritance, even though our parents had granted the eldest sibling the authority
51 to divide the assets through power of attorney (as recorded in the village
52 records).”
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54 Another informant, Sattar, explained as below:

55 “Our father had seven siblings — six men and one woman. As we prepared to
56 divide the inheritance, we discovered a white certificate issued by the Agrarian
57 Office in 1967 and registered in our father's name: Sarmo CS. Because the other
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1 six siblings were not (legally) identified, we just handled the distribution on
2 behalf of Sarmo's children or descendants, while the other six siblings did not
3 inherit anything.”
4

5 **4.3. Effects of Inequality on Madurese Woman**

6 **4.3.1. High Dependence on Men**

7 The lack of land ownership rights for Madurese women often results in their dependence on
8 their husbands or male relatives for livelihood. Rural women in Madura often work in (rice)
10 fields to meet their daily needs, but if they do not have ownership rights to these resources,
11 they may be forced to work for their brothers on a profit-sharing system or as laborers.
12 Informant Saimah, age 50, said:

13 “Our family's livelihood is dependent on crop plots or rice fields. Since each of
14 the daughters have already given a house, we women did not receive any plot of
15 rice field from our parents. I’ve been working for my older brother on a
16 production sharing system instead.”

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18 The separation of many married women in Madura from their extended families to follow their
19 husbands can also contribute to their vulnerability. If a Madure woman’s husband were to pass
20 away, she might be forced to return to her family and potentially become dependent on her
21 male siblings. This is demonstrated by the case of Nur Hasanah, age 60, who said:

22 “My husband passed away five years ago when our two children were still little.
23 Before his death, he worked as a gardener at an elementary school and managed
24 the fields handed by his parents. However, after he died, my children and I were
25 left relying on my husband's pension of only IDR750,000 per month, which isn’t
26 sufficient to support my two children’s education in high school and university,
27 so I asked my brother if I could assist in managing land inherited from our parents,
28 which had previously been solely under my brother’s control.”

29
30 In Madurese culture, a woman's life before marriage is considered the responsibility of her
31 brother. Brothers must be involved in all matters, and failure to do so would be considered a
32 breach of *tengka* or etiquette. When it comes to managing inherited land, the eldest brother has
33 the authority to distribute it among siblings.
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37 **4.3.2. Less Bargaining Position**

38 Madurese women are highly protected and respected in their culture. If a woman experiences
39 abuse, her husband or father may take extreme measures, including violence, as a form of
40 revenge known as "carok." Women are not allowed independence in decision-making,
41 including in the management of agricultural land and yards, which weakens their bargaining
42 position, as demonstrated by a statement by 47-year-old Uswatun Hasanah.

43 “I have always consulted with my brother regarding the cost, type, and number
44 of invitees for celebrations such as my child's wedding or the birth of their child
45 because I do not have the financial resources to pay for them. The money received
46 from the invitees would ultimately go to my brother. Similarly, when my child
47 was about to give birth, we relied on my brother's suggestions and decisions on
48 whether to use a midwife or a public health center because he is the one who bears
49 all the costs.”
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56 The informant's statement demonstrates that Madurese women, even those with university-
57 level education, do not have a strong negotiating position in decision-making for themselves
58 and their families. This is exemplified by Kiki Nurhaliza, a 35-year-old Madurese woman,
59 through the following statement:
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1 “My parents sent me to complete my bachelor’s degree from IAIN Madura (the
2 State Islamic Institute of Madura). However, upon getting married, they only gave
3 me a house and not a rice field. This is because my brother did not attend college
4 and was therefore given the rice field and crop plot as capital for his family’s
5 income. My parents also cited the high costs of my school fees, engagement, and
6 marriage as a reason (for not providing me with a rice field).”
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8 **4.3.3. Becoming Targets of Violence (Due to Position as Objects)**

10 The limited decision-making power of Madurese women, both for themselves and their
11 offspring, can have negative consequences, including violence. Madurese women are often
12 made vulnerable by cultural practices and circumstances, as highlighted by the following
13 statement from Nur Azizah, age 53:

14 “We are economically powerless since we don’t have ownership rights to lands
15 that could be managed and serve as a source of economic stability for our families,
16 making us highly dependent on our husbands and brothers. We often experience
17 harassment and a lack of respect, as we are seen as a burden on the family due to
18 our lack of contribution to the family’s economy. Consequently, we can only
19 accept the decisions made by our husbands or brothers.”
20

21 The informant’s statement supports the idea that Madurese society undermines women due in
22 part to their lack of independence. Women are often seen as merely complementary figures in
23 the household and even as a burden. In Madurese culture, it is customarily believed that women
24 or wives are *konco wingking*, or a following companion who takes care of household and child-
25 rearing responsibilities.
26

28 **5. Discussion and Conclusion**

29 This article’s findings indicate that Madurese women face ongoing marginalization in terms of
30 ownership rights, particularly when it comes to land. Strong cultural pressure disadvantages
31 daughters, who are only granted ownership rights to a house and are not given opportunities to
32 own other inherited property, such as agricultural land and yards. Sons are given the primary
33 right to productive land, even if there is an eldest daughter. The patriarchal culture in Madurese
34 society perpetuates the disadvantaged position of daughters and hinders their fair treatment in
35 obtaining land ownership rights within families. This study clearly demonstrates the difficulties
36 that women face in acquiring land in Madurese culture.
37

38 The dominance of patriarchal culture supports the unfair treatment of women. This
39 culture only benefits one party and harms other parties even though in principle they have equal
40 rights and access. The position of women and men in the household structure is a structural and
41 non-functional relationship because it is only dominated by inequality and injustice. The
42 practice of subordinating certain parties, in this case, women, occurs not only by the structure
43 of society which consists of social stratification that has been built up firmly. However, this
44 happened because of the strong penetration of culture which tended to be maintained even
45 though it was unfair. The notion that women only have the right to handle household matters
46 continues to be reproduced to prevent them from progressing and being equal to men so their
47 rights remain neglected.
48

49 The unequal acquisition of property by women can be understood as a form of structured
50 discrimination that persists to this day. Despite women’s inherent dignity, they continue to face
51 unfair treatment within the family. Daughters, who are traditionally protected, guarded, and
52 supported by men in Madurese families, are increasingly marginalized. Their privileges are not
53 sufficient to empower them with the freedom to act and own property. The strong cultural
54 influence of society can weaken women’s circumstances, despite their inherent strength. Men
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1 often exhibit a disproportionate concern with limiting women's rights in all areas, including
2 property ownership, which should be their right as well.

3 As comparison, women in both Madurese society in East Java and Sasak communities in
4 Lombok, West Nusa Tenggara, often face injustice when it comes to obtaining land rights.
5 Madurese women may not have the same access to land as men, and Sasak women are generally
6 only able to inherit movable property that is meant to be brought to their husband's home.
7 Similar to Madurese women, Sasak women are not typically entitled to inherit immovable
8 property, such as land. This means that they may not have the same opportunities to own and
10 control land as men do in their communities. This lack of access to land can have significant
11 negative impacts on the economic and social well-being of women in these communities.

12 Inequality and unfair treatment of Madurese women can lead to violence against them.
13 To address this issue, it is important to promote the understanding and implementation of
14 religious and agrarian laws, as well as provide education to families in Madurese communities.

15 By increasing awareness of these laws and providing education about gender equality, men and
16 women can work towards achieving equal rights and respect for each other. This can help
17 reduce instances of violence and promote a more just and equitable society for Madurese
18 women.
19

20 According to this research, Madurese cultural norms have a significant impact on the
21 rights of women, particularly when it comes to property ownership. This includes land, which
22 is a particularly important resource for economic stability. When women are denied access to
23 property, it can create economic inequality and contribute to violent situations. Additionally,
24 the research points out that patriarchy plays a significant role in Madurese culture, exacerbating
25 the challenges that women face in their roles as primary caregivers for the family. It is hoped
26 that future research will explore cultural construction from other perspectives in other
27 indigenous communities and work towards promoting gender equality in all areas.
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Inequality as a Cultural Construction: Women's Access to Land Rights in Madurese Society

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Abstract

This article investigates the challenges faced by women on Madura Island, East Java, Indonesia in obtaining property rights, particularly in regards to land ownership. In Madurese society, land ownership rights have been largely awarded to male offspring. The study used a constructivist perspective and data from field observations, interviews, document analysis, and literature review to examine how power is perpetuated in Madurese society through cultural norms. The results show that these challenges are rooted in cultural construction that leads to unjust treatment of women within the family. The dominance of patriarchy in Madurese culture has created additional difficulties for women, who are already responsible for managing domestic affairs. Despite their crucial role in the family, the ongoing discrimination against women in obtaining property rights has a significant impact on their future, as they are forced to rely on men. The cultural construction that shapes the treatment of women in Madurese society continues to restrict their independence.

Keywords: inequality, women's access, land ownership, cultural constructs, Madurese society

1. Introduction

Women in Madura, Indonesia often struggle to obtain land due to uneven access. In terms of inheritance, women are more likely to inherit land if they are the only daughter or part of a group of sisters, but a male heir is typically responsible for distributing the inheritance if there are both daughters and sons in the family. This can make it difficult for women to obtain land through inheritance. One of the families investigated by this study has one daughter and six sons; the daughter is the eldest child, but her gender disqualified her from inheriting a part of the family's land. Such cases are prevalent in Madurese society and have existed for a long time. According to data from 2021, in Madura's four regencies, there were 18,704,470 land ownerships by men compared to only 33,283 land ownerships by women. Due to the dominance of the patriarchal system in Madurese society, cultural construction tend to take precedence over aspects of justice, enabling the continuance of this practice (Pattiruhu, 2020).

Up to this point, there are three main themes in the research on the challenges faced by women. The first theme involves studies that demonstrate the ongoing disadvantages that women experience within their families, such as limited ownership rights to just a home in which to live and being responsible for domestic tasks (Istianah, 2020; Marwinda & Margono S, 2020; Sumaryati, 2018). The second theme involves research on the disadvantages women face in inheritance matters (Arba et al., 2020; Alfarisi, 2020; Taqiyuddin, 2020; Wahyu, 2018). The third theme involves studies that show a shift in perceptions of women's roles in public spaces (Indarti, 2019; Suarmini et al., 2018; Zuhdi, 2019). Despite these three trends, research on the impact of injustice on Madurese women's rights to own land as an economic resource

has not been extensively examined. This study aims to fill this gap by analyzing the injustices that Madurese women face in terms of access to land ownership.

This report aims to address the lack of attention given to the impact of injustice on Madurese women's rights to own land as an economic resource in previous studies. It addresses three main points: the cultural construction of women in Madurese society; the factors that contribute to discrimination against women in terms of land ownership on Madura; and the effects of this injustice on the lives of Madurese women.

This study suggests that the inequality faced by Madurese women in terms of land rights is a result of societal views on women's place in relation to ownership of possessions. Madurese women are only allowed to own a home to live in, while men have the right to inherit other movable and immovable property. Even being the oldest daughter does not change a woman's cultural status as someone who is not entitled to ownership of land. As cultural influences that support this discriminatory treatment have increased, Madurese women have become more reliant on men.

2. Literature Review

2.1. Cultural Construction

Construction, in this context, refers to a social concept that is closely connected to the human mind (Franks, 2014). This aligns with Haslanger's (2017) assertion that ideas that originate from mental processes are societal constructions with strong ties to social and intellectual history. Through the mind, knowledge is created and becomes the result of a series of symbolic interactions that shape cultural reality (Karman, 2015). Haryono (2016) agrees with Tilaar that culture is created by humans and vice versa; the culture that people create influences their lives. There is a reciprocal relationship between humans and culture, which impacts the individuals who experience it (Haryono, 2016). Furthermore, cultural construction occurs continuously throughout the process and is not restricted to early formation alone (Mesquita et al., 2016). Therefore, it is closely related to the changes that are inherent to culture itself (Trubshaw, 2011). However, these changes have limits; long-standing cultural constructions in any society cannot be easily altered (Pratiwi et al., 2020).

One of the most challenging cultural constructs to change is gender bias. Many gender notions are based on fictional stories that are socioculturally manufactured to legitimize gender reality, which is influenced by the power of the dominant group in a cultural community (Haslanger, 2017). This shows how certain interests can appropriate and exploit cultural construction (Muktiyo 2015). In the context of gender, patriarchy refers to a culture that favors men by creating gender imbalance (Sakina & A., 2017). The cultural constructions created by male domination in communities portray women as submissive, weak, and dependent (Sakina & A., 2017). Gender inequality not only occurs in the home but also persists in public settings, such as when it comes to property ownership, where women's access and influence are limited (Akinola, 2018). A concrete example is India's land leasing registration process, which led to a higher male child survival rate (Bhalotra et al., 2019). In this context, Indian culture establishes ideals that elevate the status of boys because they are land heirs (Bhalotra et al., 2019). It is important to address this form of gender inequality.

2.2. Gender Inequality

In anthropology, gender is not just a classification based on biological sex, but also includes other factors such as social class and age (Boe, 2015). Despite being a non-essential category that can change depending on cultural construction (Septiadi & Wigna, 2015), Lindqvist et al. (2021) argues that gender has several important aspects, namely physiology, identity, legal distinction, and social distinction that determines how to behave according to gender norms and expression. These aspects cannot be separated from inherited cultural constructions that

have propagated gender myths and stereotypes, such as generalizations and prejudices about the binary classification of male and female qualities (Roof, 2015; Heilman, 2012). This differentiation is then used to form opinions about what is appropriate for men and women (Ellemers, 2018). Past research has shown that such cultural constructions of gender are often unequal, as demonstrated by studies by Greenberg and Greenberg (2020), Van Der Pas and Aaldering (2020), İncikabı and Ulusoy (2019), and Atir and Ferguson (2018). Gender disparity is therefore something constructed by culture, particularly by people with influence in their cultural community.

The problem of gender inequality has significant effects on many parts of human existence, especially for women. Women's independence, access to education, and employment opportunities, for instance, are constrained (Branisa et al., 2013). Similar to this, women are frequently seen as the party carrying the higher burden in other spheres of life, such as politics and the economics, particularly in instances where access to resources are involved (Sitorus, 2016). A research by Daytana and Salmun (2021) on the availability of potable water in Central Sumba lends credence to this claim. Despite being given limited access to it, the women there must provide clean water. In the context of land ownership, land snatching is a practice that frequently perpetuates gender inequality, showing a disregard for women's rights (Levien, 2017). Women's vulnerability is rendered worse when their access to crucial resources is restricted, whether due to cultural norms or discriminatory government management mechanisms (Tantoh et al., 2021). The fact that food security and livelihoods become stable when women's access to land ownership and their participation in decision-making are taken into account, however, demonstrates that gender inequality does not simply impact women (Tantoh et al., 2021).

2.3. Access to Land

Land is a source of life that is vital for the growth and well-being of individuals and societies (Mahfiana, 2016). It is therefore important to consider access to land. According to research by Muraoka et al. (2018), access to land directly impacts rural households' ability to earn a living and produce food, illustrating the connection between welfare and access to land. The theory of Ribot and Peluso (Hafidh & Krisdyatmiko, 2020) explains that access refers to the ability to benefit from something that can be controlled, whether it be property, a human resource, or an institution. Access is therefore related to power rather than ownership, as those in positions of authority can profit from something even if they do not own the resources (Hafidh & Krisdyatmiko, 2020). When it comes to land, access is not just about who owns the land, but also about who has power over it and how they have that power.

There is a persistent disparity in land access between men and women from a gender standpoint (Levien, 2017; Akinola, 2018; Joshi, 2020). Women are consistently disadvantaged by systems of land production and reproduction established by dominant powers (Tsikata, 2016), which are manifested in administrative procedures and legal property ownership and to which women have significantly less access than men (Mahfiana, 2016). Additionally, women's access to land is hindered by the conversion of land to commercial usage (Ndi, 2019). This impacts women's well-being, particularly in terms of their limited livelihood options (Tsikata, 2016). Unfortunately, as this study will show, gender disparity in land access is also a cultural construction. Akinola (2018) argues that patriarchal views that deny women land ownership have perpetuated gender inequality in Africa, making it challenging to grant women land rights when cultural factors are taken into account.

3. Methodology

This study was conducted in four regencies on the Indonesian island of Madura in East Java. The location was chosen due to the ongoing unfair land ownership practices in Madurese

society. Qualitative data was collected through observation, interviews, and a review of documents and literature and served as the foundation of the study. Observations of current land rights transfer practices were made in both rural communities with lower levels of education and in more urban areas. The focus was on multi-child households, specifically those with both female and male children, in order to better understand the social practice of transferring property rights to offspring (heirs) through inheritance.

In addition to observations, data was collected through interviews with 13 informants who represented different age ranges, genders, occupations, positions, and educational backgrounds and had a range of knowledge about land transfer processes in Madura. The selection was also based on their Madurese ancestry and expected general understanding of Madurese culture. The questions asked of the informants related directly to inheritance transfer patterns, the transfer procedure, and the likelihood of daughters inheriting land from their parents. The information obtained included statements about discriminatory practices against women in Madurese society. Some informants with more expertise were asked more detailed questions, although certain questions were repeated.

Furthermore, a review of relevant documents and literature was conducted to supplement the analysis. The data from the documents is presented as the proportion of land owned by men and women, supported by letters of land ownership bearing their names. According to data from the regional government office, Madurese men own significantly more land than Madurese women. The literature review was conducted in a systematic manner by mapping literature that was relevant to the main issue being examined in this research. It not only supported the arguments in this paper but also established that the focus of this study differed from previous studies.

The data collected through these approaches was initially mapped according to their respective trends. It was then categorized into three groups based on the repeated questions. The first category illustrates the cultural construction of women's position in Madurese society. The second category highlights the disparity in land ownership between Madurese women and men. The third category presents an overview of the effects of Madurese women's unequal access to land ownership. The data was then interpreted by providing context before being organized into this article. This set of steps was a crucial part of the overall data collection and article writing process.

4. Findings

4.1. Women's Positions in Madurese Culture

Madurese women occupy a peculiar cultural position in Madurese society. A woman's crucial roles as a mother and wife who administers the household are respected. Madurese society regards women as family members who must be protected and maintained; men strive for the well-being of the women in their families in order to cultivate their own self-esteem in front of society. Women are placed in a sacred space separate from the sphere of males. This reality is viewed as a social phenomenon in which religion serves as a doctrine that directs people's behavior within the framework of culture. As a result, many Madurese customs are also based on religious beliefs. Religion becomes the basic foundation of Madurese social, cultural, and economic activities — the social bonds between people, and this affects the position of women in various ways. Kyai Haji Maskur, a 50-year-old Madurese religious leader, stated:

“Madurese women are highly respected and serve as a symbol of prosperity in the home; if women are cared for and respected, the family will prosper. Indeed, Madurese women are relegated to the kitchen, the well (laundry), and the bed. However, for kitchen and laundry matters, the women do not have to do everything themselves; they can act as managers or directors, directing people or *santri* (Islamic boarding school students) to complete the tasks.”

Women have played significant roles throughout Indonesian history. Teuku Malahayati, for example, was the commander of the Aceh naval force in the seventh century. In addition, five of Acehese crowned rulers were female. The Melayu Kingdom had a female monarch ruler as well. It can be seen that historically women have had power and a very strategic position as well as women in Madurese society. According to Hajjah Noer, a 70-year-old traditional Madurese woman figure:

"Madurese women are strong and respected. They are highly regarded in the home by both the husband and the children, and they play a role in dividing household chores and making household decisions. As wife and mother, they are also in charge of the household's finances."

Madurese women are seen as patient and sincere in caring for their families. The following statement by Hajjah Mufridah, a 55-year-old female Muslim figure in Pamekasan Regency, exemplifies this:

"I was untiring in taking care of my nine children. *Alhamdulillah* (all praise is due to Allah), my children were all able to finish their education and get jobs without me spending a lot of money. My children have grown up to be obedient and modest."

In Madurese culture, it is customary for a woman's parents to prepare a home for her and her husband after she marries, which demonstrates the high regard in which women are held. If the parents are unable to build them a home, the couple will be required to live with the parents of the bride. Khozainah, a 45-year-old Madurese woman, explained:

"In our family, each daughter received a house to live in as well as the right to the land (where the house stands). However, we do not get any land in the form of rice fields or yards — no plot other than those on which the houses are built. Here, it is (also) part of our tradition that women return to their parents' homes (after marriage)."

In Madurese society, the parental kinship system is recognized, but sons are preferred to daughters in terms of land ownership. Even if the family's firstborn is a girl, this still holds true. In Madurese society, the division of labor between men and women has taken place culturally. While the males support the family, the women's jobs are primarily domestic in nature—cooking, cleaning, and caring for the home. A man will be referred to as being *nespah*, or wretched, when he performs home duties. A 45-year-old Madurese woman named Hosniyah said:

"No verbal or written work division is required. As a housewife, my duty is to take care of the house by doing washing, cooking, cleaning, and taking care of the kids, while my husband is in charge of making a living."

In Madurese society, a man who performs domestic tasks may be referred to as *sial*, which translates to "unlucky." Despite societal changes, this cultural norm persists. Madurese community leader Haji Sofa, 50, said:

"The wife is in charge of cooking and taking care of the house and kids. Husbands aren't allowed to go into the kitchen and dry their wives' clothes. If this happens, the husband has lost to his wife and is *sial*. A husband has to work to support his wife."

The statement underscores the strictly defined gender roles that exist within Madurese society. Regardless of the specific circumstances, it is typically the responsibility of the wife to care for the home and children, while the husband is expected to provide for the family. If the husband is required to perform domestic tasks, it may be seen as a failure on the part of the wife, leading to potential legal action by the husband's family. There have been instances where a divorce

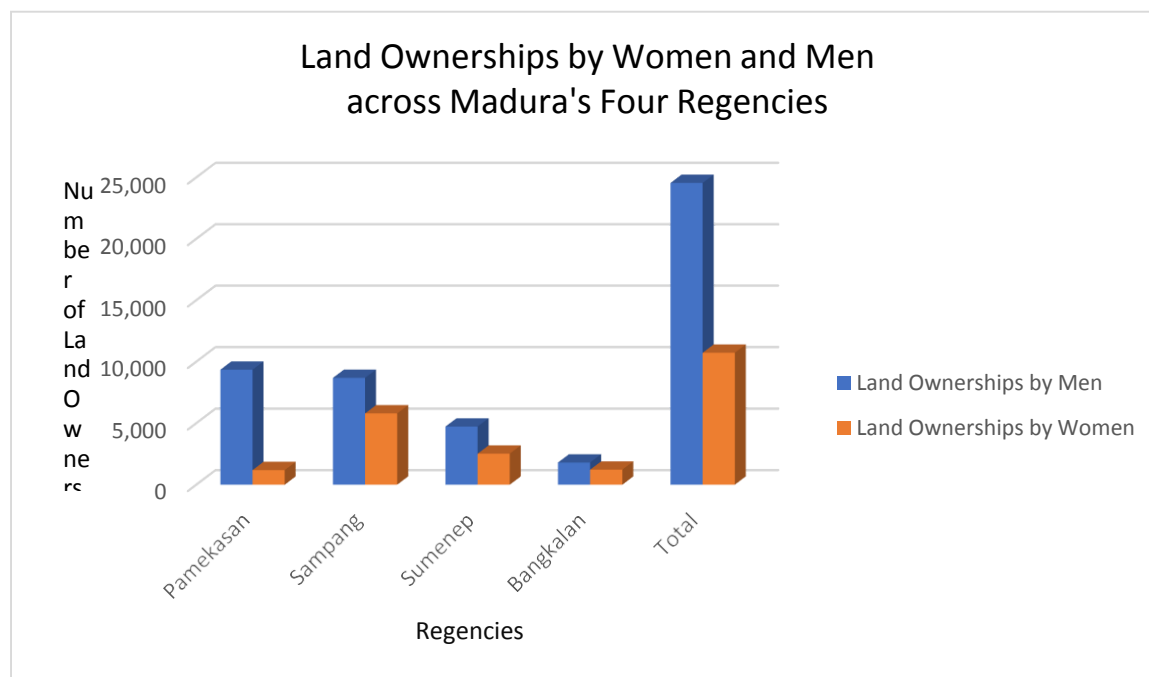
has been sought on the grounds that the wife was unable to fulfill her expected responsibilities within the household.

4.2. Inequality in Land Ownership Rights between Men and Women in Madura

Article 9 paragraph (2) of the Basic Agrarian Principles (UUPA) establishes the legal equality of men and women in terms of land ownership, stating that male and female Indonesian citizens have equal rights to own and utilize land for themselves and their families. However, information gathered from randomly selected villages across the four districts of Madura revealed the following:

District	Amount of land ownership by men	Amount of land ownership by women	Gap
Pamekasan	9,344	1,187	-8.157
Sampang	8,680	5,796	-2.884
Sumenep	4,725	2,520	-2.205
Bangkalan	1,801	1,223	-578
Total	24,550	10,726	-13.824

Source: Source: Data from village governments' documents processed in 2021



Source: Data processed from village governments' documents, 2021

4.2.1. Madurese Women's Rights Pertaining to House Ownership

The unequal distribution of land rights among Madurese women can be attributed to several underlying factors. One of the primary drivers is culture. In many cases, Madurese parents prepare homes for their married daughters as part of the cultural tradition, which then become the property of the women. This practice serves as a means of securing a home for their daughters after marriage and is often seen as a substitute for the lack of direct inheritance of land and other financial assets. However, this cultural norm also perpetuates the unequal distribution of land rights, as it often results in women being limited to receiving only a house as part of their inheritance. Informant Khozainah said:

“In our family, each daughter received a house to live in as well as the right to the land (where the house stands), while even though the sons got no house, they were given land plots to grow crops as a source of income. Here, it is (also) part of our tradition that women return to their parents' homes to live with them (after marriage).”

It is important to note that the third most common basis for divorce presented before Madura's religious courts is the issue of residence. Parental participation in deciding where newlyweds should live is astonishingly high. Some parents have asked their sons to bring their bride to live with them. When the newlyweds have acquired their own home, there is typically no problem.

The second factor is lineage. If a family consists only of daughters, the rights may be divided among them through the granting of power of attorney to the eldest daughter. This is supported by Fatimah, age 45;

“As one of two daughters, I inherited an equal share of the house fields, and yards alongside my sibling. The division of these assets was made while our mother was still alive, and our father had passed away. Consequently, when our mother passed away, there was no conflict regarding the inheritance, as we simply carried out the verbal instructions she had given us.”

The third factor is education. Even if a woman possesses a higher level of education or knowledge, it does not necessarily translate to a change in their position with regard to these rights, regardless of the resources invested in obtaining such education. This point is supported by Jamilia, age 35:

“I have two sister. My older sister chose not to pursue higher education at a university, instead opting to assist our parents in managing the crop fields. I continued my education to the master's level, requiring a significant investment from my parents due to study outside of the city. Upon getting married, I only received a house and did not receive any land in the form of rice fields or yards from my parents.”

In retrospect, there are three key factors that contribute to the Madurese cultural norm of women only receiving a house from their parents upon marriage. One is culture, as Madurese society traditionally follows strict gender roles, with men expected to manage the family's financial affairs and women expected to manage the household. This division of labor often leads to men being the primary inheritors of land and other financial assets. Second is lineage; in Madurese families where there are only daughters, land ownership rights are typically divided among the daughters through the granting of power of attorney to the eldest daughter. The third is education; despite a woman's level of education or knowledge, it does not necessarily translate to a change in their position with regard to land ownership rights. Together, these three factors highlight how Madurese women are often limited to receiving only a house as part of their inheritance.

4.2.2. Madurese Women's Rights Pertaining to Land Ownership

It is common for Madurese women to hold ownership rights over the plot of land on which their house, where they live with their husband and children, is built. There are instances where women may also hold rights to agricultural lands, yards, or business venues. However, if a family includes one or more sons, it is typically the responsibility of the eldest son to divide the assets among the siblings. In families with only daughters, the eldest daughter is typically granted this authority. The following statement is from an interview with Hajjah Soffa, a 55-year-old Madurese woman:

“I have one sibling, and we are both women. Our parents provided each of us with a place to live and a place of business, but they did not specify how the remaining assets should be distributed upon their death. As a result, upon the passing of our parents, we frequently disagreed over the division of the inheritance, even though our parents had granted the eldest sibling the authority

to divide the assets through power of attorney (as recorded in the village records).”

Another informant, Sattar, explained as below:

“Our father had seven siblings — six men and one woman. As we prepared to divide the inheritance, we discovered a white certificate issued by the Agrarian Office in 1967 and registered in our father's name: Sarmo CS. Because the other six siblings were not (legally) identified, we just handled the distribution on behalf of Sarmo's children or descendants, while the other six siblings did not inherit anything.”

4.3. Effects of Inequality on Madurese Woman

4.3.1. High Dependence on Men

The lack of land ownership rights for Madurese women often results in their dependence on their husbands or male relatives for livelihood. Rural women in Madura often work in (rice) fields to meet their daily needs, but if they do not have ownership rights to these resources, they may be forced to work for their brothers on a profit-sharing system or as laborers. Informant Saimah, age 50, said:

“Our family's livelihood is dependent on crop plots or rice fields. Since each of the daughters have already given a house, we women did not receive any plot of rice field from our parents. I've been working for my older brother on a production sharing system instead.”

The separation of many married women in Madura from their extended families to follow their husbands can also contribute to their vulnerability. If a Madure woman's husband were to pass away, she might be forced to return to her family and potentially become dependent on her male siblings. This is demonstrated by the case of Nur Hasanah, age 60, who said:

“My husband passed away five years ago when our two children were still little. Before his death, he worked as a gardener at an elementary school and managed the fields handed by his parents. However, after he died, my children and I were left relying on my husband's pension of only IDR750,000 per month, which isn't sufficient to support my two children's education in high school and university, so I asked my brother if I could assist in managing land inherited from our parents, which had previously been solely under my brother's control.”

In Madurese culture, a woman's life before marriage is considered the responsibility of her brother. Brothers must be involved in all matters, and failure to do so would be considered a breach of *tengka* or etiquette. When it comes to managing inherited land, the eldest brother has the authority to distribute it among siblings.

4.3.2. Less Bargaining Position

Madurese women are highly protected and respected in their culture. If a woman experiences abuse, her husband or father may take extreme measures, including violence, as a form of revenge known as "carok." Women are not allowed independence in decision-making, including in the management of agricultural land and yards, which weakens their bargaining position, as demonstrated by a statement by 47-year-old Uswatun Hasanah.

“I have always consulted with my brother regarding the cost, type, and number of invitees for celebrations such as my child's wedding or the birth of their child because I do not have the financial resources to pay for them. The money received from the invitees would ultimately go to my brother. Similarly, when my child was about to give birth, we relied on my brother's suggestions and decisions on whether to use a midwife or a public health center because he is the one who bears all the costs.”

The informant's statement demonstrates that Madurese women, even those with university-level education, do not have a strong negotiating position in decision-making for themselves and their families. This is exemplified by Kiki Nurhaliza, a 35-year-old Madurese woman, through the following statement:

“My parents sent me to complete my bachelor’s degree from IAIN Madura (the State Islamic Institute of Madura). However, upon getting married, they only gave me a house and not a rice field. This is because my brother did not attend college and was therefore given the rice field and crop plot as capital for his family's income. My parents also cited the high costs of my school fees, engagement, and marriage as a reason (for not providing me with a rice field).”

4.3.3. Becoming Targets of Violence (Due to Position as Objects)

The limited decision-making power of Madurese women, both for themselves and their offspring, can have negative consequences, including violence. Madurese women are often made vulnerable by cultural practices and circumstances, as highlighted by the following statement from Nur Azizah, age 53:

“We are economically powerless since we don’t have ownership rights to lands that could be managed and serve as a source of economic stability for our families, making us highly dependent on our husbands and brothers. We often experience harassment and a lack of respect, as we are seen as a burden on the family due to our lack of contribution to the family's economy. Consequently, we can only accept the decisions made by our husbands or brothers.”

The informant's statement supports the idea that Madurese society undermines women due in part to their lack of independence. Women are often seen as merely complementary figures in the household and even as a burden. In Madurese culture, it is customarily believed that women or wives are *konco wingking*, or a following companion who takes care of household and child-rearing responsibilities.

5. Discussion and Conclusion

This article's findings indicate that Madurese women face ongoing marginalization in terms of ownership rights, particularly when it comes to land. Strong cultural pressure disadvantages daughters, who are only granted ownership rights to a house and are not given opportunities to own other inherited property, such as agricultural land and yards. Sons are given the primary right to productive land, even if there is an eldest daughter. The patriarchal culture in Madurese society perpetuates the disadvantaged position of daughters and hinders their fair treatment in obtaining land ownership rights within families. This study clearly demonstrates the difficulties that women face in acquiring land in Madurese culture.

The dominance of patriarchal culture supports the unfair treatment of women. This culture only benefits one party and harms other parties even though in principle they have equal rights and access. The position of women and men in the household structure is a structural and non-functional relationship because it is only dominated by inequality and injustice. The practice of subordinating certain parties, in this case, women, occurs not only by the structure of society which consists of social stratification that has been built up firmly. However, this happened because of the strong penetration of culture which tended to be maintained even though it was unfair. The notion that women only have the right to handle household matters continues to be reproduced to prevent them from progressing and being equal to men so their rights remain neglected.

The unequal acquisition of property by women can be understood as a form of structured discrimination that persists to this day. Despite women's inherent dignity, they continue to face unfair treatment within the family. Daughters, who are traditionally protected, guarded, and supported by men in Madurese families, are increasingly marginalized. Their privileges are not sufficient to empower them with the freedom to act and own property. The strong cultural influence of society can weaken women's circumstances, despite their inherent strength. Men often exhibit a disproportionate concern with limiting women's rights in all areas, including property ownership, which should be their right as well.

As comparison, women in both Madurese society in East Java and Sasak communities in Lombok, West Nusa Tenggara, often face injustice when it comes to obtaining land rights. Madurese women may not have the same access to land as men, and Sasak women are generally only able to inherit movable property that is meant to be brought to their husband's home. Similar to Madurese women, Sasak women are not typically entitled to inherit immovable property, such as land. This means that they may not have the same opportunities to own and control land as men do in their communities. This lack of access to land can have significant negative impacts on the economic and social well-being of women in these communities.

Inequality and unfair treatment of Madurese women can lead to violence against them. To address this issue, it is important to promote the understanding and implementation of religious and agrarian laws, as well as provide education to families in Madurese communities. By increasing awareness of these laws and providing education about gender equality, men and women can work towards achieving equal rights and respect for each other. This can help reduce instances of violence and promote a more just and equitable society for Madurese women.

According to this research, Madurese cultural norms have a significant impact on the rights of women, particularly when it comes to property ownership. This includes land, which is a particularly important resource for economic stability. When women are denied access to property, it can create economic inequality and contribute to violent situations. Additionally, the research points out that patriarchy plays a significant role in Madurese culture, exacerbating the challenges that women face in their roles as primary caregivers for the family. It is hoped that future research will explore cultural construction from other perspectives in other indigenous communities and work towards promoting gender equality in all areas.

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Umi Supraptiningsih <umistainpamekasan@gmail.com>

233995716 (Cogent Social Sciences) A revise decision has been made on your submission

3 pesan

Cogent Social Sciences <em@editorialmanager.com>

19 Februari 2023 pukul 02.12

Balas Ke: Cogent Social Sciences <oass-peerreview@journals.tandf.co.uk>

Kepada: Umi Supraptiningsih <umistainpamekasan@gmail.com>

Ref: COGENTSOCSOCI-2023-0068

233995716

Inequality as a Cultural Construction: Women's Access to Land Rights in Madurese Society
Cogent Social Sciences

Dear Supraptiningsih,

Your manuscript entitled "Inequality as a Cultural Construction: Women's Access to Land Rights in Madurese Society", which you submitted to Cogent Social Sciences, has now been reviewed.

The reviews, included at the bottom of the letter, indicate that your manuscript could be suitable for publication following revision. We hope that you will consider these suggestions, and revise your manuscript.

Please submit your revision by Mar 20, 2023, if you need additional time then please contact the Editorial Office.

To submit your revised manuscript please go to <https://rp.cogentoa.com/dashboard/> and log in. You will see an option to Revise alongside your submission record.

If you are unsure how to submit your revision, please contact us on OASS-peerreview@journals.tandf.co.uk

You also have the option of including the following with your revised submission:

* public interest statement - a description of your paper of NO MORE THAN 150 words suitable for a non-specialist reader, highlighting/explaining anything which will be of interest to the general public

* about the author - a short summary of NO MORE THAN 150 WORDS, detailing either your own or your group's key research activities, including a note on how the research reported in this paper relates to wider projects or issues.

* photo of the author(s), including details of who is in the photograph - please note that we can only publish one photo

If you require advice on language editing for your manuscript or assistance with arranging translation, please do consider using the Taylor & Francis Editing Services (www.tandfedittingservices.com).

Please ensure that you clearly highlight changes made to your manuscript, as well as submitting a thorough response to reviewers.

We look forward to receiving your revised article.

Best wishes,

Ana Maria Lopez Narbona
Senior Editor
Cogent Social Sciences

Comments from the Editors and Reviewers:

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Reviewer 1: Yes

Title, Abstract and Introduction – overall evaluation
Reviewer 1: Sound with minor or moderate revisions

Methodology / Materials and Methods – overall evaluation
Reviewer 1: Sound with minor or moderate revisions

Objective / Hypothesis – overall evaluation
Reviewer 1: Sound with minor or moderate revisions

Figures and Tables – overall evaluation
Reviewer 1: Sound with minor or moderate revisions

Results / Data Analysis – overall evaluation
Reviewer 1: Sound with minor or moderate revisions

Interpretation / Discussion – overall evaluation
Reviewer 1: Sound with minor or moderate revisions

Conclusions – overall evaluation
Reviewer 1: Sound

References – overall evaluation
Reviewer 1: Sound

Compliance with Ethical Standards – overall evaluation
Reviewer 1: Sound with minor or moderate revisions

Writing – overall evaluation
Reviewer 1: Sound

Supplemental Information and Data – overall evaluation
Reviewer 1: Sound

Comments to the author

Reviewer 1: This article is good but needs improvement and additions to several subs:

1. The introduction should explain how The introduction should explain how past research has not filled the gaps in current research. and add what theory is used to strengthen research gaps

2. The research method must provide emic or ethical steps, for example how many informants, how to retrieve the research data and how to analyze the data. I suggest citing and viewing several texts that are relevant to your research, please cite and develop research methods in the following titles:

<https://onlinelibrary.wiley.com/doi/10.1002/casp.2611>

"social resilience of indigenous communities on the border: Belief and confidence in anticipating the spread of COVID-19 through the Besamsam custom in the Dayak community"

<https://www.tandfonline.com/doi/full/10.1080/10911359.2021.1990170>

"the awareness of mutual respect post-conflicts: ethnic chinese strategy through social interaction and engagement in West Kalimantan"

Some of these studies are relevant to cite and are used to write down the stages of community-focused qualitative research.

3. add 1 qualitative table to each result and discussion and provide at least 1 theory that is relevant to this study

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Reviewer 3: Yes

Title, Abstract and Introduction – overall evaluation
Reviewer 3: Sound with minor or moderate revisions

Methodology / Materials and Methods – overall evaluation
Reviewer 3: Sound

Objective / Hypothesis – overall evaluation
Reviewer 3: Sound with minor or moderate revisions

Figures and Tables – overall evaluation
Reviewer 3: Sound

Results / Data Analysis – overall evaluation
Reviewer 3: Sound with minor or moderate revisions

Interpretation / Discussion – overall evaluation
Reviewer 3: Sound with minor or moderate revisions

Conclusions – overall evaluation
Reviewer 3: Unsound or fundamentally flawed

References – overall evaluation
Reviewer 3: Sound with minor or moderate revisions


Compliance with Ethical Standards – overall evaluation
Reviewer 3: Sound with minor or moderate revisions

Writing – overall evaluation
Reviewer 3: Sound with minor or moderate revisions

Supplemental Information and Data – overall evaluation
Reviewer 3: Sound

Comments to the author
Reviewer 3: The authors please revise based on the comments


In compliance with data protection regulations, you may request that we remove your personal registration details at any time. (Use the following URL: <https://www.editorialmanager.com/cogentsocsci/login.asp?a=r>). Please contact the publication office if you have any questions.

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Umi Supraptiningsih <umistainpamekasan@gmail.com>
Kepada: Erie Hariyanto <erie.mh@gmail.com>

19 Februari 2023 pukul 07.16

[Kutipan teks disembunyikan]

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Umi Supraptiningsih <umistainpamekasan@gmail.com>
Kepada: irwanabdullah6@gmail.com

24 Februari 2023 pukul 08.09

----- Pesan yang diteruskan -----

Dari: **Cogent Social Sciences** <em@editorialmanager.com>

Tanggal: Min, 19 Feb 2023 pukul 02.12

Subjek: 233995716 (Cogent Social Sciences) Keputusan revisi telah dibuat atas kiriman Anda

Kepada: Umi Supraptiningsih <umistainpamekasan@gmail.com>

Ref: COGENTSOCSCI-2023-0068
233995716

Ketimpangan Sebagai Konstruksi Budaya: Akses Perempuan Terhadap Hak Tanah Pada Masyarakat Madura
Ilmu Sosial Yang Meyakinkan

Yang Terhormat Supraptiningsih,

Naskah Anda yang berjudul "Ketimpangan Sebagai Konstruksi Budaya: Akses Perempuan Terhadap Hak Atas Tanah Pada Masyarakat Madura", yang Anda diserahkan ke Cogent Social Sciences, kini telah ditinjau.

Tinjauan, yang disertakan di bagian bawah surat, menunjukkan bahwa manuskrip Anda mungkin cocok untuk diterbitkan setelah direvisi. Kami berharap Anda akan mempertimbangkan saran-saran ini, dan merevisi naskah Anda.

Silakan kirimkan revisi Anda paling lambat 20 Maret 2023, jika Anda membutuhkan waktu tambahan, silakan hubungi Kantor Redaksi.

Untuk mengirimkan naskah revisi Anda, silakan kunjungi <https://rp.cogentoa.com/dashboard/> dan masuk. Anda akan melihat opsi untuk Merevisi di samping catatan kiriman Anda.

Jika Anda tidak yakin bagaimana mengirimkan revisi Anda, silakan hubungi kami di OASS-peerreview@journals.tandf.co.uk

Anda juga memiliki opsi untuk menyertakan yang berikut ini dengan kiriman Anda yang telah direvisi:

* pernyataan kepentingan publik - deskripsi makalah Anda tentang TIDAK LEBIH DARI 150 kata yang cocok untuk pembaca non-spesialis, menyoroti/menjelaskan apa pun yang akan menarik minat masyarakat umum

* tentang penulis - ringkasan singkat TIDAK LEBIH DARI 150 KATA, merinci penelitian kunci Anda sendiri atau kelompok Anda kegiatan, termasuk catatan tentang bagaimana penelitian yang dilaporkan dalam makalah ini berkaitan dengan proyek atau masalah yang lebih luas.

* foto penulis, termasuk detail siapa yang ada di dalam foto - harap diperhatikan bahwa kami hanya dapat menerbitkan satu foto

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Harap pastikan bahwa Anda dengan jelas menyoroti perubahan yang dibuat pada naskah Anda, serta mengirimkan tanggapan menyeluruh kepada pengulas.

Kami berharap dapat menerima artikel Anda yang telah direvisi.

Salam hangat,

Ana Maria Lopez Narbona
Editor Senior
Cogent Ilmu Sosial

Komentar dari Editor dan Peninjau:

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"
target="_blank">Publons?</p><p><i> Jangan biarkan pekerjaan review Anda luput dari perhatian! Peneliti seluruh dunia menggunakan Publons untuk dengan mudah melacak kontribusi tinjauan sejawat mereka yang berharga untuk jurnal apa pun. Jika Anda ikut serta, profil Publons Anda akan diperbarui secara otomatis untuk menunjukkan catatan terverifikasi dari tinjauan ini sesuai sepenuhnya dengan kebijakan tinjauan jurnal. Jika Anda tidak memiliki profil Publons, Anda akan diminta untuk membuat akun gratis. [Pelajari lebih lanjut</i></p><p> Pengulas 1: Ya Judul, Abstrak dan Pendahuluan – evaluasi keseluruhan

Reviewer 1: Suara dengan revisi kecil atau sedang

Metodologi / Bahan dan Metode – evaluasi keseluruhan
Reviewer 1: Suara dengan revisi kecil atau sedang

Tujuan / Hipotesis – evaluasi keseluruhan
Reviewer 1: Suara dengan revisi kecil atau sedang

Gambar dan Tabel – evaluasi keseluruhan

Reviewer 1: Suara dengan revisi kecil atau sedang

Hasil / Analisis Data – evaluasi keseluruhan

Reviewer 1: Suara dengan revisi kecil atau sedang

Interpretasi / Diskusi – evaluasi keseluruhan

Reviewer 1: Suara dengan revisi kecil atau sedang

Kesimpulan – evaluasi keseluruhan

Reviewer 1: Suara

Referensi – evaluasi keseluruhan

Reviewer 1: Suara

Kepatuhan terhadap Standar Etika – evaluasi keseluruhan

Peninjau 1: Baik dengan revisi kecil atau sedang

Penulisan – evaluasi keseluruhan

Peninjau 1:

Informasi dan Data Tambahan yang Baik – evaluasi keseluruhan

Peninjau 1:

Komentar yang baik untuk penulis

Peninjau 1: Artikel ini bagus tetapi perlu perbaikan dan tambahan beberapa subs:

1. Pendahuluan harus menjelaskan bagaimana Pendahuluan harus menjelaskan bagaimana penelitian masa lalu tidak mengisi kekosongan dalam penelitian saat ini. dan tambahkan teori apa yang digunakan untuk memperkuat kesenjangan penelitian
2. Metode penelitian harus memberikan langkah-langkah emic atau etik, misalnya berapa banyak informan, bagaimana cara mengambil data penelitian dan bagaimana menganalisis data. Saya menyarankan untuk mengutip dan melihat beberapa teks yang relevan dengan penelitian Anda, silakan mengutip dan mengembangkan metode penelitian pada judul berikut:

<https://onlinelibrary.wiley.com/doi/10.1002/casp.2611>

“ketahanan sosial masyarakat adat di perbatasan: Keyakinan dan keyakinan dalam mengantisipasi penyebaran COVID-19 melalui adat Besamsam pada masyarakat Dayak”

<https://www.tandfonline.com/doi/full/10.1080/10911359.2021.1990170>

“kesadaran saling menghormati pascakonflik: strategi etnis Tionghoa melalui interaksi dan keterlibatan sosial di Kalimantan Barat”

Beberapa kajian tersebut relevan untuk disitir dan digunakan untuk menuliskan tahapan-tahapan penelitian kualitatif yang berfokus pada masyarakat.

3. tambahkan 1 tabel kualitatif pada setiap hasil dan pembahasan dan berikan setidaknya 1 teori yang relevan dengan penelitian ini

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Pelajari lebih lanjut</i></p> Peninjau 3: Ya Judul, Abstrak dan Pendahuluan – Evaluasi Keseluruhan Reviewer 3: Suara dengan Revisi Kecil atau Sedang Metodologi / Bahan dan Metode – Evaluasi Keseluruhan Reviewer 3: Suara Tujuan / Hipotesis – Evaluasi Keseluruhan Reviewer 3: Suara dengan Revisi Kecil atau Sedang Gambar dan Tabel – Evaluasi Keseluruhan Reviewer 3 : Suara Hasil / Analisis Data – evaluasi keseluruhan Reviewer 3: Suara dengan revisi kecil atau sedang

Interpretasi / Diskusi – evaluasi keseluruhan

Reviewer 3: Bagus dengan revisi kecil atau sedang

Kesimpulan – evaluasi keseluruhan

Reviewer 3: Tidak bagus atau cacat secara fundamental

Referensi – evaluasi keseluruhan

Reviewer 3: Bagus dengan revisi kecil atau sedang

Kepatuhan terhadap Standar Etika – evaluasi keseluruhan

Reviewer 3: Bagus dengan revisi kecil atau sedang

Penulisan – evaluasi keseluruhan

Reviewer 3: Baik dengan revisi kecil atau sedang

Informasi dan Data Tambahan – evaluasi keseluruhan

Reviewer 3: Baik

Komentar untuk penulis

Reviewer 3: Penulis harap merevisi berdasarkan komentar

Sesuai dengan peraturan perlindungan data, Anda dapat meminta kami menghapus detail pendaftaran pribadi Anda kapan saja. (Gunakan URL berikut: <https://www.editorialmanager.com/cogentsocsci/login.asp?a=r>). Silakan hubungi kantor publikasi jika Anda memiliki pertanyaan.



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Umi Supraptiningsih <umistainpamekasan@gmail.com>

233995716 (Cogent Social Sciences) Your submission has been accepted

1 pesan

Cogent Social Sciences <em@editorialmanager.com>

21 Maret 2023 pukul 16.36

Balas Ke: Cogent Social Sciences <oass-peerreview@journals.tandf.co.uk>

Kepada: Umi Supraptiningsih <umistainpamekasan@gmail.com>

Ref: COGENTSOCSOCI-2023-0068R1

233995716

Inequality as a Cultural Construction: Women's Access to Land Rights in Madurese Society
Cogent Social Sciences

Dear Umi Supraptiningsih,

I am pleased to tell you that your work was accepted for publication in Cogent Social Sciences on Mar 21, 2023.

Please note: only minor, or typographical changes can be introduced during typesetting and proofing of your manuscript. Major changes to your manuscript will not be permitted.

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Thank you for submitting your work to this journal, and we hope that you will consider us for your future submissions.

Best wishes

Ana Maria Lopez Narbona
Senior Editor
Cogent Social Sciences

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Umi Supraptiningsih <umistainpamekasan@gmail.com>

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21 Maret 2023 pukul 18.54

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Kepada: umistainpamekasan@gmail.com

Dear Author,

Greetings!

This is for your kind information that the First proof is in progress and will be dispatched to the Corresponding author (Umi Supraptiningsih) for review by 29th March.

Thanks!

Regards,

Annie Sophia

Production Editor

Cogent Social Sciences

From: prshelp@tandf.co.uk**Sent:** 23-03-2023 04:41**To:** annie.sophia@integra.co.in**Cc:****Subject:** Re: FW: Re: Welcome to Taylor & Francis Production: Cogent Social Sciences 2194733 [ref:_00D0Y35lji._5007TKZzn9:ref]

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Best regards,

Elaiza Hernandez

On behalf of the Taylor & Francis Journals Helpdesk

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From: Umi Supraptiningsih [umistainpamekasan@gmail.com]

Sent: 21/03/2023 22:52

To: cats@taylorandfrancis.com

Subject: Re: Welcome to Taylor & Francis Production: Cogent Social Sciences 2194733

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Article: Inequality as a Cultural Construction: Women's Access to Land Rights in Madurese Society

Journal: *Cogent Social Sciences* OASS

Article ID: OASS 2194733

Dear Umi Supraptiningsih,

We are delighted that you have chosen to publish your article in *Cogent Social Sciences*. I will be your Production Editor and will work with you to oversee the production of your article through to publication. My contact details are given at the end of this email.

- Please log in to CATS to complete your Author Publishing Agreement. Your user name and password are given below. If you have any questions on the process of completing your agreement, please contact me.

Proofs will be ready for you to check in approximately working days and we would like you to return your corrections within $\{\text{fromProofs.duration}\}$ days. Please let me know if there will be any difficulty in meeting this schedule.

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- The DOI of your paper is: 10.1080/23311886.2023.2194733. Once your article has published online, it will be available at the following permanent link: <https://doi.org/10.1080/23311886.2023.2194733> .

Yours sincerely,

Annie Sophia

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22 Maret 2023 pukul 20.40

Kepada: umistainpamekasan@gmail.com

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23 Maret 2023 pukul 18.51

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Umi Supraptiningsih <umistainpamekasan@gmail.com>

Author corrections submitted for Manuscript ID: OASS A 2194733

2 pesan

iauthorsupport@integra.co.in <iauthorsupport@integra.co.in>
Kepada: umistainpamekasan@gmail.com
Cc: annie.sophia@integra.co.in

29 Maret 2023 pukul 20.14

Manuscript Title: OASS - (Inequality as a Cultural Construction: Women's Access to Land Rights in Madurese Society)

Manuscript DOI: 10.1080/23311886.2023.2194733

Journal: OASS-Cogent Social Sciences

Date proof corrections submitted: 29 March 2023

Dear Umi Supraptiningsih,

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Inequality as a cultural construction: Women's access to land rights in Madurese society

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SOCIOLOGY | RESEARCH ARTICLE

Inequality as a cultural construction: Women's access to land rights in Madurese society

Umi Supraptiningsih^{1*}, Hasse Jubba², Erie Hariyanto¹ and Theadora Rahmawati¹

Abstract: This article investigates the challenges faced by women on Madura Island, East Java, Indonesia in obtaining property rights, particularly in regards to land ownership. In Madurese society, land ownership rights have been largely awarded to male offspring. The study used a constructivist perspective and data from field observations, interviews, document analysis, and literature review to examine how power is perpetuated in Madurese society through cultural norms. The results show that these challenges are rooted in cultural construction that leads to unjust treatment of women within the family. The dominance of patriarchy in Madurese culture has created additional difficulties for women, who are already responsible for managing domestic affairs. Despite their crucial role in the family, the ongoing discrimination against women in obtaining property rights has a significant impact on their future, as they are forced to rely on men. The cultural construction that shapes the treatment of women in Madurese society continues to restrict their independence.

Subjects: Human Rights Law & Civil Liberties; Land Law; Gender and the Law

Keywords: inequality; women's access; land ownership; cultural constructs; Madurese society

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1. Introduction

Women in Madura, Indonesia often struggle to obtain land due to uneven access. In terms of inheritance, women are more likely to inherit land if they are the only daughter or part of a group of sisters, but a male heir is typically responsible for distributing the inheritance if there are both daughters and sons in the family. This can make it difficult for women to obtain land through inheritance. One of the families investigated by this study has one daughter and six sons; the daughter is the eldest child, but her gender disqualified her from inheriting a part of the family's land. Such cases are prevalent in Madurese society and have existed for a long time. According to data from 2021, in Madura's four regencies, there were 18,704,470 land ownerships by men compared to only 33,283 land ownerships by women. Due to the dominance of the patriarchal system in Madurese society, cultural construction tend to take precedence over aspects of justice, enabling the continuance of this practice (Pattiruhu, 2020). Up to this point, there are three main themes in the research on the challenges faced by women. The first theme involves studies that demonstrate the ongoing disadvantages that women experience within their families, such as limited ownership rights to just a home in which to live and being responsible for domestic tasks (Isti'anah, 2020; Marwinda et al., 2020; Sumaryati, 2018). The second theme involves research on the disadvantages women face in inheritance matters (Alfarisi, 2020; Arba et al., 2020; Taqiyuddin, 2020). The third theme involves studies that show a shift in perceptions of women's roles in public spaces (Indarti, 2019; Suarmini et al., 2018; Zuhdi, 2019). Despite these three trends, research on the impact of injustice on Madurese women's rights to own land as an economic resource has not been extensively examined. This study aims to fill this gap by analyzing the injustices that Madurese women face in terms of access to land ownership.

This report aims to address the lack of attention given to the impact of injustice on Madurese women's rights to own land as an economic resource in previous studies. It addresses three main points: the cultural construction of women in Madurese society; the factors that contribute to discrimination against women in terms of land ownership on Madura; and the effects of this injustice on the lives of Madurese women.

This study suggests that the inequality faced by Madurese women in terms of land rights is a result of societal views on women's place in relation to ownership of possessions. Madurese women are only allowed to own a home to live in, while men have the right to inherit other movable and immovable property. Even being the oldest daughter does not change a woman's cultural status as someone who is not entitled to ownership of land. As cultural influences that support this discriminatory treatment have increased, Madurese women have become more reliant on men.

2. Literature review

2.1. Cultural construction

Construction, in this context, refers to a social concept that is closely connected to the human mind (Franks, 2014). This aligns with Haslanger's (2017) assertion that ideas that originate from mental processes are societal constructions with strong ties to social and intellectual history. Through the mind, knowledge is created and becomes the result of a series of symbolic interactions that shape cultural reality (Karman, 2015). Haryono (2016) agrees with Tilaar that culture is created by humans and vice versa; the culture that people create influences their lives. There is a reciprocal relationship between humans and culture, which impacts the individuals who experience it (Haryono, 2016). Furthermore, cultural construction occurs continuously throughout the process and is not restricted to early formation alone (Mesquita et al., 2016). Therefore, it is closely related to the changes that are inherent to culture itself (Trubshaw, 2011). However, these changes have limits; long-standing cultural constructions in any society cannot be easily altered (Pratiwi et al., 2020).

One of the most challenging cultural constructs to change is gender bias. Many gender notions are based on fictional stories that are socioculturally manufactured to legitimize gender reality, which is influenced by the power of the dominant group in a cultural community (Haslanger, 2017). This shows how certain interests can appropriate and exploit cultural construction (Muktiyo, 2015).

In the context of gender, patriarchy refers to a culture that favors men by creating gender imbalance (Sakina & A, 2017). The cultural constructions created by male domination in communities portray women as submissive, weak, and dependent (Sakina & A, 2017). Gender inequality not only occurs in the home but also persists in public settings, such as when it comes to property ownership, where women's access and influence are limited (Akinola, 2018). A concrete example is India's land leasing registration process, which led to a higher male child survival rate (Bhalotra et al., 2019). In this context, Indian culture establishes ideals that elevate the status of boys because they are land heirs (Bhalotra et al., 2019). It is important to address this form of gender inequality.

2.2. Gender inequality

In anthropology, gender is not just a classification based on biological sex, but also includes other factors such as social class and age (Boe, 2015). Despite being a non-essential category that can change depending on cultural construction (Septiadi & Wigna, 2015), Lindqvist et al. (2021) argues that gender has several important aspects, namely physiology, identity, legal distinction, and social distinction that determines how to behave according to gender norms and expression. These aspects cannot be separated from inherited cultural constructions that have propagated gender myths and stereotypes, such as generalizations and prejudices about the binary classification of male and female qualities (Heilman, 2012; Roof, 2015). This differentiation is then used to form opinions about what is appropriate for men and women (Ellemers, 2018). Past research has shown that such cultural constructions of gender are often unequal, as demonstrated by studies by Greenberg and Greenberg (2020), Van Der Pas and Aaldering (2020), İncikabı and Ulusoy (2019), and Atir and Ferguson (2018). Gender disparity is therefore something constructed by culture, particularly by people with influence in their cultural community.

The problem of gender inequality has significant effects on many parts of human existence, especially for women. Women's independence, access to education, and employment opportunities, for instance, are constrained (Branisa et al., 2013). Similar to this, women are frequently seen as the party carrying the higher burden in other spheres of life, such as politics and the economics, particularly in instances where access to resources are involved (Sitorus, 2016). A research by Daytana and Salmun (2021) on the availability of potable water in Central Sumba lends credence to this claim. Despite being given limited access to it, the women there must provide clean water. In the context of land ownership, land snatching is a practice that frequently perpetuates gender inequality, showing a disregard for women's rights (Levien, 2017). Women's vulnerability is rendered worse when their access to crucial resources is restricted, whether due to cultural norms or discriminatory government management mechanisms (Tantoh et al., 2021). The fact that food security and livelihoods become stable when women's access to land ownership and their participation in decision-making are taken into account, however, demonstrates that gender inequality does not simply impact women (Tantoh et al., 2021).

2.3. Access to land

Land is a source of life that is vital for the growth and well-being of individuals and societies (Mahfiana, 2016). It is therefore important to consider access to land. According to research by Muraoka et al. (2018), access to land directly impacts rural households' ability to earn a living and produce food, illustrating the connection between welfare and access to land. The theory of Ribot and Peluso (Hafidh & Krisdyatmiko, 2020) explains that access refers to the ability to benefit from something that can be controlled, whether it be property, a human resource, or an institution. Access is therefore related to power rather than ownership, as those in positions of authority can profit from something even if they do not own the resources (Hafidh & Krisdyatmiko, 2020). When it comes to land, access is not just about who owns the land, but also about who has power over it and how they have that power.

There is a persistent disparity in land access between men and women from a gender standpoint (Akinola, 2018; Joshi, 2020; Levien, 2017). Women are consistently disadvantaged by systems of land production and reproduction established by dominant powers (Tsikata, 2016), which are manifested in administrative procedures and legal property ownership and to which women

have significantly less access than men (Mahfiana, 2016). Additionally, women's access to land is hindered by the conversion of land to commercial usage (Ndi, 2019). This impacts women's well-being, particularly in terms of their limited livelihood options (Tsikata, 2016). Unfortunately, as this study will show, gender disparity in land access is also a cultural construction. Akinola (2018) argues that patriarchal views that deny women land ownership have perpetuated gender inequality in Africa, making it challenging to grant women land rights when cultural factors are taken into account.

3. Methodology

This study was conducted in four regencies on the Indonesian island of Madura in East Java. The location was chosen due to the ongoing unfair land ownership practices in Madurese society. Qualitative data was collected through observation, interviews, and a review of documents and literature and served as the foundation of the study. Observations of current land rights transfer practices were made in both rural communities with lower levels of education and in more urban areas. The focus was on multi-child households, specifically those with both female and male children, in order to better understand the social practice of transferring property rights to offspring (heirs) through inheritance.

In addition to observations, data was collected through interviews with 13 informants who represented different age ranges, genders, occupations, positions, and educational backgrounds and had a range of knowledge about land transfer processes in Madura. The selection was also based on their Madurese ancestry and expected general understanding of Madurese culture. The questions asked of the informants related directly to inheritance transfer patterns, the transfer procedure, and the likelihood of daughters inheriting land from their parents. The information obtained included statements about discriminatory practices against women in Madurese society. Some informants with more expertise were asked more detailed questions, although certain questions were repeated.

Furthermore, a review of relevant documents and literature was conducted to supplement the analysis. The data from the documents is presented as the proportion of land owned by men and women, supported by letters of land ownership bearing their names. According to data from the regional government office, Madurese men own significantly more land than Madurese women. The literature review was conducted in a systematic manner by mapping literature that was relevant to the main issue being examined in this research. It not only supported the arguments in this paper but also established that the focus of this study differed from previous studies.

The data collected through these approaches was initially mapped according to their respective trends. It was then categorized into three groups based on the repeated questions. The first category illustrates the cultural construction of women's position in Madurese society. The second category highlights the disparity in land ownership between Madurese women and men. The third category presents an overview of the effects of Madurese women's unequal access to land ownership. The data was then interpreted by providing context before being organized into this article. This set of steps was a crucial part of the overall data collection and article writing process.

4. Findings

4.1. Women's positions in Madurese culture

Madurese women occupy a peculiar cultural position in Madurese society. A woman's crucial roles as a mother and wife who administers the household are respected. Madurese society regards women as family members who must be protected and maintained; men strive for the well-being of the women in their families in order to cultivate their own self-esteem in front of society. Women are placed in a sacred space separate from the sphere of males. This reality is viewed as a social phenomenon in which religion serves as a doctrine that directs people's behavior within the framework of culture. As a result, many Madurese customs are also based on religious beliefs.

Religion becomes the basic foundation of Madurese social, cultural, and economic activities—the social bonds between people, and this affects the position of women in various ways. Kyai Haji Maskur, a 50-year-old Madurese religious leader, stated:

Madurese women are highly respected and serve as a symbol of prosperity in the home; if women are cared for and respected, the family will prosper. Indeed, Madurese women are relegated to the kitchen, the well (laundry), and the bed. However, for kitchen and laundry matters, the women do not have to do everything themselves; they can act as managers or directors, directing people or *santri* (Islamic boarding school students) to complete the tasks.

Women have played significant roles throughout Indonesian history. Teuku Malahayati, for example, was the commander of the Aceh naval force in the seventh century. In addition, five of Acehese crowned rulers were female. The Melayu Kingdom had a female monarch ruler as well. It can be seen that historically women have had power and a very strategic position as well as women in Madurese society. According to Hajjah Noer, a 70-year-old traditional Madurese woman figure:

Madurese women are strong and respected. They are highly regarded in the home by both the husband and the children, and they play a role in dividing household chores and making household decisions. As wife and mother, they are also in charge of the household's finances.

Madurese women are seen as patient and sincere in caring for their families. The following statement by Hajjah Mufridah, a 55-year-old female Muslim figure in Pamekasan Regency, exemplifies this:

I was untiring in taking care of my nine children. *Alhamdulillah* (all praise is due to Allah), my children were all able to finish their education and get jobs without me spending a lot of money. My children have grown up to be obedient and modest.

In Madurese culture, it is customary for a woman's parents to prepare a home for her and her husband after she marries, which demonstrates the high regard in which women are held. If the parents are unable to build them a home, the couple will be required to live with the parents of the bride. Khozainah, a 45-year-old Madurese woman, explained:

In our family, each daughter received a house to live in as well as the right to the land (where the house stands). However, we do not get any land in the form of rice fields or yards — no plot other than those on which the houses are built. Here, it is (also) part of our tradition that women return to their parents' homes (after marriage).

In Madurese society, the parental kinship system is recognized, but sons are preferred to daughters in terms of land ownership. Even if the family's firstborn is a girl, this still holds true. In Madurese society, the division of labor between men and women has taken place culturally. While the males support the family, the women's jobs are primarily domestic in nature— cooking, cleaning, and caring for the home. A man will be referred to as being *nespah*, or wretched, when he performs home duties. A 45-year-old Madurese woman named Hosniyah said:

No verbal or written work division is required. As a housewife, my duty is to take care of the house by doing washing, cooking, cleaning, and taking care of the kids, while my husband is in charge of making a living.

In Madurese society, a man who performs domestic tasks may be referred to as *sial*, which translates to “unlucky.” Despite societal changes, this cultural norm persists. Madurese community leader Haji Sofa, 50, said:

The wife is in charge of cooking and taking care of the house and kids. Husbands aren't allowed to go into the kitchen and dry their wives' clothes. If this happens, the husband has lost to his wife and is *sial*. A husband has to work to support his wife.

The statement underscores the strictly defined gender roles that exist within Madurese society. Regardless of the specific circumstances, it is typically the responsibility of the wife to care for the home and children, while the husband is expected to provide for the family. If the husband is required to perform domestic tasks, it may be seen as a failure on the part of the wife, leading to potential legal action by the husband's family. There have been instances where a divorce has been sought on the grounds that the wife was unable to fulfill her expected responsibilities within the household.

4.2. Inequality in land ownership rights between men and women in Madura

Article 9 paragraph (2) of the Basic Agrarian Principles (UUPA) establishes the legal equality of men and women in terms of land ownership, stating that male and female Indonesian citizens have equal rights to own and utilize land for themselves and their families. However, information gathered from randomly selected villages across the four districts of Madura revealed the following:

4.2.1. Madurese women's rights pertaining to house ownership

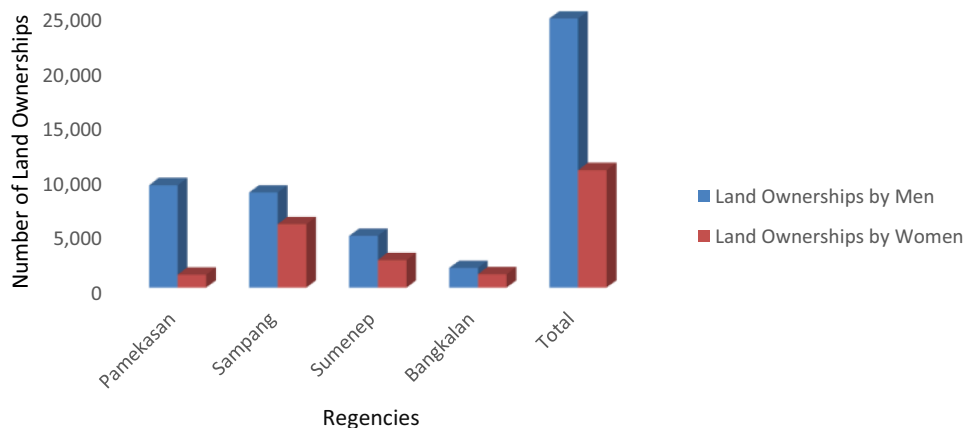
The unequal distribution of land rights among Madurese women can be attributed to several underlying factors. One of the primary drivers is culture. In many cases, Madurese parents prepare homes for their married daughters as part of the cultural tradition, which then become the property of the women. This practice serves as a means of securing a home for their daughters after marriage and is often seen as a substitute for the lack of direct inheritance of land and other financial assets. However, this cultural norm also perpetuates the unequal distribution of land rights, as it often results in women being limited to receiving only a house as part of their inheritance. Informant Khozainah said:

District	Amount of land ownership by men	Amount of land ownership by women	Gap
Pamekasan	9,344	1,187	-8.157
Sampang	8,680	5,796	-2.884
Sumenep	4,725	2,520	-2.205
Bangkalan	1,801	1,223	-578
Total	24,550	10,726	-13.824

Source: Data from village governments' documents processed in 2021

Source: Data processed from village governments' documents, 2021

Land Ownerships by Women and Men across Madura's Four Regencies



In our family, each daughter received a house to live in as well as the right to the land (where the house stands), while even though the sons got no house, they were given land plots to grow crops as a source of income. Here, it is (also) part of our tradition that women return to their parents' homes to live with them (after marriage).

It is important to note that the third most common basis for divorce presented before Madura's religious courts is the issue of residence. Parental participation in deciding where newlyweds should live is astonishingly high. Some parents have asked their sons to bring their bride to live with them. When the newlyweds have acquired their own home, there is typically no problem. The second factor is lineage. If a family consists only of daughters, the rights may be divided among them through the granting of power of attorney to the eldest daughter. This is supported by Fatimah, age 45;

As one of two daughters, I inherited an equal share of the house fields, and yards alongside my sibling. The division of these assets was made while our mother was still alive, and our father had passed away. Consequently, when our mother passed away, there was no conflict regarding the inheritance, as we simply carried out the verbal instructions she had given us.

The third factor is education. Even if a woman possesses a higher level of education or knowledge, it does not necessarily translate to a change in their position with regard to these rights, regardless of the resources invested in obtaining such education. This point is supported by Jamilia, age 35:

I have two sister. My older sister chose not to pursue higher education at a university, instead opting to assist our parents in managing the crop fields. I continued my education to the master's level, requiring a significant investment from my parents due to study outside of the city. Upon getting married, I only received a house and did not receive any land in the form of rice fields or yards from my parents.

In retrospect, there are three key factors that contribute to the Madurese cultural norm of women only receiving a house from their parents upon marriage. One is culture, as Madurese society traditionally follows strict gender roles, with men expected to manage the family's financial affairs and women expected to manage the household. This division of labor often leads to men being the primary inheritors of land and other financial assets. Second is lineage; in Madurese families where there are only daughters, land ownership rights are typically divided among the daughters through the granting of power of attorney to the eldest daughter. The third is education; despite a woman's level of education or knowledge, it does not necessarily translate to a change in their position with regard to land ownership rights. Together, these three factors highlight how Madurese women are often limited to receiving only a house as part of their inheritance.

4.2.2. *Madurese women's rights pertaining to land ownership*

It is common for Madurese women to hold ownership rights over the plot of land on which their house, where they live with their husband and children, is built. There are instances where women may also hold rights to agricultural lands, yards, or business venues. However, if a family includes one or more sons, it is typically the responsibility of the eldest son to divide the assets among the siblings. In families with only daughters, the eldest daughter is typically granted this authority. The following statement is from an interview with Hajjah Soffa, a 55-year-old Madurese woman:

I have one sibling, and we are both women. Our parents provided each of us with a place to live and a place of business, but they did not specify how the remaining assets should be distributed upon their death. As a result, upon the passing of our parents, we frequently disagreed over the division of the inheritance, even though our parents had granted the eldest sibling the authority to divide the assets through power of attorney (as recorded in the village records).

Another informant, Sattar, explained as below:

Our father had seven siblings - six men and one woman. As we prepared to divide the inheritance, we discovered a white certificate issued by the Agrarian Office in 1967 and registered in our father's name: Sarmo CS. Because the other six siblings were not (legally) identified, we just handled the distribution on behalf of Sarmo's children or descendants, while the other six siblings did not inherit anything.

4.3. Effects of inequality on Madurese woman

4.3.1. High dependence on men

The lack of land ownership rights for Madurese women often results in their dependence on their husbands or male relatives for livelihood. Rural women in Madura often work in (rice) fields to meet their daily needs, but if they do not have ownership rights to these resources, they may be forced to work for their brothers on a profit-sharing system or as laborers. Informant Saimah, age 50, said:

Our family's livelihood is dependent on crop plots or rice fields. Since each of the daughters have already given a house, we women did not receive any plot of rice field from our parents. I've been working for my older brother on a production sharing system instead.

The separation of many married women in Madura from their extended families to follow their husbands can also contribute to their vulnerability. If a Madurese woman's husband were to pass away, she might be forced to return to her family and potentially become dependent on her male siblings. This is demonstrated by the case of Nur Hasanah, age 60, who said:

My husband passed away five years ago when our two children were still little. Before his death, he worked as a gardener at an elementary school and managed the fields handed by his parents. However, after he died, my children and I were left relying on my husband's pension of only IDR750,000 per month, which isn't sufficient to support my two children's education in high school and university, so I asked my brother if I could assist in managing land inherited from our parents, which had previously been solely under my brother's control.

In Madurese culture, a woman's life before marriage is considered the responsibility of her brother. Brothers must be involved in all matters, and failure to do so would be considered a breach of *tengka* or etiquette. When it comes to managing inherited land, the eldest brother has the authority to distribute it among siblings.

4.3.2. Less bargaining position

Madurese women are highly protected and respected in their culture. If a woman experiences abuse, her husband or father may take extreme measures, including violence, as a form of revenge known as "carok." Women are not allowed independence in decision-making, including in the management of agricultural land and yards, which weakens their bargaining position, as demonstrated by a statement by 47-year-old Uswatun Hasanah.

I have always consulted with my brother regarding the cost, type, and number of invitees for celebrations such as my child's wedding or the birth of their child because I do not have the financial resources to pay for them. The money received from the invitees would ultimately go to my brother. Similarly, when my child was about to give birth, we relied on my brother's suggestions and decisions on whether to use a midwife or a public health center because he is the one who bears all the costs.

The informant's statement demonstrates that Madurese women, even those with university-level education, do not have a strong negotiating position in decision-making for themselves and their families. This is exemplified by Kiki Nurhaliza, a 35-year-old Madurese woman, through the following statement:

My parents sent me to complete my bachelor's degree from IAIN Madura (the State Islamic Institute of Madura). However, upon getting married, they only gave me a house and not a rice field. This is because my brother did not attend college and was therefore given the rice field and crop plot as capital for his family's income. My parents also cited the high costs of my school fees, engagement, and marriage as a reason (for not providing me with a rice field).

4.3.3. *Becoming targets of violence (due to position as objects)*

The limited decision-making power of Madurese women, both for themselves and their offspring, can have negative consequences, including violence. Madurese women are often made vulnerable by cultural practices and circumstances, as highlighted by the following statement from Nur Azizah, age 53:

We are economically powerless since we don't have ownership rights to lands that could be managed and serve as a source of economic stability for our families, making us highly dependent on our husbands and brothers. We often experience harassment and a lack of respect, as we are seen as a burden on the family due to our lack of contribution to the family's economy. Consequently, we can only accept the decisions made by our husbands or brothers.

The informant's statement supports the idea that Madurese society undermines women due in part to their lack of independence. Women are often seen as merely complementary figures in the household and even as a burden. In Madurese culture, it is customarily believed that women or wives are *konco wingking*, or a following companion who takes care of household and child-rearing responsibilities.

5. Discussion and conclusion

This article's findings indicate that Madurese women face ongoing marginalization in terms of ownership rights, particularly when it comes to land. Strong cultural pressure disadvantages daughters, who are only granted ownership rights to a house and are not given opportunities to own other inherited property, such as agricultural land and yards. Sons are given the primary right to productive land, even if there is an eldest daughter. The patriarchal culture in Madurese society perpetuates the disadvantaged position of daughters and hinders their fair treatment in obtaining land ownership rights within families. This study clearly demonstrates the difficulties that women face in acquiring land in Madurese culture.

The dominance of patriarchal culture supports the unfair treatment of women. This culture only benefits one party and harms other parties even though in principle they have equal rights and access. The position of women and men in the household structure is a structural and non-functional relationship because it is only dominated by inequality and injustice. The practice of subordinating certain parties, in this case, women, occurs not only by the structure of society which consists of social stratification that has been built up firmly. However, this happened because of the strong penetration of culture which tended to be maintained even though it was unfair. The notion that women only have the right to handle household matters continues to be reproduced to prevent them from progressing and being equal to men so their rights remain neglected.

The unequal acquisition of property by women can be understood as a form of structured discrimination that persists to this day. Despite women's inherent dignity, they continue to face unfair treatment within the family. Daughters, who are traditionally protected, guarded, and supported by men in Madurese families, are increasingly marginalized. Their privileges are not sufficient to empower them with the freedom to act and own property. The strong cultural influence of society can weaken women's circumstances, despite their inherent strength. Men often exhibit a disproportionate concern with limiting women's rights in all areas, including property ownership, which should be their right as well.

As comparison, women in both Madurese society in East Java and Sasak communities in Lombok, West Nusa Tenggara, often face injustice when it comes to obtaining land rights. Madurese women may not have the same access to land as men, and Sasak women are generally

only able to inherit movable property that is meant to be brought to their husband's home. Similar to Madurese women, Sasak women are not typically entitled to inherit immovable property, such as land. This means that they may not have the same opportunities to own and control land as men do in their communities. This lack of access to land can have significant negative impacts on the economic and social well-being of women in these communities.

Inequality and unfair treatment of Madurese women can lead to violence against them. To address this issue, it is important to promote the understanding and implementation of religious and agrarian laws, as well as provide education to families in Madurese communities. By increasing awareness of these laws and providing education about gender equality, men and women can work towards achieving equal rights and respect for each other. This can help reduce instances of violence and promote a more just and equitable society for Madurese women.

According to this research, Madurese cultural norms have a significant impact on the rights of women, particularly when it comes to property ownership. This includes land, which is a particularly important resource for economic stability. When women are denied access to property, it can create economic inequality and contribute to violent situations. Additionally, the research points out that patriarchy plays a significant role in Madurese culture, exacerbating the challenges that women face in their roles as primary caregivers for the family. It is hoped that future research will explore cultural construction from other perspectives in other indigenous communities and work towards promoting gender equality in all areas.

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