



Inequality as a Construct of Customary Law: Access to Home Ownership Rights of Women in Lampung

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Abstract

The distribution of inheritance between men and women in Indonesia has various variations. There are differences between communities or ethnic groups, for example in Lampung, according to customary law, women are not given access to house ownership. The current study examined the challenges of women living under Lampung's highly stringent customary law pertaining to the acquisition of home ownership rights in 3 villages in Hulu Sungkai, North Lampung, Indonesia. In Lampung customary law, the home is conferred to the male descendant. This study employed the constructivist perspective and used data collected from field observations, interviews, document analyses, and literature reviews to address the practices of traditional power among Lampung women. The research results indicate that the construct of customary law has positioned women and men differently, subsequently leading to unequal treatment of women in the family. Patriarchy's dominance in Lampung customary law has made life more difficult for women, who are already responsible for housekeeping and enriching education. Still, customary practices provide them no opportunity of any kind, and this has negative consequences. Women are highly dependent on men, and women frequently become victims of domestic violence. The construct of Lampung customs has established how women are treated in society. Lampung's customary construct needs to be counterbalanced by a better public understanding of property ownership laws so that people have more gender awareness regarding home ownership.

Keywords: Inequality, access to home ownership, customary construct, customary law, women

Abstrak

Pembagian warisan antara laki-laki dan perempuan di Indonesia mempunyai variasi yang beragam. Terdapat perbedaan antar masyarakat atau suku, misalnya di Lampung, menurut hukum adat, perempuan tidak diberikan akses kepemilikan rumah. Penelitian ini menyelidiki tantangan perempuan yang hidup dalam hukum adat Lampung yang sangat kuat di 3 desa Kecamatan Hulu Sungkai, Lampung Utara, Indonesia untuk memperoleh hak kepemilikan rumah. Dalam hukum adat Lampung, rumah diberikan pada anak laki-laki. Penelitian ini menggunakan perspektif konstruktivis dan data dari observasi lapangan, wawancara, analisis dokumen, dan tinjauan literatur untuk mengkaji kekuasaan praktik adat pada perempuan lampung. Hasilnya menunjukkan konstruksi hukum adat telah memposisikan perempuan dan laki-laki berbeda, yang mengarah pada perlakuan tidak adil terhadap perempuan dalam keluarga. Dominasi patriarki dalam hukum adat Lampung telah menambah kesulitan perempuan yang telah bertanggungjawab dalam pemeliharaan rumah dan meningkatkan pendidikan, namun praktik adat tidak memberi peluang pada mereka. Hal ini berdampak buruk. Ketergantungan perempuan pada laki-laki, seringkali perempuan mendapatkan perlakuan kekerasan di rumah tangga. Konstruksi adat yang membentuk perlakuan terhadap perempuan. Konstruksi adat Lampung perlu diimbangi dengan pemahaman tentang undang-undang kepemilikan proverti agar ada kesadaran gender terhadap kepemilikan rumah.

Kata Kunci: *Ketimpangan, akses kepemilikan rumah, konstruksi adat, hukum adat, perempuan*

Introduction

The division of inheritance between men and women in Indonesia has various variations. There are differences between communities or ethnic groups, for example in Lampung, women under customary law are not afforded access to acquire home ownership. Home ownership right is inherited by the eldest son while women are entitled to reside in the house prior to their marriage and are assigned tasks to maintain the house.¹ Despite the rights over house maintenance, once women got married, they would be asked to leave the house and live with their husbands. Women will potentially own a house when they are married to a

¹ Ulfiani Rahman, et.al., "Men and Women in The Distribution of Inheritance in Mandar, West Sulawesi, Indonesia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, No. 1 (2022).
Desi Amalia, et.al., "Anak Perempuan Dalam Hukum Waris Adat Lampung Persepektif Keadilan Gender" *Jurnal Pendidikan Tambusai* 7, No. 3 (2023), p. 31047–53.

firstborn of the same Lampung ethnic group.² Meanwhile, the state, as stipulated in the 1945 Constitution of the Republic of Indonesia, asserts that property ownership rights are accessible to both men and women.³ This indicates that customary law has a stronger and greater significance compared to the state's arrangement of the home ownership system.

There are 3 villages in Negararatu District, North Lampung Regency boasting residents who are of Lampung ethnic origin and still stringently apply customary law in the distribution of inheritance. Women of the Lampung ethnic group do not have access to home ownership rights since customary law practices give such rights to the male descendants. Women are merely given access to look after and maintain the house before getting married, but not to reside in the house once they are married. Lampung customary law highly respects and values women's position, but women do not have access to ownership of houses for them to live in. Consequently, customary law has created inequality between men and women, which subsequently leads to violence against women, women's dependency on men, and low bargaining positions.⁴

Many studies on practices of cultural laws having impacts on unequal rights to own movable and immovable property have been done. Such studies can be found in numerous countries as follows: Mubangizi and Tlale⁵, Genicot and Benito⁶ examined existing customary practices in Tanzania; Moran and Yates observed legal practices applied in Mexican communities⁷; similarly, Faxon studied customary practices in Myanmar⁸; Bose analyzed legal practices in Latin

² Desi Natalia and SD Fuji Hasibuan, "Penyelesaian Pembagian Harta Waris Menurut Hukum Adat Lampung (Studi Di Desa Rulung Helok Kabupaten Lampung Selatan)," *Jurnal Pro Justicia* 4, no. 1 (2023), p. 2745–8539.

³ 1945 Constitution of the Republic of Indonesia article 28H verse 1: Every person shall have the right to live in physical and spiritual prosperity, to have a home, and to enjoy a good and healthy environment.

⁴ Gusti Muzainah, "Firqah Annajiyah Mansyuroh, Integration of Islamic Law and Banjarese Customary Law of Inheritance System Tionghoa Muslim Community in Banjarmasin, South Kalimantan," *Samarah* 6, No. 2 (2022), p. 678-702.

⁵ John C Mubangizi and Mpho T Tlale, "Women's Studies International Forum How Gender-Based Cultural Practices Violate Women's Property Rights and Inhibit Property Ownership: A South African Perspective," *Women's Studies International Forum* 96, no. July 2021 (2023), p. 102678.

⁶ Garance Genicot and Maria Hernandez-de-Benito, "Women's Land Rights and Village Institutions in Tanzania," *World Development* 153 (2022), p. 105811.

⁷ Ana García-morán and Julian S Yates, "In between Rights and Power: Women's Land Rights and the Gendered Politics of Land Ownership, Use, and Management in Mexican Ejidos" 152 (2022).

⁸ Hilary Oliva Faxon, "Securing Meaningful Life: Women's Work and Land Rights in Rural Myanmar," *Journal of Rural Studies* 76, no. March (2020), p. 76–84.

America⁹; in the same light, Bose et al. observed practices of property ownership in Latin America¹⁰; Kalabamu¹¹ in South Africa; Jain et al. in India; Getie et al. in Ethiopia¹²; Dagdevire and Oosterbaan focused on inconsistencies between state and customary law in South India¹³; Addaney et al. examined the subject in Ghana, Africa¹⁴; while Djurfeldt observed this phenomenon in India.¹⁵ These studies suggest inconsistencies between the regulations of states and customary practices. The states afford equal rights to both men and women for acquiring property in the form of land. However, customary marriage law states the opposite, wherein women are not given access to land because they will be following or living with their husbands once they are married. Such a condition jeopardizes women's position as they have no economic power.

Customary law practices pertaining to access to land property ownership in Indonesia are similar.¹⁶ Supraptiningsih et al.¹⁷ examined customary practices in Indonesia, particularly in Madura, and how they correlate with unequal access to land ownership rights. The customary practice in Madura has affected women to become less productive and highly dependent on men. Napsiah et al.¹⁸ examined the origin of gender inequality that women experience as a result of customary practices that are disseminated in the family. The concept of *mikhrul* refers to a call name given to girls indicating a distinction between boys and girls, and the impact

⁹ Purabi Bose, "Women's Studies International Forum Land Tenure and Forest Rights of Rural and Indigenous Women in Latin America: Empirical Evidence," *Women's Studies International Forum* 65, no. November (2017), p. 1–8.

¹⁰ Purabi Bose et al., "Women's Studies International Forum Women's Rights to Land and Communal Forest Tenure: A Way Forward for Research and Policy Agenda in Latin America," *Women's Studies International Forum* 65, no. November (2017), p. 53–59.

¹¹ Faustin Kalabamu Ñ, "Patriarchy and Women's Land Rights in Botswana" 23 (2006): 237–46,.

¹² Genicot and Hernandez-de-benito, "Women's Land Rights and Village Institutions in Tanzania."

¹³ Hulya Dagdeviren and Lianne Oosterbaan, "Land Use Policy Gender Differences in Effective Use of Land Rights in South India," *Land Use Policy* 119, no. June 2021 (2022), p. 106212.

¹⁴ Michael Addaney, et. al., "Land Use Policy Changing Land Tenure Regimes and Women's Access to Secure Land for Cocoa Cultivation in Rural Ghana," *Land Use Policy* 120, no. July (2022), p. 106292.

¹⁵ Dagdeviren and Oosterbaan, "Land Use Policy Gender Differences in Effective Use of Land Rights in South India."

¹⁶ Ruslan Abdul Gani, Retno Kusuma Wardani, "Restorative Justice for Settlement of Minor Maltreatment in the Legal Area of the Merangin Police, Jambi Province," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 23, No. 1 (2023), p. 93-370.

¹⁷ Umi Supraptiningsih et al., "Inequality as a Cultural Construction: Women's Access to Land Rights in Madurese Society," *Cogent Social Sciences* 9, no. 1 (2023).

¹⁸ Hadriana Marheni Munthe and Lisdawati Wahjudin, "Anak Mikhrul: Exposing Gender Inequality in Lampung Custom Practices" 16, no. 1 (2023), p. 109–34.

of such practice is that women are not afforded the same familial responsibility as men.¹⁹

The studies above suggest that customs contribute to gender inequality, particularly in gaining access to land, which serves as a means of production. From a plot of land economic value can be obtained. Studies on the impacts of customary law practices that limit women's access to home ownership have been lacking in attention by scholars. While in fact, homes are not less important than land. A home to women is a place where protection, comfort, and intimacy with the family are built. A home is a women's arena to showcase their existence in establishing social relations not only with their family but with their community as well. Yet, their custom does not provide such access to women making them experience potential gender inequalities. Such particular studies have not been much discussed and the present research, accordingly, complements prior studies on the subject matter at hand.

This research is aimed at addressing the lack of attention to the impacts that inequality has on Lampung women's rights to own a home for them to live in. The discussion in this article covers three key aspects: the cultural construct of women in Lampung society; factors that contribute to the marginalization of women in home ownership in Lampung; and the impacts of inequality on Lampung women. The current research shows that the inequality Lampung women encounter in accessing home ownership rights is caused by the social perspective on women's position in customary practices. Lampung women are only allowed to take care of their home and live in it before they get married, but they are not afforded the right to own a house. Along with the rising influence of the cultural construct in reinforcing the marginalization of women, Lampung women also serve as a supplementary for men, causing women to experience unequal treatment.

The Construct of Customary Law

The customary law construct that is developing in society and disseminated by the public continues to occur and is carried out from one generation to the next, and it is not limited to its initial establishment, as stated by Mesquita et al.²⁰ The construction of customary law has been agreed by the public and it is not easy to amend.²¹ Although customary law may be unwritten, its system is applied and it

¹⁹ Fahmi Fatwa Rosyadi Satria Hamdani, Suci Pebrianti, Liza Dzulhijjah, Hudzaifah Muhammad Maricar, "Traditional Law vs. Islamic Law; An Analysis of Muslim Community Awareness in Inheritance Issues", *Al-Ahkam* 32, No. 1 (2022), p. 109-130. Aden Rosadi and Siti Ropiah, "Reconstruction of Different Religion Inheritance through Wajibah Testament," *Jurnal Ilmiah Peuradeun* 8, No. 2 (2020).

²⁰ Batja Mesquita and Michael Boiger, "The Cultural Construction of Emotions," no. October 2017 (2016).

²¹ Wista Ayu Pratiwi, et.al., "Konstruksi Budaya Pada Tubuh Perempuan Bali Dalam Novel Kenanga Karya Oka Rusmini" *Jurnal Wanita Dan Keluarga* 1, no. 2 (2020), p. 16-25.

functions as a guide to implement societal and familial systems.²² Feminist socialists revealed that culture contributes to gender inequality.²³ Given such an understanding, a redefinition of existing culture is suggested.²⁴ However, society has no intention to redefine the practices of customary law. People have been carrying out customary practices for generations and are unaware of the fact that these customary practices have inhibited women from gaining equal access and opportunities as men.²⁵ The gender bias caused by a cultural construct requiring obedience to a patriarchal system is a dominating part of women's lives that marginalizes them when trying to access various rights, including home ownership²⁶. Addressing this form of gender inequality is a crucial matter.

Gender Equality

Gender is a social construct pertaining to the female and male sexes. Gender is not only associated with sex,²⁷ but also identity as well as legal and societal differences that define behaviors to be in accordance with gender expressions and norms.²⁸ These aspects are inseparable from cultural heritage, which ultimately results in gender perceptions. How women and men should act and behave are generalized and continuously passed down from one generation to the next, and they are further developed by capitalist products that make the gender construct even more widespread. The view of women being gentle, motherly, and caring has significantly expanded due to capitalistic modifications. Men also do not seem to be much different, wherein men's world is far mightier than the various economic powers recognized by society. This perception subsequently becomes

²² Anak Agung Gede Agung Putra Dalem Ni Luh Sri Mahendra Dewi, "Konstruksi Hukum Adat Dalam Konstitusi," no. 0852 (2023), p. 1–15.

²³ Abbas Sofwan Matlail Fajar and Mara Sutan Rambe, "Criticism of Gender Mainstreaming according to Abdul Karim Zaidan in Al-Mufassol Fi Ahkam Al-Mar'ah wa Bayt Al-Muslim", *Ahkam: Jurnal Ilmu Syariah* 19, N0. 2 (2019).

²⁴ Iman Fadhilah Iman, et.al., "Exploring the monogamy Principle in the Samin community's customary marriages in Kudus: Harmonisation of tradition and state law," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 23, No.2 (2023), 281-304.

²⁵ Ahmad Wira, et.al., "Legal Study of Dzurri Waqf and its Implementation towards Strengthening High Heritage Assets in Minangkabau, West Sumatra, Indonesia," *Juris: Jurnal Ilmiah Syariah* 22, No. 2 (2023), 329-341.

²⁶ Mubangizi and Tlale, "Women's Studies International Forum How Gender-Based Cultural Practices Violate Women's Property Rights and Inhibit Property Ownership: A South African Perspective."

²⁷ Arif Sugitanata, et. al., "Violation of Women's Rights: The Kawin Magrib Tradition of the Sasak Muslim Community in Lombok, Indonesia," *Journal of Islamic Law* 4, No. 2 (2023), p. 197-217. Sakdiah Sakdiah, et.al., "Challenges of Female Principals in Madrasah Leadership in Banda Aceh: A Gender Analysis," *Jurnal Ilmiah Islam Futura* 24, No. 1 (2024).

²⁸ Mesquita and Boiger, "The Cultural Construction of Emotions."

unequal. Men and women are directed toward different worlds, which tends to cause injustice against women.²⁹

Women require care and protection; they need space or an arena that enables them to express themselves³⁰. The domestication arena shapes women's personalities so that it is given much more acknowledgment.³¹ Yet, on the other hand, this space has become more constricted for women since their access to spaces where they can express themselves has gotten smaller.³² This is due to society's inability to provide uninhibited latitude to gain access to the home, where women can actually develop much better without experiencing any violence.³³ Nonetheless, customs do not consider this, women are sidelined from access to home ownership and male progenies possess far greater authority to obtain a home.³⁴ It is quite ambiguous in this context because women should be afforded protection and safety by having a home, but factually speaking, women do not have one. Traditional custom strongly contributes to establishing gender inequality.³⁵

Inequality of Access to Home Ownership

Efforts to position women on a par with men have been set by Islamic law by extending equal positions between men and women.³⁶ Efforts have even been made by the government and the public by using a progressive gender equality understanding, which made great headways.³⁷ Women have gained access to higher education and jobs that make money, yet at the household level, women's potential has yet to become a benchmark for owning household property.³⁸ In the family,

²⁹ Pratiwi, Yulfana, and Zamani, "Jurnal Wanita Dan Keluarga Konstruksi Budaya Pada Tubuh Perempuan Bali Dalam Novel Kenanga Karya Oka Rusmini."

³⁰ Bronwyn Winter, "Religion, Culture and Women's Human Rights: Some General Political and Theoretical Considerations" 29 (2006), p. 381–93.

³¹ Ridwan Nurdin, et.al., "The Role of Customary Leaders as Hakam in Resolving Divorce: A Case Study in Kuta Alam Subdistrict, Banda Aceh City," *El-Usrah: Jurnal Hukum Keluarga* 6, No. 2 (2023), p. 430-443.

³² Lisnawati, "Perempuan dalam Lintasan Sejarah: Menepis Isu Ketidaksetaraan Gender dalam Islam," *El-Mashlahah* 9, No. 1 (2019).

³³ Richard M Medina et al., "Housing Inequalities: Eviction Patterns in Salt Lake County, Utah," *Cities* 104, no. April 2019 (2020), p. 102804.

³⁴ Can Cui, et.al., "His House, Her House? Gender Inequality and Homeownership among Married Couples in Urban China," *Cities* 134, no. November 2022 (2023), p. 104187.

³⁵ Andi Sukmawati Assaad, et.al., "Gender Equity in Inheritance System: The Collaboration of Islamic and Bugis Luwu Customary Law," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, No. 2 (2022), p. 458-479.

³⁶ Ni Luh Sri Mahendra Dewi, "Konstruksi Hukum Adat Dalam Konstitusi."

³⁷ Sitti Marwah, "Gender Progressive Teaching in Premarital Study on Islamic Marriage Guidance Books for Prospective Muslim Couples" *al-ahwal: Jurnal Hukum Keluarga* 15, no. 1 (2022), p. 103–26.

³⁸ Hani Sholihah, "Pembagian Harta Bersama Menurut Hukum Islam," *Al-Manahij: Jurnal Kajian Hukum Islam* 1, No. 2 (2007), p. 179–188.

customary law practices remain to be the standard for the distribution of household assets.³⁹

In a patriarchal system, inheritance norms guarantee that male descendants receive a larger portion of the inheritance than female descendants.⁴⁰ Bearing in mind that men are primarily responsible for sustaining the life of their elderly parents, families tend to extend housing allowance for their son's marriage rather than their daughter's.⁴¹ As a result, women often experience gender inequality due to their lack of access to a home, other than living in their husband's home, which is most likely inherited from his parents, who would often live with them under the same roof.

Women's Position in Lampung Culture

Islam places women and men on an equal plane, the only difference lies in their level of piety.⁴² This equal position specified in Islam serves as a reference for achieving gender equality.⁴³ However, in social practice, women and men have different positions due to the applicable construct of customary law in society.⁴⁴ This is the case found among Lampung women, who hold a typical cultural position in Lampung community. The role of women as a mother and a wife who takes care of the household is indeed respected. The people of Lampung see women as members of the family who should be protected and nurtured; while men strive to provide for women's welfare in their families to improve their self-worth and dignity before the public. Women are placed in a revered space that is separate from the scope of men. This reality is viewed as a social phenomenon in which religion functions as a doctrine that directs social behaviors within a cultural framework. Accordingly, many of Lampung's traditional customs are underpinned by religious beliefs.

Religion serves as a basic foundation of Lampung community's social, cultural, and economic activities, and this has an impact on the position of women in various aspects. Jauhari, a 55-year-old Lampung religious figure, stated:

³⁹ Achmad Mudhofar 'Afif, Maskur Rosyid, Lutfi, "Gender Equality in Islamic Sharia (The Study of Bisri Mustofa's Thought in Al-Ibrīz li Ma'rifah Tafsīr Al-Qur'ān Al-'Azīz)", *Syariah: Jurnal Hukum dan Pemikiran* 22, No. 1 (2022), p. 69-88.

⁴⁰ Olayinka Akanle, Jimi Adesina, and A. Ogbimi, "Men at Work Keep-Off: Male Roles and Household Chores in Nigeria," *Gender and Behaviour* 14, no. 3 (2016), p. 7833-54.

⁴¹ Cui, Yu, and Huang, "His House , Her House ? Gender Inequality and Homeownership among Married Couples in Urban China."

⁴² Ni Luh Sri Mahendra Dewi, "Konstruksi Hukum Adat Dalam Konstitusi."

⁴³ Busran Qadri; Ihsan Mulia Siregar, "Islamic Renewal in the Field of Family Law: A Historical Analysis of Gender Equality," *El-USrah: Jurnal Hukum Keluarga* 46, no. 3 (2023): 2023.

⁴⁴ Nur Insani, Zumiyyati Sanu Ibrahim, et.al., "Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics," *De jure: Jurnal Hukum dan Syar'iah* 16, No. 1 (2024).

“Lampung women are very well-respected and considered the symbol of prosperity and well-being in the household; if the women are given attention and respect, the family shall prosper. It is, indeed, true that Lampung women are only assigned tasks in the kitchen (cooking), the drawwell (washing clothes), and in bed. But for cooking and washing, women do not have to do them on their own; they can act as managers or directors, instructing and paying others to complete the tasks”⁴⁵.

Lampung women are considered patient and sincere in taking care of their families. Rostiana, a 55-year-old Muslim female figure from North Lampung Regency, said as follows: “I tirelessly take care of my five children. Alhamdulillah (praise be to Allah), all of my children were able to finish their education. Since little, my children have been taught to respect their elders and behave politely. My children have grown to become obedient and humble individuals”.⁴⁶

Even though women are held in high regard within the family and are acknowledged to have significant contributions to the family, women are not prepared by their parents to own a house. Married women would follow their husbands and live with their in-laws. This reinforces the protection and care given to Lampung women. Rostiana, a 60-year-old Lampung woman, explained: “In our family, girls do not get a house to live in. They are only allowed to live [in the parents’ house] before they get married. This is why we only take care and maintain the house when we still live with our parents. Although we did not get the house, we would get land. There is no access to build a house on that land for us to live in because it is far from the crowd [other residential areas]”.⁴⁷

Socialist feminist asserts that culture contributes to gender inequality. Given such understanding on the matter, a redefinition of existing culture is suggested.⁴⁸ However, communities have no intention to redefine the practices of customary law. People have been carrying out customary practices for generations and are unaware of the fact that these customary practices have inhibited women from gaining equal access and opportunities as men. The gender bias caused by cultural construct requiring obedience to a patriarchal system is a dominating part of women’s lives that marginalizes them when trying to access various rights, including home ownership⁴⁹. Addressing this form of gender inequality is a crucial matter.

In Lampung society, despite the recognition given to a system of parental kinship, male descendants are prioritized over females in terms of home ownership.

⁴⁵Interview with Jauhari, Lampung customary figure, March 3, 2023.

⁴⁶Interview with Rostiana, Lampung female informant, January 1, 2023.

⁴⁷Interview with Rostiana, Lampung female informant, January 1, 2023.

⁴⁸ Clare Hemmings, “Telling Feminist Stories,” *Feminist Theory* 6, no. 2 (2005), p. 115–39.

⁴⁹ Mubangizi and Tlale, “Women ’ s Studies International Forum How Gender-Based Cultural Practices Violate Women ’ s Property Rights and Inhibit Property Ownership : A South African Perspective.”

Even though the firstborn in the family is a girl, the male priority still applies. In Lampung communities, the division of labor between men and women is specified by culture. Men would provide sustenance for the family while women would primarily engage in domestic work, i.e., cooking, cleaning, and managing the house. It is a taboo for men to do housework. A 45-year-old Lampung woman called Salbiah stated: No verbal or written division of work is necessary. As a housewife, my task is to take care of the house by washing, cooking, cleaning, and parenting, while the husband is assigned to earn a living.⁵⁰

In Lampung communities, men who do domestic work can be considered "*pantangan*" (taboo or prohibited), which is translated to "*sial*" (unlucky or no fortune). Although social changes have taken place, such cultural norms persist. Jauhari, a 50-year-old Lampung community figure, asserted: "Husbands work to earn a living, and because of that he is not allowed to cook and take care of the house and the children. Husbands are not allowed to go to the kitchen and hang their wife's clothes to dry. If this were to happen, the husband would lose his dignity".⁵¹

The statement above emphasizes the stringent definition of gender roles in Lampung communities. Regardless of the specific conditions, the wife is usually responsible for taking care of the house and the children, while the husband is expected to provide sustenance for the family. If the husband had to perform domestic duties, this can be considered the failure of the wife. Although considered a failure, women remain to be valued and respected, and this is why divorce is not practiced by the people of Lampung.

Inequality of Home Ownership Right between Men and Women in Lampung

The 1945 Constitution of the Republic of Indonesia, Article 28 H, verse (1) specifies that men and women have equal legal standing in terms of home ownership, it further states that men and women have equal rights in owning and utilizing land for themselves and their family. However, the information collected from a number of villages that were randomly selected in Hulu Sungkai Regency, North Lampung revealed the following in Table 1:

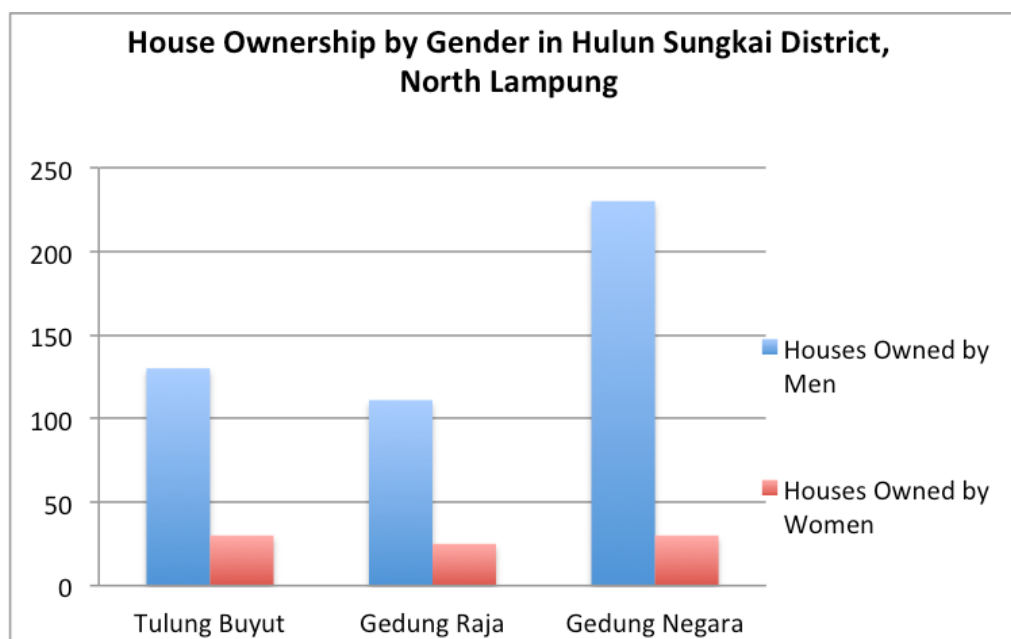
Table 1: Number of Home Ownership by Gender in Hulu Sungkai District, North Lampung

Villages	Number of Houses Owned By Men	Number of Houses Owned By Women	Gap In House Ownership Between Men and Women

⁵⁰ Interview with Salbiah, Lampung woman, February 5, 2023.

⁵¹ Interview with Jauhari, Lampung customary figure, March 3, 2023.

Tulung Buyut	130	30	100
Gedung Raja	111	25	86
Gedung Negara	230	30	200
Total	471	85	386



Source: Data from Hulu Sungkai District processed by researchers, 2023.

The above data shows palpable inequality between men and women in terms of home ownership rights. Much less women own a house as a result of a strong patriarchal culture. Under Lampung customary law, sons are considered hereditary successors making them the owners of the house where they will reside. Women are not given such access because they are expected to leave the home once they get married and be with their husbands. This research similarly found that women's lack of access to homeownership is due to customary practices inhibiting women from getting a home to live in.⁵²

Lampung Women's Right To Home Ownership

Unequal distribution of home ownership rights to Lampung women may be caused by several fundamental factors. One of the main drivers is culture. In many

⁵² Serene Ho, Maria Tanyag, and Elisa Scalise, "Land Use Policy Women's Land Rights, Gendered Epistemic Tensions, and the Need for a Feminist Approach to Land Administration," *Land Use Policy* 132, no. August (2023), p. 106841.

cases, Lampung parents prepare the house for their married son as part of their cultural tradition. Such practice serves as a means for male descendants to own a house, since customarily speaking they are the successor of their parents. No house is prepared for women because they will leave their parents and follow their husbands once they get married. Women bear no responsibility to both their parents and other family members because they are no longer considered biological children. Daughters are called *mikhrul*, which indicates that women are the child of the parents-in-law not the child of their biological parents, and they have no ownership right to a house. Arjuna, a 62-year-old informant said the following: "In our family, the first-born son gets ownership right to the house where he will live and the land. Although women do not get a house to live in, they get a plot of land to be cultivated as a source of income. Our tradition here is that women don't go back home to their parent's house (once they got married)."⁵³

The potential for a woman to inherit a house is extremely nominal, even if she were the firstborn in the family. According to Lampung society, the descendant entitled to carry on the family lineage is the son. This is why, despite having a high level of education, women have no access to home ownership. Darmi, a 45-year-old informant, asserted: "In our family, I am the firstborn, I have completed my education up to the university level, but I can't replace my younger brother's position even though he is still little [young]. My younger brother will be the one who owns the house and other properties."⁵⁴

Upon closer examination, there are two key factors contributing to Lampung's cultural norm, which states that women are not entitled to a house. One of the factors is culture, because Lampung society traditionally adheres to strong gender roles, expecting men to be the hereditary successor responsible for their parents, while women are merely given latitude to take care of the house until they get married. Such division of labor often results in men being the main inheritor of land and other financial assets. The second factor is education; regardless of the level of education or knowledge that women may have, it does not necessarily lead to changes in their position pertaining to home ownership rights. These two factors collectively underpin Lampung women's limited access to inheriting a house as part of their inheritance.

Lampung Women's Right of Property Ownership

Women, who need care and protection, require space where they can express themselves. A domestic arena can shape their personality so that they are better acknowledged. Yet, on the other hand, this space has become more restricted for women since their access to space where they can express themselves has gotten smaller. This is due to society's inability to provide unrestricted space by

⁵³ Interview with Arjuna, Lampung Male informant, March 5, 2023.

⁵⁴ Interview with Darmiyati, Lampung female informant, March 6, 2023.

not giving women access to own a house where they could actually develop much better rather than not having any access at all. Nonetheless, customs do not take this into consideration, women are sidelined from access to home ownership and descendants have far greater dominance in obtaining a home. It is rather vague in this context because women should be given protection and safety by having a home, but women, as a matter of fact, do not have one. Traditional custom strongly contributes to establishing gender inequality.

According to Lampung customary practice, the house belongs to the firstborn son. This suggests that sons are not to leave the home making them responsible for their parents and the other family members living in the house. Male descendants are deemed as the parents' successors who will be continuing the family lineage. Although there may be a number of male descendants in the family, the house belongs to the firstborn son. Meanwhile, the subsequent son inherits other properties by referring to Islam's distribution of inheritance. Although the daughters do not inherit a house, they would get other properties such as land, which is measured by referring to Islamic teachings. Lela, a 45-year-old informant, stated: "Distribution of land inheritance refers to the way taught by Islam, which we follow, and it's 2 to 1. 2 for sons and 1 for daughters. Women are given land to be managed to sustain their lives. We then give it to somebody else to manage so that the land is productive."⁵⁵

In families that have older daughters and younger sons, the girls are given the responsibility to take care of the house and look after the family members, but the house would still be inherited by the son. Provided in the following is a statement from an interview with Sumiyati, a 55-year-old Lampung woman: "I am a woman, the 2nd and 3rd born siblings are women, while the 4th born sibling is a man. We, the daughters, take care of the house and all the needs of our younger brother and both parents. However, when my sisters and I got married, we no longer had access to the house. The house will still be given to our younger brother although he is still young."⁵⁶

The description above shows that the determining factors of inequality in women's access to inherit a house for them to live in are: a strong customary understanding that the society cannot change; and the fact that education has not provided women the opportunity to have easy access to property. Although women may have a high level of education, it does not guarantee them getting a house for them to live in.

The Impacts of Inequality on Lampung Women

⁵⁵ Interview with Lela, Lampung female informant, April 7, 2023.

⁵⁶ Interview with Sumiati, Lampung female informant, April 8, 2023.

The inequality Lampung women experience due to their lack of access to home ownership rights has led to negative impacts on women, as showcased by the findings below:

1. High Dependency on Men

The impact of women frequently experiencing gender inequality is due to the lack of access to home ownership other than living in their husband's house, which is inherited from their parents who are and will be living with the couple in that very house.

Lampung women become separated from their nuclear family once they get married and be with their husbands, then adapt to the husband's family. Being dependent on the husband and the husband's family is an experience that Lampung women typically go through. If a Lampung woman were to pass away, she would not return to her family. A woman's dependency on her husband starts at the point of marriage. Suryati, a 65-year-old informant, asserted: "I got married to a Lampung man who is the firstborn son, my home is provided by my husband. In this house, I work to take care of the household, children, my husband, and the in-laws. The income I manage is from my husband. I don't work as my time is spent on domestic matters. My in-law is a retired employee. His pension is given to me to complement the budget for daily expenses."⁵⁷

In Lampung culture, a woman's life after getting married becomes the responsibility of the husband and his family, from her residence to her daily needs. The in-laws, in addition to her husband, are the first ones to know about the life issues she is going through, including when making decisions. If they are not informed of her issues, it is considered a breach of ethics.

2. Lack of Bargaining Position

Lampung women are very much protected and respected. If a woman were to experience any form of harassment, her husband, father, biological brothers, and her husband's brothers would take extreme measures, including violence, on account of a Lampung philosophy called "*Fiil Pesenggiri*", which essentially means upholding dignity. Lampung women are considered one of the elements of a family's dignity. Nonetheless, women are not given latitude in decision-making, including in managing the (agricultural) land, which consequently undermines their bargaining position, as suggested by the following statement made by Masniati, a 55-year-old informant: "I always discuss with my biological brothers and my husband's brothers about my child wanting to get married, including the cost, number of invitations, and the time. My brother-in-law will determine the time and we will follow what he has decided."⁵⁸

⁵⁷ Interview with Suryati, Lampung female informant, April 9, 2023.

⁵⁸ Interview with Masniati, Lampung female informant, April 10, 2023.

The informant's statement above shows that Lampung women, even one who has completed higher education by obtaining a bachelor's degree and working as a teacher in one of Lampung's public high schools, do not have a strong negotiating position when making decisions for herself and her family. This is again demonstrated by Julian, a 35-year-old Lampung woman, in her statement below: "My parents have paid for my education up to the university level, but I don't have access to live in my parents' house after I got married. This is because I am a *mikhrul* (daughter), while my younger brother is allowed to live with them. Additionally, my parents also said that they have spent a considerable amount of money for me to finish my studies as a reason for not allowing me to have a house for me to live in."⁵⁹

3. Women Become Victims of Violence

Being in a position where women are required to live with their husbands and in-laws, along with their highly limited participation in making decisions in their daily lives may lead to both verbal and nonverbal violence. Lampung women often become vulnerable due to cultural practices and conditions, as revealed by Sumiati, a 53-year-old woman, in the following statement: "The house we live in is my in-laws' house, so I have to endure a lot of humiliation, violence, and even harassment, the housework that I often do is often scoffed by my mother-in-law, like when I sweep the floor but my in-law still considers it dirty. This is also the same with my cooking, which is considered too salty because my in-laws are on a salt diet. These are things that make them see me as having no skills in managing the household. What's more, I don't have any economic income, so my life becomes a burden for their family. Even so, no woman would file for divorce because traditional custom prohibits women from filing for divorce, which is the same for men who are not allowed to file a divorce simply because of insignificant matters."⁶⁰

The above statement supports the idea that Lampung society undermines women because of, among others, their lack of independence. Women are often seen simply as supplementary figures in the household. In Lampung culture, women or wives are believed to be companions who take care of the household and raise the children. However, Lampung women get divorced, either the wife filing for divorce or the husband. Lampung custom disapproves of divorce that is merely based on matters that are not crucial in life.

Conclusion

Lampung women are marginalized in terms of access to home ownership rights as a result of Lampung cultural practices. Although Lampung customary

⁵⁹ Interview with Julian, Lampung male informant, April 12, 2023.

⁶⁰ Interview with Sumiati, Lampung female informant, April 8, 2023.

tradition values and respects women, they lack access to home ownership. Strong cultural pressure disadvantages female descendants subsequently causing women to be highly dependent on men, having little bargaining position, and becoming vulnerable to violence. The patriarchal culture in Lampung society has perpetuated women's disadvantageous position and inhibited women from receiving equal treatment in matters of home ownership rights in the family. The current study clearly shows the challenges women encounter in owning a house in Lampung culture. The inequality and unfair treatment Lampung women experience may lead to violence against them. To address this matter, it is important to improve public understanding and implement laws pertaining to equal opportunities that both men and women have to inherit a house. By raising awareness about the law and providing education about gender equality, men and women can strive to achieve equal rights and respect between one another. This can, subsequently, help minimize violence and promote a more just and equal society for Lampung women. The present research suggests that patriarchy plays a significant role in Lampung culture, exacerbating the challenges women face in carrying out their role as the family's primary caretaker. Future studies are expected to find movements undertaken by local women to shatter adverse cultural practices so that gender equality can be achieved.

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