



The Existence of Batak Toba Women's Land in Patriarchal Culture, Indonesia

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Abstract

Objectives: In a patriarchal society, the right to land in the Batak Toba ethnicity is held by men. Women do not have the right to develop or own land. This study aims to analyze the role of Toba Batak women in maintaining and managing the inherited land they acquire.

Methods: This study uses qualitative methods with a descriptive approach. Data was collected through in-depth interviews with 180 Batak Toba women who inherited land from their parents.

Results: The research showed that Batak Toba women must fully understand that there are safety valves that support women and strengthen their ownership of land given by their father's or husband's family. These safety valves are manifested through inheritance systems from parents to daughters, from husbands to wives, techniques and methods of land division, and the attestation process attended by customary institutions (*Dalihan Na Tolu*). However, they often lose out because their "name" as the landowner is not listed on the land certificate. They do not have "legal" authority from the state, which claims the right to own and manage land.

Conclusions: This study shows that not all Toba Batak women understand the rights and roles granted to them concerning land through customs and the safety valves that support women. It is necessary to raise awareness among women about their role as safety valves and to enhance the role of customary institutions in affirming women's position as managers and landowners. Further research can focus on policy-making that respects the social context and positions women as key safety valves.

Keywords: Batak Toba community, cultivating adat land, patriarchal, women and land, the existence of women.

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وجود أرض نساء الباتاك توبا في الثقافة الأبوية، إندونيسيا

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ملخص

الأهداف: في مجتمع قائم على سلطة الأب يكون حق ملكية الأرض في عرقية الباتاك توبا حكراً على الرجال، وليس للنساء الحق في تطويرها أو امتلاكها. وعليه، تهدف هذه الدراسة إلى تحليل دور نساء الباتاك توبا في الحفاظ على الأراضي الموروثة التي حصلن عليها وإدارتها.

المنهجية: تستخدم هذه الدراسة أساليب نوعية بمنهج وصفي. وقد جمعت البيانات من خلال إجراء مقابلات متعمقة مع 180 امرأة من نساء الباتاك توبا اللاتي ورثن الأراضي من آباءهن.

النتائج: أظهرت نتائج البحث أن نساء الباتاك توبا يجب أن يدركن تماماً وجود "صممات أمان" تدعم المرأة وتعزز حقها في امتلاك الأرض المنوحة من عائلة الأب أو الزوج. تمثل هذه الصمامات في أنظمة التوريث من الآباء إلى البنات، ومن الأزواج إلى الزوجات، إضافة إلى تقنيات وأساليب تقسيم الأرض، وعملية التصديق التي تشرف عليها المؤسسات العرفية (*Dalihan Na Tolu*). ومع ذلك، غالباً ما يخسرن حقوقهن لأن "أسماوهن" كمالكات للأرض لا تُدرج في شهادات الملكية. وهكذا، يفتقرن إلى السلطة "القانونية" من الدولة التي تدعي حق امتلاك الأرض وإدارتها.

الاستنتاجات: تظهر هذه الدراسة أن ليس كل نساء توبا باتاك يفهمن الحقوق والأدوار المنوحة لهن بموجب الأعراف وصممات الأمان التي تدعم المرأة. لذلك، من الضروري توعية النساء بدورهن كصممات أمان وتعزيز دور المؤسسات العرفية في تأكيد مكانة المرأة كمديرة ومالكة للأرض. يمكن أن تركز الأبحاث المستقبلية على صنع السياسات التي تحترم السياق الاجتماعي وتضع المرأة كعنصر أساسي في صمامات الأمان.

الكلمات المفتاحية: مجتمع الباتاك توبا، زراعة الأرض العرفية، النظام القائم على سلطة الأب، المرأة والأرض، وجود المرأة.



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1. Introduction

In a patriarchal community, the land is always identical, with men as the cultivators and the owners even though their wives buy the land. However, only the head of the family. As a landowner. In itself, this does not present a problem, and traditionally, it is the head of the family's responsibility to act in the family's interests (Wheeler, 1998). Fundamentally, this system reflects a system of gender sovereignty as a social, political, and economic network in which men dominate and control their women's work, reproduction, and sexuality and determine the women's status, privileges, and rights in the community (Azahari, 2008). Besides that, it is also a system that causes women to be discriminated against, subordinated, and marginalized (Agarwal, 2018; Gauci et al., 2022; Munthe, 2019; Njuki et al., 2022; Rosenberg et al., 2023). The same is true for the Batak Toba women who follow the patriarchal system (Liz Tantri et al., 2021; Nursapia Harahap, 2022). In the modern world, where women are advanced in their capacity, the patriarchal system still creates obstacles for them to progress in their society (Altay, 2019). In the case of land in the patrilineal community, women are always positioned as the ones who have no right to cultivate their families' land; either their biological fathers own the land, or their husbands' families own it (Hazarika & Sita, 2020; Offiong et al., 2021; Ongbassomben, 2016) even though in the daily activities, women play an essential role in cultivating and working on their land, mainly farmland. However, he cannot fully control his agricultural products or sell his land for specific purposes, such as selling land to pay for his sick parents or children's education costs. The husband decides all land-related decisions and the proceeds from the land (Bayisenge, 2018; Djurfeldt et al., 2018).

Batak people get a division of land at the time of marriage. For the unmarried, the land is still managed by his parents or brothers and handed over to the woman when she gets married (there is land still held by someone else). To keep the continuity of land in a family, it is also in the hands of women. Even though in the patriarchal community, men are decision-makers in possession of land, they quickly decide to sell or transfer it to other parties. This condition also occurs in the Batak Toba community even though the Batak Toba women have a special role in determining this case. In their daily activities, it is usually found that they attempt to return the land of the families from their fathers' side, their land sold by their husbands, and the land received from their husbands' families. This has caused them to get involved in the conflict of land contention, such as the Panduaman and Sipituhuta woman movements, which fight against plantation development (Cahyono, 2016; Simanjuntak, 2014; Sinurat, 2019). Agrarian conflict concerning social development has occurred in the Batak community in the past decades. The exciting thing about this conflict on land is that the Bataknese women always get involved in maintaining their land. This description can be seen in some cases of conflict on land at Syriac village, Tapanuli Utara Regency. in 1972. There was a dispute between the people and the Forestry Agency, which planted pine trees on uncultivated land owned by the people without their permission. About 200 Batak Toba women demonstrated against the Forestry Agency. They fought for their rights on the land by walking 65 kilometres from their village to Tarutung, the Tapanuli Utara District Government. This conflict ended when the District Head decided to stop the activity of the Forestry Agency. In 1989, the land conflict occurred again in Sugapa village, Tapanuli Utara Regency. 10 Bataknese women protested against land expropriation in the area of 52 hectares by a wood company, PT Indorayon, which was used as the PIR (People's Core Plantation) area and for planting paper bark trees (*melaleuca cajuputi* Powell). They represented 42 families who were never willing to hand over their land to be used as a PIR area. The story of the ten women who fought for their communally reserved land has been remembered by the Bataknese as an example of fighting for their land (Manalu, 2016; Silaen, 2005). In a land dispute concerning development on September 12, 2019, a group of Bataknese women of Sigapiton village, Ajibata Sub-district, Toba Samosir Regency, blocked heavy equipment brought to their village. They took action by taking off their clothes. The equipment was part of the tourism development project owned by BOPDT (Lake et al. Agency), the Nomadic Caldera Toba Escape, as a 'preserve' institution (Groenewegen, 2022). Even though, in practice, women can maintain the land handed to them when faced with the legality of their land cultivated, and they are often defeated because their names as valid owners are not included in the certificates (Tessa, 2018). The research [23] stated that most of the land certificates show that the land is a joint property because the husbands' names are on it. In this case, the role of the family is very important in distributing the land as a gift from parents so that the land can be done validly. In distributing inherited land using the Bataknese *adat* law, *dongan tubu* (extended family) plays a very important

role in witnessing the process of giving a plot of land to a daughter as the valid owner and heir of the land. From the cultural point of view of the Batak Toba community, the land that has been given to a daughter must not be taken back. The gift has been following their *adat* rule or cultural norm. However, the existence of development activities has caused a change in the community's views of the land. The increase in land price in this area, as well as the tourism and agricultural area, has, in turn, caused a change in people's behaviour. In the Bataknese community today, men attempt to search for justification through the patriarchal rule about women's position in the family's land. The *adat* law on land for the Batak Toba women is only in the oral form about the handing over the land to them, and it is only witnessed by some *adat* leaders, without any legalization from the government. This condition makes the brothers of the women get and control the land again. These women often fight against their brothers through litigation. One of the breakthroughs in land contention occurred in the Higher Court of Medan in 2015. Two women filed a complaint against their brother from different mothers upon the ownership of land title bequeathed by their parents. The judge handed down the Verdict by using the principle of Bataknese custom which was called *Dalihan Na Tolu*. The presence of development in this area requires land and the community is first asked to sacrifice to meet the development needs of women. Findings in the field showed that women gave up land given to her. His brothers sold the land that belonged to the woman because it had not been handed over. This is what causes intimidation and pressure for women. The toughness and consistency of women's attitudes toward maintaining their family's land are very interesting to analyze.

2. Literature Review

2.1. Safety Valve

Society is a system consisting of parts with different interests where one component tries to conquer the other components to fulfill its interests (Bernard Raho, 2021). Coser sees the rescue valve as a way out that defuses hostilities, without which relations between conflicting parties would grow increasingly sharp. A rescue valve (safety valve) is a unique mechanism that can defend a group from possible social conflict or maintain a group facing conflict without damaging the group's relationships. Coser said that this safety valve is a conflict resolution mechanism. Institutions can function as safety valves so that conflict does not occur. This rescue valve can be an institution expressing dissatisfaction with a system or structure (Jaworski, 1991).

Researchers consider the mechanism in the safety valve as a win-win solution because each party not only thinks about how the interests of their group are fulfilled but also understands that they are a system that is interconnected. The concept of a rescue valve serves as an outward path that defuses hostilities, without which relations between opposing parties would sharpen even more. A safety valve is a unique mechanism that can be used to defend a group from possible social conflict or to defend a conflict-facing group without damaging the group's relationships. This rescue valve can be an institution expressing dissatisfaction with a system or structure.

Social conflicts against women generally include issues of gender equality, reproductive rights, violence of various genders, and representation of women. This phenomenon is then studied using a feminist and gender approach. This paper examines the issue of gender equality through the view of Coser who places women as safety valves or actors who play a role in resolving conflicts that occur. Women can be empowered as safety valves to defend the land in the Batak Toba community. Women as actors in resolving conflicts in traditional societies. The welfare aspect and change agents in the women's empowerment movement have a crossover relationship. As agents of change, active figures, and initiatives in carrying out social transformation, women must also be able to see themselves as a patient of empowerment who needs individual freedom to achieve prosperity. Women have the ability and power to make policies and decisions, and they can bring about change (Ernanda, 2023; Intan Baiduri et al., 2023; Sasue et al., 2019). The results of Anna Goral's research (Góral, 2023) reveal that women, in achieving their ambitions, can create informal organizational constructions through their culture. As times change, women are no longer considered individuals who must be given space in the public sphere by society and institutions. Women are considered active agents of change, promoters of social transformation that can change the lives of both women and men.

2.2. Land Ownership Arrangements

Customary land ownership arrangements have changed in several ways. This change must be maintained through legislation, registration of property rights, and navigating various sociocultural norms in communities supporting the custom (Budlender & Alma, 2011). For example, sociocultural norms determine access to land, rights to trees and certain plants on customary land, incentives, and the ability to manage land resources in the forest (Amoako et al., 2015; Kuusaana, 2022; Poudyal, 2009) (Ismail et al., 2018). Sunderland et al. (Sunderland et al., 2014) further stated that these norms and beliefs had been formed historically and specifically in determining resource utilization. Although Kavishe's (Kavishe & Mahonge, 2022) study shows that sociocultural factors still constrain women's rights to land ownership, if the rules in these sociocultural norms are formalized, he believes that the realization of the contribution of ownership of This traditional land will favor women, especially those with a better level of education.

For this reason, management and ownership of customary land rights cannot be analyzed from the perspective of customary institutions alone; they must also involve various stakeholders. Delville et al. (Cotula & International Institute for Environment and Development., 2007) proposed a "local land regulation framework" to understand the diversity of management of customary land rights. This framework is described as a collection of various public or private institutions, individuals, or collectives that play a role – in law or practice – as land-related decision-makers, interacting cooperatively or competitively among themselves. Decisions may concern the definition and application of rules, allocation or validation of rights, registration and administrating rights, resolving conflicts, etc. Here, "regulation" denotes how rules are created, changed, and overturned along the lines of confrontation, power relations, negotiation, compromise, and coercion. Customary users regularly use this concept. It does not mean that customary rules have collapsed. However, the involvement of other institutions in land tenure relations ranges between competition and cooperation, which can bring a vision of the future for the benefit of generations by using their prerogative or power for the benefit of their group.

3. Method

This research uses a qualitative approach to deepen the facts about the position and rights possessed by Batak Toba women in managing and obtaining their rights to inherited land. Data was collected by distributing questionnaires with open question types to 180 Toba Batak Women. The number of informants as many as 180 was determined by using the snowball technique. This technique begins with a small number of individuals selected according to the characteristics of the informants set and then asks for recommendations to informants to introduce individuals who match the characteristics needed. This process will stop until the number of informants needed is reached or until the data collected reaches saturation point. Through distributing this questionnaire, researchers can obtain more comprehensive data by conducting in-depth interviews with informants. The Toba Batak women involved in this study are located in 6 different districts in North Sumatra, Indonesia, including Samosir Regency, North Tapanuli Regency, Humbang Hasundutan Regency, Dairi Regency, Toba Regency, and Central Tapanuli Regency. They were the women who had *pauseang* land, which they legally owned with valid land certificates issued by the government. They fought for their rights on the land, which should have been their own. They cultivated their land for their permanent livelihood, rice wet fields, and farms. They knew well about their position as Batak women, especially in *adat* and their role in families (Manurung et al., 2023). The interviews were also conducted with the *adat* leaders, who knew about land ownership based on the family tree and who became witnesses in giving the land to a woman who should have had the land title. Besides that, the interviews were conducted with village leaders, religious leaders, and women's organizations.

4. Result

4.1. The Existence of Term of Reference System to Controlling and Cultivating Batak Toba Woman Land

History shows that in the old days, the Batak Toba women were not allowed to receive any inherited land, which indicated that they had no right to cultivate the land. The reasons for prohibiting them from inheriting the land were as follows: 1) In the old days, the location and the condition of the land/farm to be cultivated was too tricky for a woman to

reach and was not possible for her to cultivate it, and 2) The land/farm was too remote to reach; it was far from her home so that she was better to stay at home taking care of the household and children while her husband took care of the farm. Today, these reasons are not relevant anymore. The location of farms can be reached easily, either by riding vehicles or walking. Besides that, the wife and the husband can take turns caring for their children. Now, the position and the role of men and women in the Batak Toba community become equal in various fields, such as traditional medicine (Ismail et al., 2019; Junjungan Simanjuntak et al., 2019; Manurung et al., 2017) and tourism (Manurung et al., 2019, 2020; Revida et al., 2022). Therefore, women can also have the right to cultivate their land, and there is no reason for not allowing them to cultivate and own their land (Tessa, 2018). Nevertheless, this role does not automatically indicate that the case runs smoothly. Some hierarchical lines still make the Batak Toba women subordinate to men.

Actually, in the Batak Toba *adat* and community, it is seen that women have power in their role, function, responsibility, and dignity as wives in cultivating and possessing the land given by their parents or the land of their husbands' families. This fact can be seen from their husbands' calling of them in the local language (terms of reference). This symbolic term contains various meanings related to cultivating and possessing the land for women (wives) and their household positions. From the questionnaires distributed to the Batak Toba women, it was found that some terms began to be unknown or rarely used by the Bataknese in introducing their wives to other people. The terms commonly used in the Bataknese community for wives are *Paniaran*, *Parsonduk/Parsonduk Bolon*, *Dongan Saripe*, *Ina Soripada*, *Pardijabu*, and *Boru Ni Raja*. Meanwhile, 50% of them know and use the term *Inang Siadopan*, 35% know and use the term *Tunggane Boru/Tunganenta*, and only 5% know and use the term *Tuan Boru* for wives. This illustrates that not all Toba Batak women know and understand their rights, functions, and roles in the family, including land control, which he obtained from his parents.

Table 1. Women's Knowledge of Their Function and Role in Households

Terms for Wives (In Local Language)	Known (%)	Not Known (%)
<i>Sirongkapni Tondi</i> (recognition which says that the wife is a man's accurate married partner)	126 (70.0)	54 (30.0)
<i>Tunggane Boru / Tunganenta</i> (polite term in Bataknese dialect which means respectable wife)	63 (35.0)	117 (65.0)
<i>Paniaran</i> (indicates the important role of a wife who gives birth to their baby as the descendant of the clan)	180 (100.0)	-
<i>Parsonduk/ Parsonduk Bolon</i> (indicates the role of a housewife who serves food/meals for the family and as the guarantor of the family's welfare)	180 (100.0)	-
<i>Dongan Saripe</i> (a wife is a harmonious married partner)	180 (100.0)	-
<i>Ina Soripada</i> (an honourable term for a wife as the king's wife/ recognition for her support for her husband's success)	180 (100.0)	-
<i>Pardijabu</i> (a housewife, a wife who plays the role in taking care of and arranging a household)	180 (100.0)	-
<i>Pardibagas</i> (a housewife who plays the role in taking care of the whole family members)	108 (60.0)	72 (40.0)
<i>Pardihuta</i> (a housewife who can interact with all villagers' families)	135 (75.0)	65 (25.0)
<i>Tuan Boru</i> (a term that indicates a woman's position that is respected/ regarded as a senior in a nuclear family)	9 (5.0)	171 (95.0)
<i>Boru ni Raja/Boru ni Raja i</i> (an honourable term for a wife and recognition for her social status as the Princess/Respectable Woman)	180 (100.0)	-
<i>Siadopan, Ina Siadopan, Inang Siadopan</i> (positioning a wife as her husband's "friend" to whom her husband can convey his feelings and exchange views, a woman who is always heeded and who always helps her husband)	90 (50.0)	90 (50.0)

Source: Data of research result, 2022

The term for a wife, based on her role in the Batak Toba ethnicity, indicates a wife's strong position in a household. The term *boruni raja* is a respectable term for a woman's position, which positions her as a woman from a decent or respectable family so that the whole husband's family members should respect her. Meanwhile, the term for a wife as *pardihuta* indicates a woman's position as the leading actor in developing a harmonious relationship with the villagers' families and a wife as *pardibagas*, a care provider for all family members. The term *Parsonduk Bolon* (provider of family meals) makes a woman a wife who has to be able to cultivate the land for her family members and be the source of the family's prosperity. In the research location, it was also found that there were some local concepts for ideal terms for a wife, which were different from those in the other areas of the Batak Toba ethnicity.

The terms for a wife are as follows: *Parbahul Bahul Nabolon*, *Paramak So Balunan*, *Parsangkal So Mahiang*, *Dohot Partataring Na Sohea Mintop*. *Parbahul Bahul Nabolon* means that a wife should always be ready to receive food for her extended family members who visit her house; she should prepare and serve it to them. In this case, it means that she has to have adequate food (rice) or have storage of rice. A wife has to prepare and provide sufficient food for her family members. A wife like *Paramak So Bolunan* has no time to roll her mats in her house because she has to be always ready to prepare and provide them for her extended family members. Meanwhile, the term *Parsangkal So Mahing* means that because a wife always has to be ready to prepare and provide food for her family members, the emphasis is on the food, which never decreases in amount since it is continuously used. A wife is called *Partataring Na So Hea Mintop* because, as the kitchen owner, she never puts out the kitchen fire, for she always has to be ready to serve food at home. The concept of a wife who should prepare food has been around for the women of the Bataknese community until now. She should always prepare food, especially rice, in her kitchen and always be ready to stock rice at her home. The description of this ideal wife has made her the worker in the kitchen, but her position as the food server has made her have an essential role in cultivating her family's land. To support this food sovereignty – either as the provider of rice or food for her family members – the wife must have easy access to land. Besides getting land from her husband, she also gets it from her parents. This can be seen in the fact that the Bataknese women are more easily found in wet rice fields than at their homes in the daytime. They are groups of people determined to cultivate and use the land.

Empirically, it is also found that a Bataknese wife has a very significant role when her husband is the oldest son. She will be positioned as the central figure in decision-making in her husband's extended family. In deciding to cultivate the land owned by her husband's family or the land of her mother-in-law, which has not yet been distributed, she has more dominant access than that of the wife of her husband's little brother. This finding is evidenced by the informant's statement (N. M) (female, 72 years old):

"... I cultivate the whole land owned by "ompung doli" (grandfather) and the land owned by "ompung boru" (grandmother), and the harvest will be distributed to my little brothers, too..."

Rich or low-income families have to store rice in the Batak Toba ethnicity. Besides rice being the staple food, it also has significant meaning as the spirit giver for The Bataknese. It symbolizes social equality, physical needs, and strengthening the human spirit (Hutasoit et al., 2020). Besides that, when a Bataknese woman gives birth to a baby boy, her parents must give her a plot of land or a buffalo as material support for the family (Bobby Saragih, 2021). Rice and land are spiritual and cultural strengths for the Batak Toba people. These two important components are in the hands of women so that they have the right, obligation, and important role in cultivating and possessing the land their parents give.

4.2. The Concept and Method of Distributing Adat Land Obtained by the Batak Toba Women from Their Parents

In the Batak Toba community, land has a broad meaning; it not only means economy, culture, politics, and power but also indicates the identity of their existence in their community. The exciting thing is that even though the Bataknese were not born in their hometown, they felt a bond with their hometown (ancestors' land). For the Bataknese community, land owned by their parents becomes not only a man's property but also a woman's. This is different from what Faridah (Faridah, 2018) pointed out, which says that history has indicated that a woman has been determined not to own land so that she cannot cultivate the land for specific reasons. This is not true for the Batak Toba woman, for she has many plots of land

given to her, as explained above. If this concept can be implemented according to the rule, a woman can get more land than her brothers. However, as time passes, many people, especially women, do not know what kind of land they get from their families. This description can be seen in the following table 2:

Table 2. Knowledge about Land That the Batak Toba Women Can Obtain from Their Parents

No	Terms of giving land and other materials to daughters (local language)	Their Meanings	Answers	
			Know	Do not know
1	<i>Indahan Arian</i>	The father gave a plot of land to his daughter when she had a child. The gift is considered as <i>indahanarian</i> for his grandchild. The gift of a plot of land from a grandfather to his first grandchild (his daughter's child) is a gift for the grandchild not to starve and stay healthy.	153 (85.0)	27 (15.0)
2	<i>Batu Ni Assimun</i>	The gift of livestock and gold was given to a father to his daughter, who had a child. The gift is considered as a gift for his grandchild.	27 (15.0)	153 (85.0)
3	<i>Dondon Tua</i>	The gift of a plot of land from a father to his daughter who has given birth to a baby. The gift is intended to be given to his oldest grandchild.	66 (118.8)	34 (61.2)
4	<i>Puncu Tali</i>	A plot of land given by a father to his daughter. This gift is the last one, and she can receive it after her father dies.	180 (100.0)	--
5	<i>Ulos Na so Ra Buruk</i> , more often called <i>Pauseang</i>	It is the term for a given land from a father to his daughter. This property is considered as the initial capital when she begins to experience a married life. This <i>Ulos na so buruk</i> symbolizes giving warmth to his daughter. <i>Ulos</i> is a woven cloth that provides warmth to its user. Therefore, he offers a plot of land to his daughter to 'warm' her; the land symbolizes woven fabric, which is never out-of-date. This <i>Ulos na so buruk</i> is <i>Pauseang</i> land is received by a daughter when she gets married.	27 (15.0)	153 (85.0)

Source: Research Result, 2022

The data above shows that many Toba Batak women still do not know that they have rights to land given to them by their parents. The knowledge of what has been explained above is found in women who have received land from their parents at the research location in Toba Regency. This condition is also found in the Batak Toba women who have resided in Barus, Tarutung, Samosir, and Humbang Hasundutan. Generally, the term for the land obtained by women from their families has been known mainly by women in the Toba Regency. They can mention the shape of the land received from their parents, as stated by the following informants.

Table 3. Batak Female Informants as Land Receivers

No.	Name	Age	Statement
1.	R br Lumbanraja	45	I received a plot of land and a buffalo from my grandfather. The land still exists.
2.	B Hasimun	53	The gift is generally buffalo, which is considered a gift that can also be used in the wet rice field so that his grandchild/children will survive.
3.	R br Lumbanraja	63	I get a buffalo to cultivate the land given to me. <i>Dondon tua</i> (the land is given to his daughter, and it will be distributed to his oldest grandchild). Today, however, in Toba Regency, the land given to my grandfather will be distributed equally to my children.
4.	D br Tambunan	88	I will distribute the land my father gave to my five children equally. Meanwhile, the land given by my mother is jointly used because it is too small. This <i>Puncu Tali</i> land is the one that is given to a woman as a symbol of her parent's love and affection; it is given after they die.

Source: Research Result, 2022

Meanwhile, a son in the Batak Toba community also gets land when he marries. The land for the son is called *Panjaean*, and the land given to the daughter is called *Pauseang*. This land is given to her when she is asked for someone's hand (proposed), and at the same time, she is being given *sinamot* (dowry) from the man's side as it is said by the *adat* leader, BAS (about 80 years old) as follows:

“... *Today, pauseang land is only known in Toba area as the sign of exchanging sinomat...*”

This *pauseang* land should be applied in all areas where the Batak Toba people live. From the results of the research, it was found that the problems of *pauseang* land varied in various regions.

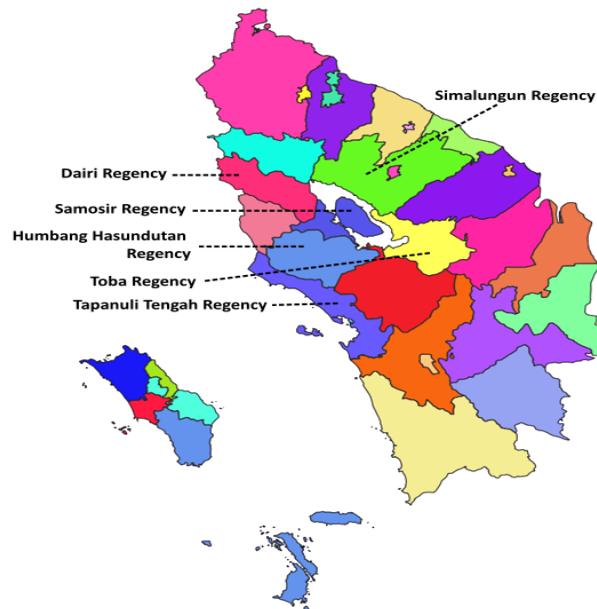


Figure 1. Location for Sampling of Toba Batak Women in North Sumatra Province

From the interviews with the Batak Toba women in various regions, it was found that there were multiple statements as follows: 1) In Samosir Regency - since the land area was minimal, *pauseang* land was not given to daughters when their parents were still alive. The land would be distributed after the parents died. The land given to daughters was called *upah mandungoi* land (“reward for waking up a sleeping person”, which means that the daughters would keep their parents’ houses), 2) In Toba Regency - *Pauseang* land used to be distributed equally (*panjean* land for sons and *pauseang* land for daughters). Today, it is prioritised for sons only; 3) In Tapanuli Utara Regency - My *namboru* (father’s sister) still receives *pauseang* land for her daughter (the speaker was pointing to the land owned by her *namboru*). However, today, daughters do not get it anymore because of limited land. 4) In Dairi Regency - *Pauseang* land has been united into the inherited land from the dead parents and used for business land; 5) In Humbang Hasundutan Regency - Daughters still get plots of *pauseang* land from their parents. 6) In Tapanuli Tengah Regency - *pauseang* land still exists. An informant said that her daughter had gotten *pauseang* land. Today, however, the term *pauseang* has changed to *upah loja boru* (the land is given to a daughter because she always accompanies her parents to the wet rice field); the rice field is only one *galung* (a rice paddy section). From the Batak Toba cultural point of view, the gift of *pauseang* land symbolizes the possession of *boru ni raja* (a girl treated as a queen), and the giving of land is intended to support her family’s economic condition. The woman’s family cannot take back the land given. The role of a family in this land distribution becomes crucial because the process of *adat* has to be done at the time of handing over the land. When the land is given to a daughter, her brother plays a vital role as the witness of the distributing process of the land.

4.3. The Technique of Distributing Land to a Daughter

There is a fascinating difference in the method of distributing land to daughters. Distributing Land to daughters in Toba Regency, Tapanuli Tengah Regency, and Dairi Regency is as follows: when there is more than one daughter in a family, the Land is distributed equally among them. However, in some other places, such as in Tapanuli Utara Regency, Humbang Hasundutan Regency, and Samosir Regency, the Land received by daughters is only one part cultivated in turn. Distributing land is sometimes done using two models in the Samosir Regency. The land is only given to the oldest and youngest daughters in the area close to the center of the Batak Toba ethnicity. The oldest daughter gets the Land from her father while the youngest daughter gets the Land from her mother, who has received it from her grandfather, as it is told by Mrs. Manurung br Sagala (female, 60 years old):

“...I get the land from my father; my sister gets it from our grandfather, who gave it to us...”

If the women's location is far from the hometown of Batak Toba ethnicity, and there is more than one daughter, each of them will receive one portion of the land, which will be cultivated in turn among them, as the informant tells it, Mrs Manurung br Siagian (female, 70 years old) as follows:

“.., It is more comfortable in Toba because each daughter gets the same land size. Here, it is different. We get only one portion of land, and we cultivate it in turn among us. After our father died, his daughters were given the land in 3 “galung”, cultivated by his five daughters in turn...”

Meanwhile, the land distribution in Toba Regency has not changed; the land is always distributed equally to daughters and sons. They have the same rights on the land, and the portion depends on the area of the land owned by their parents. This condition is described by the informant, Mrs Manurung br Nainggolan (65 years old), as follows:

“Here, in this area, we have our land. We give it to our daughters and sons equally, with the same size portion, and this is what we do to our children.”

This statement is strengthened by the public figure Patar Manurung (male, 65 years old) as follows:

“...Yes...here, the land is distributed equally between daughters and sons. There is no difference. It depends on the condition of the family. If the family is rich, the portion will, of course, be bigger than the portion of a low-income family. If the land is small, each will get a small portion, but it is still distributed equally...”

4.4. Land Title and the Decision to Give It to a Daughter

In general, from the Batak Toba community's point of view, giving land to a daughter is only a right of use. However, if we look into it carefully, there is a primary geographical difference. For the people of the Batak Toba, the land given to daughters can be sold, especially for education. This is stated by Mrs. Simanjuntak br Tobing (female, 50 years old) as follows:

“...The given land can be sold, which has happened in our family. In the beginning, he offered us to buy it because we were his close relatives and with our grandfather, too. Since none of us could afford it, it was sold to our neighbour. It seemed my husband and his brother had no objections to it...”

The informant also states this, Mrs. Manurung br Nainggolan (female, 65 years old) in Toba Regency as follows:

“... If the land has been given, it becomes her possession. It is up to her if she wants to sell or certify it. We only hope that selling should prioritize children's education...”

This statement is also strengthened by the public figure P Manurung (male, 70 years old).

“...Yes, this is her right. If she wants to sell it, it is up to her. We only said in the process of the handing over. If you want to sell it, it is your choice, but you should prioritize the children's education. But until now, our daughter has not sold it. She says that she won't sell it yet...”

Permission to sell the land owned by a daughter is caused by support from her parents, as the informant states it, F Sipangkar (female, 37 years old) at Silalahi village, Dairi Regency, as follows:

“...I was given a plot of land by my father to build a house. The land can also be used for business activity. This land was given in front of the family members and has been signed by my brother...”

A very tight process to hamper in order not to sell the land to other parties can be found in Samosir Regency as the informant states it, Mrs. Manurung br Nadeak (female, 60 years old), as follows:

“...The given land is tough to be sold to other people. The money is primarily used for children’s education if it is sold. This land can only be sold to our siblings. If they cannot afford to buy it, it has to be offered to buy to our relatives of the same grandfather. If no one of them can afford to buy it, we sell it to other distant relatives, but they have to live in this village...”

In the Bataknece ethnicity, an adat institution deals with the whole social system in the community. It is called, *Dalihan Na Tolu*. In completing the function of this institution, the term *Paopat sihal sihal* is used, and it is known as a village figure. In the process of handing over land to women, *Dalihan Na Tolu* and *Paopat sihal* institutions should be present as witnesses in the handing over land to daughters as stated by TT (female, 88 years old) as follows:

“..... When the land was given to me by my parents, the handing over was carried out in front of the adat leaders and village figures. When my little brother was born to my stepmother (because my father remarried), I was persuaded to give my little brother a portion of the land. I could determine how many square meters I wanted to give him. It did not matter if I was unwilling to give it since there was no coercion. Finally, I gave my little brother a portion of the land in front of the Adat Institution and the Village Figures.

The findings above show that a traditional process was also carried out, which involved handing over land to girls, involving the extended family and traditional leaders. This activity aims to obtain a fair agreement and decision in handing over land to women.

The change in the view that men have rights to land owned or land purchased by women or land given by families is not a provision given to men. Women in some countries already have the right to put their names on their land titles. This picture can be seen in the fact that there is lawmaking for women's land rights in Africa (Rwanda, Tanzania, and Uganda). There has been a land tenure reform in practice (Rwanda), the right to women under pastoral land tenure (Ethiopia), and women's rights in matrilineal-matrilocal land areas. (Urganda 1997,1998,1989, Rwanda 1999). There was a 2004 policy of gender equality in land heritage. Ethiopia's 1997 led to gender equality, which provided a significant foundation for women's struggles; their land rights meant the emergence of women's land policies. Women in East Africa are active actors to claim and ensure their land right. Currently, women's rights to land have been mentioned in the Rwanda Land Act of 2013 and the Maputo Protocol which provides for gender equality in land rights and inheritance rights. (Daley et al., 2010).

In the Toba Batak community, there has also been a change in customary rules that make women own land, even though it is the policy of the Dutch government to increase justice for Toba Batak women. Laws are not enough to secure women's land rights but can be an essential starting point. There are broad constitutional protections for women's rights and laws that benefit gender equality and gender equality. They provide a crucial foundation in women's struggles and land rights, meaning land laws and policies can be built. Therefore, there needs to be a policy that supports women as a safety valve in defending land by including their names on their land certificates. From these two different cases, it can be stated that each country has its own regulations in protecting women's ownership of the land they own. International law also regulates women's rights as stated in the UN General Assembly in 1979. Article 16 (h) of CEDAW states that each country must ensure women's rights to own, manage, enjoy and inherit property on an equal basis with men. (Nagarajan & Parashar, 2013). Furthermore, in Article 17 of the Universal Declaration of Human Rights it is stated that everyone has the right to own property, both individually and together with others. (Heri, 2020). Every regulation established in each country is based on applicable international law.

5. Discussion

Patriarchal culture is still attached to the life of traditional societies. Patriarchal culture is the values that put men first in all aspects of people's lives. Nash (Nash, 2020) defines patriarchy as values that reflect gender inequality in societies where men are more privileged than women. This patriarchal culture can be seen in differences in access between men in

getting an education, position in customs, decision-making, freedom of speech, and so on. However, along with the development of science and technology, there has been a shift away from the meaning and implementation of the patriarchal culture itself. Today, men and women already have equal access to education, women have been given the right to speak, and so on. The development of globalization led to the emergence of community movements that called for gender equality (Ullah et al., 2023), now, campaigns on gender equality are still widely carried out. This raises various pros and cons from multiple circles related to the opportunity for gender equality. Each paradigm has its views in discussing gender equality, which is implemented in every aspect of people's lives.

One aspect that becomes a critical study is the patriarchal practice of regulating the distribution of inheritance land in the Batak Toba community. In Batak Toba society, the distribution of inheritance from parents is carried out based on *Dalihan Na Tolu* as the principle of life of the Batak people. In the principle of life of the Toba Batak community, the distribution of inheritance is not carried out equally, meaning that girls do not get the same share as sons. However, women are still taken into account in the division of inheritance land that has been regulated in *Dalihan Na Tolu*. Women's chances of obtaining inheritance land are regulated in every traditional ceremony described above. At every stage of their lives, women can be given inherited lands such as *indahan arian, batu ni assimun, dondon tua, puncu tali* and *pauseang*. The facts on the ground women do not know and realize the existence of customary values that govern women's land ownership. Therefore, women need to realize that cultural values position women to have the right to acquire and manage land.

Research conducted by Henry et al. (Henry et al., 2017) states that traditional/local organizations have an essential role in realizing gender equality in traditional societies. He further mentioned that now, it is not a situation that needs to be questioned as to why it is essential to address gender equality but how to address it in society. Local organizations should consider gender equality to support regional development. Henry's writing, et al. refer to local organizations that must be dynamic. Beyisenge (Bayisenge, 2018) also mentioned that a woman's understanding of land ownership regulations can influence her to be brave and conscious in claiming the land she owns. The same is also offered in the findings of this study, where women need to understand and be aware that cultural values govern their ownership of inherited land. However, it is not an easy thing to socialize these values to women amid a patriarchal culture that is still deeply entrenched. Therefore, the role of customary institutions and stakeholders is needed to implement gender equality in regulating the distribution of heritage land to traditional communities. Customary institutions also need to socialize and implement existing cultural values related to ownership of heritage land that is part of women.

6. Conclusion

Family structure in rural areas today is like that in urban areas. A rural area has undergone an extraordinary transition since numerous elements can influence family relationships. The same is true for women in rural areas. They do not want to be shackled by a boundary, which is called patriarchal *adat* (custom). Therefore, it is necessary to strengthen their position as the cultivators of *adat* land. Intensive strengthening and socialization by the government and the *adat* leaders are highly needed to encourage women to maintain their land. Besides that, the concept of "local land regulation framework" above can be used to provide an opportunity to establish a system of local land regulation and its relation to the legal framework so that local institutions which are effectively involved in the *adat* land regulation can be established. It is an institution with the role, authority, and liability for land and natural resources.

Any binding rulings concerning land and natural resources should be possessed, and the concrete role of *adat* institutions, women, and local institutions should be increased. All of these are intended to harmonize the local people and not to cause or perpetuate conflict in gender. Women should know that there are institutions that can help/support them as safety valves in land ownership. Therefore, it is necessary to raise awareness for women, especially Batak Toba, to understand their position and opportunities to obtain ownership rights and management of their land. The implication of the results of this study is to encourage policies to clarify land rights handed over to women. The research results can be used to make policies that strengthen women's rights to the land they acquire. In terms of theory development, the attitude of women to fight against the attempt to take over land that has been handed over to them and their efforts to

protect the land that has been handed over, the results of this study further enrich the use of phenomenological theory in studying women and land. This research can be continued on policy making that respects the social context that will position the existence of women as a safety valve. In this case, it is also necessary to provide a space for dialogue between women and stakeholders, empower women, education and socialization to the community, and collaboration between the community, government and traditional institutions. Strengthening the capacity of traditional institutions is crucial in implementing gender equality in land ownership in traditional communities.

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