TOWARD AN INCLUSIVE PAPUA: HARMONIZATION OF INDIGENOUS LEGAL VALUES AND GENDER EQUALITY PRINCIPLES IN WOMEN'S EMPOWERMENT

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Abstract

Papua, a region rich in cultural heritage and indigenous legal systems, faces persistent challenges in achieving gender equality and empowering women. Despite their significant contributions to socio-economic life, particularly in agriculture, natural resource management, and local trade, Papuan women remain marginalized within customary decision-making structures and formal political institutions. This study explores the intersection of indigenous legal values and gender equality principles in Papua, focusing on the need for legal harmonization to promote women's empowerment. Gender inequality in Papua is rooted in entrenched patriarchal values that place women in subordinate roles, limiting their access to education, economic resources, and decision-making opportunities. Legal pluralism, where customary law coexists with national laws, often reflects conflicting norms that hinder women's rights and participation. The research advocates for a dialogical, participatory approach to legal reform, where customary values are interpreted in ways that support gender equality, without undermining local wisdom. Empowerment strategies, including legal education, economic development programs, and policy reforms, are essential to ensure that Papuan women can actively participate in societal transformation. The study emphasizes the importance of inclusive policy-making, gender-sensitive legal frameworks, and community involvement in achieving sustainable development and social justice. By integrating gender equality principles into Papua's legal systems, both customary and state law, the region can move towards a more inclusive and just society. Women's empowerment is not only crucial for gender justice but also serves as a key driver of economic growth and sustainable development. This study ultimately calls for a comprehensive approach to harmonizing indigenous legal systems with national principles of gender equality, ensuring that Papuan women are not only recognized for their contributions but also given the opportunity to shape their futures.

***Keywords**: Gender Equality; Customary Law; Women's Empowerment; Legal Reform; Social Justice.*

A. Introduction

The concept of Indigenous peoples is defined in the International Labour Organization (ILO) Convention No. 169, which outlines that "Indigenous Peoples within independent countries are

those whose distinct socio-cultural and economic conditions distinguish them from the broader national polity, and whose legal status is regulated, either entirely or in part, by their own customary norms, traditions, or specific laws or regulations".[1] In Papua, this definition resonates deeply, as the region is endowed with rich cultural and customary heritage, where indigenous communities are governed by a complex system of customary law that influences all aspects of their lives.[2] However, while this customary law plays a significant role in preserving cultural identity, it also presents challenges, especially for Papuan women, who struggle to achieve gender equality and empowerment within these traditional frameworks.[3] Indigenous Papuans, who belong to the Melanesian racial group or native Papuan tribes, are recognized by their own communities as part of the indigenous population, but the very legal status that preserves their culture and traditions also complicates their access to equal rights.[4] Customary law in Papua thus becomes a double-edged sword: while it has the potential to support gender equality by acknowledging the rights of indigenous women, it is also a system where certain practices and norms can perpetuate gender disparities, hindering the advancement of women's roles and opportunities in society.

Gender equality is a global issue, including as part of the United Nations Sustainable Development Goals (SDGs).[5] Papua remains one of the provinces that requires deeper examination regarding gender equality, as cases of sexual violence, workplace injustice, and domestic violence are still prevalent. Gender inequality in Papua is largely rooted in persistent patriarchal beliefs that

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1 Rika Saraswati, 'Indigenous Women in the Draft Law of Indigenous Peoples: An Approach Based on Legal Neutrality and Pancasila Values', *Masalah-Masalah Hukum* 54, no. 3 (2025): 409–30, https://doi.org/10.14710/mmh.54.3.2025.409-430.

2 Muhammad Sawir et al., 'Local Wisdom as the Basis for Environmental Policy Innovation with the Practice of Sea Sasi and Sago Hamlets in Papua's Ecological Governance', *Discover Environment* 4, no. 1 (2026): 72, https://doi.org/10.1007/s44274-026-00601-x; Budi Suhariyanto et al., 'Reconstruction of Intersection the Customary Court and State Criminal Court for Indigenous Communities in Papua', *Journal of Indonesian Legal Studies* 9, no. 2 (2024): 1107–36, https://doi.org/10.15294/jils.v9i2.19155; Eddy Pelupessy, 'The Land Rights of Indigenous Peoples: Revaluation of Papua Special Autonomy', *Hasanuddin Law Review* 3, no. 1 (2017): 77–90, https://doi.org/10.20956/halrev.v3i1.1047.

3 Jenny Munro and Yohana Baransano, 'From Saving to Survivance: Rethinking Indigenous Papuan Women's Vulnerabilities in Jayapura, Indonesia', *Asia Pacific Viewpoint* 64, no. 2 (2023): 209–21, https://doi.org/10.1111/apv.12367; Yansen Alberth Reba et al., 'Movie Review "Hana," Resilience and Empowerment of Papuan Women in the Face of Systemic Injustice', *Journal of Feminist Family Therapy* 37, nos 1–2 (2025): 79–85, https://doi.org/10.1080/08952833.2024.2424630.

4 Andreas Jefri Deda and Suriel Semuel Mofu, 'Masyarakat Hukum Adat Dan Hak Ulayat Di Provinsi Papua Barat Sebagai Orang Asli Papua Ditinjau Dari Sisi Adat Dan Budaya: Sebuah Kajian Etnografi Kekinian', *Jurnal Administrasi Publik* 11, no. 2 (2014): 11–22, https://journal.unpar.ac.id/index.php/JAP/article/view/1495.

5 Walter Leal Filho et al., 'Promoting Gender Equality Across the Sustainable Development Goals', *Environment, Development and Sustainability* 25, no. 12 (2023): 14177–98, https://doi.org/10.1007/s10668-022-02656-1; Raquel Lima and Graça Guedes, 'Sustainable Development Goals and Gender Equality: A Social Design Approach on Gender-Based Violence', *Sustainability* 16, no. 2 (2024): 914, https://doi.org/10.3390/su16020914; Ani Purwanti et al., 'Empowering Women: A Reflection on Protecting Against Dating Violence In the Indonesian Context', Articles, *Qubahan Academic Journal* 4, no. 1 (2024): 38–52, https://doi.org/10.58429/qaj.v4n1a245.

regard women as "inferior" to men.[6] Women are often considered a marginalized group, resulting in limited access to their fundamental rights and opportunities. One such manifestation is the perception that women are unfit for leadership roles and are more appropriately assigned to domestic responsibilities. Compared to urban areas, conditions in rural regions are significantly worse.[7] Gender equality has also been proven to correlate with economic growth and sustainable development.[8]

Gender equality is a fundamental pillar of global development, as reflected in various international agendas that emphasize women's empowerment and the elimination of discrimination as essential for achieving social justice, inclusive economic growth, and sustainable development across multiple sectors of life.[9] However, gender inequality remains a structural issue in many developing countries. This inequality is evident in the limited access that women have to education, economic opportunities, and decision-making processes, which ultimately perpetuates cycles of injustice and obstructs the achievement of inclusive and sustainable development.[10] Gender inequality contributes to multidimensional poverty, as women's unequal access to education, healthcare, decent employment, and economic resources makes them more vulnerable not only economically, but also socially, politically, and culturally.[11] This situation sustains cycles

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6 Jenny Munro, 'Gender Struggles of Educated Men in the Papuan Highlands', in *Transformations of Gender in Melanesia* (ANU Press, 2017).

7 Stephanie Seguino, 'Gender, Distribution, and Balance of Payments Constrained Growth in Developing Countries', *Review of Political Economy* 22, no. 3 (2010): 373–404, https://doi.org/10.1080/09538259.2010.491285.

8 Joshua Eastin and Aseem Prakash, 'Economic Development and Gender Equality: Is There a Gender Kuznets Curve?', *World Politics* 65, no. 1 (2013): 156–86, Cambridge Core, https://doi.org/10.1017/S0043887112000275; Esther Duflo, 'Women Empowerment and Economic Development', *Journal of Economic Literature* 50, no. 4 (2012): 1051–79, https://doi.org/10.1257/jel.50.4.1051; Naila Kabeer and Luisa Natali, 'Gender Equality and Economic Growth: Is There a Win-Win?', *IDS Working Papers* 2013, no. 417 (2013): 1–58, https://doi.org/10.1111/j.2040-0209.2013.00417.x.

9 Shahra Razavi, 'The 2030 Agenda: Challenges of Implementation to Attain Gender Equality and Women's Rights', *Gender & Development* 24, no. 1 (2016): 25–41, https://doi.org/10.1080/13552074.2016.1142229; Kabeer and Natali, 'Gender Equality and Economic Growth: Is There a Win-Win?'; Josephine A. Odera and Judy Mulusa, 'SDGs, Gender Equality and Women's Empowerment: What Prospects for Delivery?', in *Sustainable Development Goals and Human Rights*, ed. Markus Kaltenborn et al. (Springer International Publishing, 2020).

10 Stephan Klasen, 'The Impact of Gender Inequality on Economic Performance in Developing Countries', in *Annual Review of Resource Economics*, vol. 10, no. Volume 10, 2018, Annual Reviews, 2018, https://doi.org/10.1146/annurev-resource-100517-023429; Seema Jayachandran, 'The Roots of Gender Inequality in Developing Countries', in *Annual Review of Economics*, vol. 7, no. Volume 7, 2015, Annual Reviews, 2015, https://doi.org/10.1146/annurev-economics-080614-115404; Michelle Rendall, 'Structural Change in Developing Countries: Has It Decreased Gender Inequality?', *World Development* 45 (May 2013): 1–16, https://doi.org/10.1016/j.worlddev.2012.10.005.

11 Kiara G. Peralta-Jaramillo, 'Challenges and Advances in Gender Equity: Analysis of Policies, Labor Practices, and Social Movements', *Social Sciences* 14, no. 7 (2025): 401, https://doi.org/10.3390/socsci14070401; G. Sarri et al., 'Intersectoral Action to Transform Health Equity for Women and Girls Globally', *Communications Medicine* 6, no. 1 (2025): 40, https://doi.org/10.1038/s43856-025-01290-y; Matthew Damilola Omojemite, 'Unpacking Gender Inequality in Education: A Theoretical Exploration', *Journal of Culture and Values in Education* 7, no. 4 (2024): 103–16, https://doi.org/10.46303/jcve.2024.43; Mykola M. Klemparskyi et al., 'Gender Inequality in the

of disempowerment and restricts social mobility across generations, further entrenching inequality.[12]

The principle of gender equality embodies Indonesia's constitutional commitment to ensuring equal rights for both men and women.[13] This guarantee is enshrined in Article 28D, paragraph (1) of the 1945 Constitution, which provides for fair legal recognition, protection, and certainty for all citizens, irrespective of sex. Additionally, Article 28I, paragraph (2) explicitly prohibits discrimination on any grounds, including gender. As such, the 1945 Constitution establishes that gender equality is a constitutional right that must be safeguarded by the state.[14] This understanding of equality extends beyond formal legal parity; it also encompasses substantive justice through protective measures and affirmative actions for women across various spheres of life.

Women make significant contributions to economic and social development. Their active participation across sectors not only improves household welfare but also strengthens social resilience, promotes equitable economic growth, and lays the foundation for inclusive and sustainable development.[15] Therefore, gender mainstreaming in public policy is a strategic step to

Labour Market of Ukraine', *Work Organisation, Labour & Globalisation* 16, no. 2 (2022): 140–57, https://doi.org/10.13169/workorgalaboglob.16.2.0140; Seh Young Kim, 'Analyzing the Impacts of Informal Institutional Factors Affecting Gender Inequality: Evidence from 43 Countries', *World Development Perspectives* 28 (December 2022): 100470, https://doi.org/10.1016/j.wdp.2022.100470.

12 Smart Mhembwe, 'Gendered Challenges Faced by Rural Women Self-Help Groups in Shurugwi District, Zimbabwe', *The Dyke* 18, no. 1 (2024): 1–22, https://doi.org/10.10520/ejc-dyke_v18_n1_a9; Etienne Lwamba et al., 'Strengthening Women's Empowerment and Gender Equality in Fragile Contexts towards Peaceful and Inclusive Societies: A Systematic Review and Meta-Analysis', *Campbell Systematic Reviews* 18, no. 1 (2022): e1214, https://doi.org/10.1002/cl2.1214.

13 Lita Tyesta Addy Listya Wardhani and Aga Natalis, 'Assessing State Commitment to Gender Equality: A Feminist Legal Perspective on Legislative Processes in Indonesia and Beyond', *Multidisciplinary Reviews* 7, no. 6 (2024): 2024120, https://doi.org/10.31893/multirev.2024120; Malika Rajan Vasandani et al., 'Affirmative Action Study on the Political Rights of Women in the Indonesian Constitution', *Constitutional Review* 8, no. 1 (2022): 62–86, https://doi.org/10.31078/consrev813.

14 Nico Steytler, 'Constitutional Approaches to Diversity and Non-Discrimination in Multi-Level States: Indonesian and South African Jurisprudential Perspectives', in *Courts and Diversity: Twenty Years of the Constitutional Court of Indonesia* (Brill Nijhoff, 2024), https://doi.org/10.1163/9789004691698_011; Ramalina Ranaivo Mikea Manitra and Adya Paramita Prabandari, 'Indonesian Constitutional Guarantees Against Discriminatory Treatment: An Empirical Study', *Diponegoro Law Review* 9, no. 2 (2024): 332–52, https://doi.org/10.14710/dilrev.9.2.2024.332-352.

15 Emmanuel Hans and Anjali Hans, 'Comprehensive Overview of the Role of Women in Leadership Positions for Fostering a Future Sustainable Society', in *Managing for Sustainability*, Volume 3, World Scientific?Economic Growth Centre Contemporary Series in Modern Economy, Volume 3 (WORLD SCIENTIFIC, 2024), https://doi.org/10.1142/9789819807215_0008; Sarika Manhas, 'Structural and Cultural Barriers to the Economic Empowerment of Women', in *Women and Empowerment: Achieving Sustainable Development Goal 5*, ed. Rekha Koul et al. (Springer Nature Singapore, 2025), https://doi.org/10.1007/978-981-96-2759-2_8; Reena Agrawal et al., 'Challenges Faced by Women Entrepreneurs in South Asian Countries Using Interpretive Structural Modeling', *Cogent Business & Management* 10, no. 2 (2023): 2244755, https://doi.org/10.1080/23311975.2023.2244755.

ensure that women obtain equal access, opportunities, and control over development processes.[16] At the same time, gender policy must be context-sensitive and locally grounded.[17] This is essential to ensure that policy interventions align with cultural values, social norms, and local needs, making implementation more effective, sustainable, and responsive to gender inequality.

In Papua, gender is constructed at the individual, social interactional, and structural levels of society, creating constraints and opportunities that generally favor men over women. The differentiation between masculinity and femininity is rooted in unequal relations, where masculinity is associated with authority and power-seeking tendencies that often manifest in aggressive behavior, while femininity is more commonly understood as oriented toward harmony and collective well-being.[18] From a gender perspective, masculinity occupies a hierarchical position within a patriarchal social order.[19]

In the Papuan context, one benchmark of an "inclusive society" can be observed through mutual tolerance. Papua consists of diverse ethnic groups, cultures, and religions, which require social movements that support values of equality, justice, and diversity.[20] It is also essential to foster awareness that all human beings possess equal dignity and rights, and the ability to avoid discrimination. Infrastructure, information, and services must be designed to be accessible to all, including persons with disabilities. Education is another sector requiring particular attention,

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[16] Rebecca Tiessen, 'What's New about Gender Mainstreaming? Three Decades of Policy Creation and Development Strategies', *Canadian Journal of Development Studies / Revue Canadienne d'études Du Développement* 26, no. sup1 (2005): 705–20, https://doi.org/10.1080/02255189.2005.9669108; Jacqui True, 'Mainstreaming Gender in Global Public Policy', *International Feminist Journal of Politics* 5, no. 3 (2003): 368–96, https://doi.org/10.1080/1461674032000122740.

[17] Susan E. Clarke, 'Context-Sensitive Policy Methods', in *Handbook of Public Policy Analysis* (Routledge, 2017); Andi Misbahul Pratiwi et al., 'Gender, Vulnerability, and Power in Indonesia's Climate Policies', *Climate Policy*, 20 March 2026, 1–17, https://doi.org/10.1080/14693062.2026.2645652.

[18] Eva M. Rubio-Guzmán and Miguel Urra-Canales, 'Critical Analysis of Aggressive Masculinity and Protective Femininity in Adolescents and Young Adults', *Masculinities & Social Change* 13, no. 2 (2024): 100–129, https://doi.org/10.17583/mcs.12582; Joseph H. Pleck, 'Masculinity—Femininity', *Sex Roles* 1, no. 2 (1975): 161–78, https://doi.org/10.1007/BF00288009; Jacquelyn Knoblock, 'Gender and Violence: A Reflective Sociology of How Gender Ideologies and Practices Contribute to Gender Based Violence', *Human Architecture: Journal of the Sociology of Self-Knowledge* 6, no. 2 (2008): 91–102, https://www.okcir.com/product/journal-article-gender-and-violence-a-re%ef%ac%82ective-sociology-of-how-gender-ideologies-and-practices-contribute-to-gender-based-violence-by-jacquelyn-knoblock-2/.

[19] Peter M. Jansson, 'An Explorative Integration of Factors Causing Men's Violence Against Women', *Journal of Psychology & Clinical Psychiatry* 8, no. 2 (2017): 1–9, https://doi.org/10.15406/jpcpy.2017.08.00475; Mariana Gonçalves Farias et al., 'Structural Patriarchy and Male Dominance Hierarchies', in *Encyclopedia of Domestic Violence*, ed. Todd K. Shackelford (Springer International Publishing, 2023), https://doi.org/10.1007/978-3-030-85493-5_2152-1; Louisa Allen, 'Hegemonic Masculinity and Addressing Gender Inequality', *The Journal of Men's Studies* 33, no. 3 (2025): 575–91, https://doi.org/10.1177/10608265251329561.

[20] Neles Tebay, '"Papua, the Land of Peace": The Interfaith Vision and Commitment for West Papua', *Exchange* 36, no. 4 (2007): 337–58, https://doi.org/10.1163/157254307X225025; Irene I. Hadiprayitno, 'The Limit of Narratives: Ethnicity and Indigenous Rights in Papua, Indonesia', *International Journal on Minority and Group Rights* 24, no. 1 (2017): 1–23, https://doi.org/10.1163/15718115-02401004.

especially given the significant educational disparities between Papua and other provinces in Indonesia, partly caused by technological inequality and limited resources.[21]

Women's empowerment in Papua is a strategic issue that demands serious attention, considering the region's abundant resources and cultural diversity, alongside complex socio-economic challenges.[22] Women's empowerment is key to inclusive and sustainable development, given persistent barriers in access to education, healthcare, and economic opportunities due to gender inequality, local traditions, and social conditions. Therefore, empowerment is not only oriented toward equality but also serves as a strategy for improving overall societal welfare.[23]

In West Papua, gender equality across sectors has not yet been fully realized, as there are no concrete programs implemented by district and city governments.[24] It is crucial to conduct education and socialization at the local level, particularly in rural areas. Gender inequality persists due to entrenched patriarchal constructions that position women as secondary, marginalizing them from economic access and empowerment opportunities, and reinforcing the perception that women are unsuitable for leadership roles and should remain in subordinate positions.[25]

Permanyer[26] argues that gender inequality is systemic and multidimensional. It is not only rooted in social and cultural structures but is also reinforced by policies, institutional practices, and unequal power relations, creating complex and interconnected barriers for women across

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[21] Amanda Putri Nahumury and Rian Antony, 'Semi-Online Learning as a Solution to the Digital Divide in Education in Frontier, Outermost, and Disadvantaged Regions', *Jurnal Kependidikan: Jurnal Hasil Penelitian Dan Kajian Kepustakaan Di Bidang Pendidikan, Pengajaran, Dan Pembelajaran* 8, no. 2 (2022): 331–40, https://doi.org/10.33394/jk.v8i2.4960.

[22] Rani Maswati and Luth Luth, 'Papuan Women in Sustainable Development: A Thematic Analysis and Policy Recommendations', *Citizen and Government Review* 1, no. 1 (2024): 32–41, https://cjrjournal.com/index.php/cgr/article/view/4.

[23] Rhonda Breitkreuz and Marian Baird, 'Women's Economic Empowerment: A Global Pathway to Gender Equality?', *The Economic and Labour Relations Review* 36, no. 2 (2025): 318–36, Cambridge Core, https://doi.org/10.1017/elr.2025.10027; Begum Sertyesilisik, 'Women Empowerment as a Key to Support Achievement of the Sustainable Development Goals and Global Sustainable Development', in *Gender Inequality and Its Implications on Education and Health: A Global Perspective*, ed. Chandrima Chakraborty and Dipyaman Pal (Emerald Publishing Limited, 2023), https://doi.org/10.1108/978-1-83753-180-620231014.

[24] Luhjingga Panasari Urbaningrum, '"Kontestasi" Perempuan Dalam Pembangunan Manusia Berbasis Gender Di Provinsi Papua Barat Tahun 2022', *Jurnal El-Hamra: Kependidikan Dan Kemasyarakatan* 8, no. 3 (2023): 144–52, https://doi.org/10.62630/elhamra.v8i3.259; Melyana R. Pugu et al., 'Perempuan Pedesaan Dan Disabilitas Di Provinsi Papua Dan Papua Barat (Suatu Analisa Hubungan Internasional Dalam Pelaksanaan Otsus Papua)', *Syntax Literate: Jurnal Ilmiah Indonesia* 7, no. 4 (2022): 3464–82, https://doi.org/10.36418/syntax-literate.v7i4.6653.

[25] Nurinaya Nurinaya and Etik Siswatiningrum, 'Signifikansi Peran Perempuan Adat Papua Dalam Upaya Iklim Berkelanjutan', *Josh: Journal of Sharia* 4, no. 2 (2025): 21–37, https://doi.org/10.55352/josh.v4i02.1894; Evie Syalviana and Syahrul, 'Gender Dan Ekonomi Di Papua Barat: Telaah Atas Peran Perempuan Kokoda Dalam Membantu Kebutuhan Keluarga Di Kota Sorong, Papua Barat', *Tasamuh: Jurnal Studi Islam* 13, no. 1 (2021): 69–82, https://doi.org/10.47945/tasamuh.v13i1.358.

[26] Iñaki Permanyer, 'The Measurement of Multidimensional Gender Inequality: Continuing the Debate', *Social Indicators Research* 95, no. 2 (2010): 181–98, https://doi.org/10.1007/s11205-009-9463-4.

various sectors. As a result, addressing this issue requires a comprehensive, cross-sectoral, and sustainable approach, with gender justice positioned as a core principle in all development policies and practices. This approach calls for synergy between legal reform, the transformation of social norms, and the strengthening of women's capacity and participation, ensuring that change is not just formal but also substantive and impactful in everyday life.[27]

Women's empowerment promotes equal access to education, healthcare, and economic opportunities, thereby improving women's quality of life and contributing to broader social and economic development in Papua.[28] It is also crucial for environmental sustainability and cultural preservation, given women's strategic roles in agriculture, forestry, and natural resource management. Through women's empowerment, development policies in Papua can become more gender-responsive, encouraging women's active participation in decision-making processes. Empowerment is therefore a key strategy to address gender inequality and promote local economic development, in line with the concepts of resources, agency, and achievements in women's empowerment.[29]

Inclusive education can be developed to enable children with diverse needs to learn together in schools, promoting positive social interaction within their environment. Inclusive societal participation encourages the active involvement of all elements of social, economic, and political life through community engagement to collectively overcome barriers. Cultural awareness must also be strengthened by fostering intercultural understanding and appreciation of diverse backgrounds, thereby building an inclusive society. In implementation, the government must prioritize collaboration among stakeholders from the public sector, private sector, and civil society.[30]

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[27] Aga Natalis et al., 'Exploring Intersectionality: The Legal Challenges Faced by Indigenous Women in Palm Oil Land Conflicts', *Diponegoro Law Review* 10, no. 2 (2025): 173–97, https://doi.org/10.14710/dilrev.10.2.2025.173-198; Mulki Al-Sharmani, *Feminist Activism, Women's Rights, and Legal Reform* (Bloomsbury Publishing, 2013); Valentine M. Moghadam and Lucie Senftova, 'Measuring Women's Empowerment: Participation and Rights in Civil, Political, Social, Economic, and Cultural Domains', *International Social Science Journal* 57, no. 184 (2005): 389–412, https://doi.org/10.1111/j.1468-2451.2005.00557.x.

[28] Elmas Yuliantri et al., 'Affirmative Action HAM Dalam Pemberdayaan Perempuan Di Papua', *Iuris Studia: Jurnal Kajian Hukum* 2, no. 3 (2021): 513–21, https://doi.org/10.55357/is.v2i3.168; Lena Ratu Ningsih Kowarin et al., 'Pemberdayaan Perempuan Papua Untuk Kemajuan Ekonomi Lokal', *Jurnal Bina Bangsa Ekonomika* 17, no. 2 (2024): 1882–98, https://doi.org/10.46306/jbbe.v17i2.625.

[29] Naila Kabeer, 'Gender Equality, Economic Growth, and Women's Agency: The "Endless Variety" and "Monotonous Similarity" of Patriarchal Constraints', *Feminist Economics* 22, no. 1 (2016): 295–321, https://doi.org/10.1080/13545701.2015.1090009.

[30] Adi Iwan Hermawan et al., 'Inclusive Education and Papuan Literature for Diversity and Equality', *EDUKASIA Jurnal Pendidikan Dan Pembelajaran* 6, no. 2 (2025): 903–14, https://doi.org/10.62775/edukasia.v6i2.1527; Faturachman Alputra Sudirman and Rahim Rifai, 'Private Sector Contribution in Achieving the Sustainable

Kardam[31] argues that gender equality has now become a significant agenda in the international order. In this context, feminist perspectives emerge as an emancipatory movement demanding equality and freedom for women from various forms of injustice.[32] Feminist perspectives emphasize the importance of gender as an analytical variable in understanding global power relations and international relations dynamics. Its main agenda is to demand equal rights, roles, and voices for women to be recognized both in the international order and in international relations studies.[33]

Steans et al.,[34] in *An Introduction to International Relations Theory: Perspectives and Themes*, propose four core assumptions of feminism. First, feminism views human nature as socially constructed. Second, it rejects a strict separation between facts and values. Third, there is a close relationship between knowledge and power, meaning that theory is always value-laden. The fourth assumption places women's emancipation as its primary agenda and objective. These assumptions underline that feminist analysis is not merely descriptive but also normative and transformative, aiming to deconstruct structures of injustice and promote more equal and gender-just social relations.

In line with this, the study adopts an empirical legal research approach, focusing on the practice of law (law in action) rather than merely theoretical norms (law in books). This method is particularly relevant for examining how gender equality principles enshrined in the Constitution and national laws can be integrated with Papuan customary values, aiming to empower women within the region. By utilizing a descriptive-analytical framework, this research seeks to bridge the gap between legal norms and the lived realities of women in Papuan indigenous communities. Ultimately, the study aims to provide inclusive and context-specific policy recommendations

Development Goals (SDGs) 7 in Kendari, Indonesia', *International Journal of Qualitative Research* 1, no. 1 (2021): 55–60, https://doi.org/10.47540/ijqr.v1i1.319.

31 Nüket Kardam, 'The Emergence of a Global Gender Equity Regime', *International Journal* 57, no. 3 (2002): 411–38, https://doi.org/10.1177/002070200205700307.

32 Ilse Lenz, 'Equality, Difference and Participation: The Women's Movements in Global Perspective', in *The History of Social Movements in Global Perspective: A Survey*, ed. Stefan Berger and Holger Nehring (Palgrave Macmillan UK, 2017), https://doi.org/10.1057/978-1-137-30427-8_16; Marieke Borren, 'Feminism as Revolutionary Practice: From Justice and the Politics of Recognition to Freedom', *Hypatia* 28, no. 1 (2013): 197–214, Cambridge Core, https://doi.org/10.1111/j.1527-2001.2011.01260.x; Aga Natalis, 'From Feminist Debates to Feminist Policy: Toward a Polymorphous Discourse in Prostitution Regulation', *Revista Direito e Sexualidade* 6, no. 2 (2025): 1–41, https://doi.org/10.9771/rds.v6i2.66251.

33 J. Ann Tickner, 'Gendering a Discipline: Some Feminist Methodological Contributions to International Relations', *Signs: Journal of Women in Culture and Society* 30, no. 4 (2005): 2173–88, https://doi.org/10.1086/428416; Adam Jones, 'Does "Gender" Make the World Go Round? Feminist Critiques of International Relations', *Review of International Studies* 22, no. 4 (1996): 405–29, Cambridge Core, https://doi.org/10.1017/S0260210500118649.

34 Jill Steans et al., *An Introduction to International Relations Theory: Perspectives and Themes* (Routledge, 2013).

grounded in principles of justice, ensuring a substantive transformation in gender equality practices.

B. Empirical Analysis of Gender Equality Conditions in Papua

The findings of this study indicate that Papuan women play a significant role in socio-economic life, particularly in agricultural activities, local trade, and natural resource management. However, their position in customary decision-making structures and formal political institutions remains limited. This situation is influenced by customary social systems that generally place men in dominant leadership and decision-making roles. On the other hand, certain customary communities in Papua provide broader opportunities for women's participation, particularly in communal land management (*tanah ulayat*)[35] and religious activities.[36] This reality highlights the existence of internal potentials within Papuan customary systems that can be harmonized with the principle of gender equality as mandated by the 1945 Constitution of the Republic of Indonesia.

The study of women cannot be separated from the social constructions that differentiate the roles of men and women in economic, political, social, and cultural spheres, both at the family, community, and state levels.[37] According to Kabeer[38], women's empowerment refers to efforts to enhance their capacities and skills so that they can gain access to and control over decision-making processes, resources, and supporting structures. Empowerment is achieved through a process of raising awareness, enabling women to critically understand discriminatory practices as socially constructed, and to distinguish between biological roles and socially constructed gender roles.[39]

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[35] In land law, the term "*tanah ulayat*" (ulayat rights) is often encountered in Article 3 of the Indonesian Basic Agrarian Law, which refers to "ulayat rights and similar rights." It is explained in detail that, "Taking into account the provisions in Articles 1 and 2, the implementation of ulayat rights and similar rights by customary law communities, as long as they still exist in practice, must be carried out in a manner that aligns with the national interest and the state, based on national unity, and must not conflict with higher laws and regulations." In Article 1 of the Minister of Agrarian Affairs/Head of the National Land Agency Regulation No. 5, it is stated that ulayat land refers to land on which the ulayat rights of a particular customary law community exist. This definition emphasizes the interrelationship between ulayat land and the ulayat rights attached to it. see Arina Novizas Shebubakar and Marie Remfan Raniah, 'Hukum Tanah Adat/Ulayat', *Jurnal Magister Ilmu Hukum: Hukum Dan Kesejahteraan* 4, no. 1 (2023): 14–22, https://doi.org/10.36722/jmih.v4i1.758.

[36] Melania Pasifika Kirihio et al., *Perempuan Menjaga Tanah Dan Hutan: Bahan Diskusi Bagi Perempuan Adat Papua* (Asia Justice and Rights (AJAR), 2021).

[37] Alexander Phuk Tjilen, *Pemberdayaan Ekonomi Masyarakat Lokal Dan Tanggung Jawab Sosial Perusahaan (Local Community Economic Empowerment And Corporate Social Respon Si Bility)(Teori, Konsep, Dan Implementasi Kebijakan Publik)* (Deepublish, 2020).

[38] Naila Kabeer, 'Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment', *Development and Change* 30, no. 3 (1999): 435–64, https://doi.org/10.1111/1467-7660.00125.

[39] Beatus Tambaip et al., 'Partisipasi Masyarakat Dalam Musyawarah Perencanaan Pembangunan', *Societas: Jurnal Ilmu Administrasi Dan Sosial* 12, no. 1 (2023): 121–28, https://doi.org/10.35724/sjias.v12i1.5096; Jawad Syed, 'Reconstructing Gender Empowerment', *Women's Studies International Forum* 33, no. 3 (2010): 283–94, https://doi.org/10.1016/j.wsif.2010.03.002.

Empowerment is implemented through the provision of information, education, training, and motivation to enhance self-awareness, self-confidence, and women's capacity to make decisions, exercise leadership, and advocate for justice in line with universal human values.[40]

Women's participation in socio-economic development initiatives is considered essential not only for promoting economic growth but also for enhancing gender equality in many low- and lower-middle-income countries, such as Bangladesh.[41] Moreover, women's involvement in socio-economic development generates broader positive impacts, including improved household welfare, strengthened community resilience, and better quality education and health outcomes. Empirical evidence suggests that when women have equal access to economic resources, skills training, and entrepreneurial opportunities, they tend to be more productive and innovative, optimizing local potential more effectively. Women's participation also influences decision-making at both household and community levels. With stronger voices and roles in economic and social activities, women can promote more responsive policies addressing family and community needs, such as access to healthcare, education for children, and social protection. However, structural challenges such as restrictive social norms, limited access to capital, and inadequate education and professional training remain major barriers. Therefore, effective development strategies must include holistic women's empowerment programs, such as capacity building, support networks, and the elimination of legal and social barriers hindering participation. In this sense, women's economic empowerment is not only an issue of equality but also a sustainable and inclusive development strategy that fosters economic growth, strengthens social cohesion, and creates a more equitable society.[42]

In Papua, particularly in the City of Jayapura, various stereotypes and social norms continue to influence gender equality. This can be observed in prevailing perceptions that assign distinct roles to men and women. Social norms in Papua often construct gendered expectations, such as encouraging Papuan women to marry at a young age and bear multiple children. Such norms also affect women's access to education and professional careers. These conditions are commonly found in communities that remain strongly attached to traditional customs and local cultural values. Papuan women also frequently experience gender-based discrimination and violence,

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[40] Lilik Aslichati, 'Organisasi Pemberdayaan Dan Kesejahteraan Keluarga Sebagai Sarana Pemberdayaan Perempuan', *Jurnal Organisasi Dan Manajemen* 7, no. 1 (2011): 1–7, https://doi.org/10.33830/jom.v7i1.77.2011.

[41] Rabiul Karim et al., 'Men's Perceptions of Women's Participation in Development Initiatives in Rural Bangladesh', *American Journal of Men's Health* 12, no. 2 (2018): 398–410, https://doi.org/10.1177/1557988317735394.

[42] Lwamba et al., 'Strengthening Women's Empowerment and Gender Equality in Fragile Contexts towards Peaceful and Inclusive Societies: A Systematic Review and Meta-Analysis'.

restricting their access to education, employment opportunities, and various public services. Therefore, comprehensive interventions are required through education, economic empowerment, and reform of social norms based on local wisdom to achieve sustainable and substantive gender equality.

Papuan women play a central role in social and economic life, particularly through their involvement in agriculture, forest resource management, and traditional market trade activities. They serve as key actors in sustaining household economies and maintaining the continuity of indigenous communities. However, in political and customary decision-making spheres, women's positions remain relatively marginal. Within customary leadership structures, men are generally positioned as the highest authority holders, resulting in limited representation of women in customary deliberative forums as well as formal political institutions. This condition reflects a gap between women's significant economic roles and their limited access to power and decision-making processes. Consequently, affirmative measures are required to strengthen women's participation and leadership in these strategic spaces to achieve substantive gender justice and equality.[43]

On the other hand, several studies indicate that certain customary practices recognize women's strategic roles, such as in communal land management, religious rituals, and socio-cultural activities.[44] This demonstrates that Papuan customary values are not entirely incompatible with gender equality principles, but rather contain potential that can be harmonized with national legal frameworks. Therefore, the appropriate approach is not to eliminate customary values, but to explore, strengthen, and reinterpret local values that support equality. Such an approach can serve as a foundation for legal and social transformation that is more inclusive, just, and sustainable. In this regard, synergy between local wisdom and universal principles can create a contextual model of women's empowerment that is socially legitimate and effective in promoting structural transformation toward gender equality.

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[43] Uduak Archibong and Kingsley Udie Utam, 'Affirmative Action Measures and Gender Equality: Review of Evidence, Policies, and Practices', in *Gender Equality*, ed. Walter Leal Filho et al. (Springer International Publishing, 2021), https://doi.org/10.1007/978-3-319-95687-9_52; Susan D. Clayton and Faye J. Crosby, *Justice, Gender, and Affirmative Action* (University of Michigan Press, 2025).

[44] Ana Luiza Violato Espada and Karen A. Kainer, 'Women and Timber Management: From Assigned Cook to Strategic Decision-Maker of Community Land Use', *Land Use Policy* 127 (April 2023): 106560, https://doi.org/10.1016/j.landusepol.2023.106560; Talieh Wartner-Attarzadeh, 'Female Leadership in Iranian-Arab Shi'a Rituals from Khorramshahr, South-Western Iran', in *Women's Leadership in Music: Modes, Legacies, Alliances*, ed. Iva Nenic and Linda Cimardi (transcript Verlag, 2023), https://doi.org/10.1515/9783839465462-007; Karin Kleinbooi, 'Reshaping Women's Land Rights on Communal Rangeland', *African Journal of Range & Forage Science* 30, nos 1–2 (2013): 17–21, https://doi.org/10.2989/10220119.2013.797027; Ruth Jackson et al., 'Landscape Multifunctionality in (and Around) the Kafa Biosphere Reserve: A Sociocultural and Gender Perspective', *Landscape Research* 46, no. 1 (2021): 50–63, https://doi.org/10.1080/01426397.2020.1831460.

C. Understanding Gender Inequality: A Multidimensional Social Construction

Gender relations are a social construct grounded in power dynamics.[45] These relations are shaped by norms, values, and social practices that define the roles, access, and control between men and women, often leading to deeply rooted inequalities across various aspects of life.[46] As a result, women often face marginalization in decision-making processes, economic opportunities, and political participation, reinforcing cycles of inequality and hindering the full realization of their rights. At the same time, patriarchal systems uphold the subordination of women, positioning men as the dominant figures in decision-making, resource allocation, and the formation of social norms. This structural arrangement limits women's access to equal opportunities in political, economic, educational, and both public and private spheres of life.[47]

Cultural norms further legitimize gender inequality, as long-established values, traditions, and social practices often place women in subordinate positions, restricting their roles and justifying discrimination within families, communities, and formal institutions.[48] Consequently, gender inequality becomes socially legitimized, making the pursuit of equality dependent on profound transformations in perceptions, norms, and cultural practices. Such transformation requires not only legal and policy reforms but also education, empowerment, and capacity-building for women to ensure their equal participation in all facets of society. Additionally, the involvement of social actors, such as customary leaders, religious figures, and local communities, is crucial to promote collective value transformation, fostering a more inclusive, just, and gender-equal social environment.[49]

Gender is also constructed through social practices and institutions, where the roles, expectations, and identities of men and women are continuously produced, maintained, and reproduced through everyday interactions, educational systems, media, family structures, and political and economic institutions.[50] As a result, gender norms and stereotypes become embedded

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45 Judith Lorber, 'The Social Construction of Gender', in *Inequality in the 21st Century* (Routledge, 2018).

46 Cecilia L. Ridgeway, 'Framed Before We Know It: How Gender Shapes Social Relations', *Gender & Society* 23, no. 2 (2009): 145–60, https://doi.org/10.1177/0891243208330313; Laurie A. Rudman et al., *The Social Psychology of Gender: How Power and Intimacy Shape Gender Relations* (Guilford Publications, 2021).

47 Andile Sokani, 'Lack Support Systems and Women's Political Participation in South Africa', *Social Sciences* 14, no. 12 (2025): 693, https://doi.org/10.3390/socsci14120693.

48 Tara Patricia Cookson et al., *Social Norms, Gender and Development: A Review of Research and Practice*, no. 25216112 (UN-Women, 2023), https://www.unwomen.org/en/digital-library/publications/2023/10/discussion-paper-social-norms-gender-and-development-a-review-of-research-and-practice; Patricia Yancey Martin, 'Gender As Social Institution', *Social Forces* 82, no. 4 (2004): 1249–73, https://doi.org/10.1353/sof.2004.0081.

49 Adel Nikjoo et al., 'Promoting Gender Inclusivity Through Community-Based Tourism', *Annals of Tourism Research Empirical Insights* 6, no. 1 (2025): 100181, https://doi.org/10.1016/j.annale.2025.100181.

50 Martin, 'Gender As Social Institution'.

in the broader social and cultural structure.[51] This process not only limits women's opportunities and life choices but also influences the distribution of power, access to resources, and participation in decision-making processes. Ultimately, it reinforces systemic gender inequality and poses significant challenges to efforts aimed at achieving empowerment and gender equality.

Gender inequality is multidimensional, evident not only in economic aspects such as wage gaps and employment opportunities but also in social, political, educational, health, and public participation domains.[52] This condition reflects the presence of interconnected structural, cultural, and institutional barriers, where women simultaneously experience various forms of discrimination and marginalization. These dynamics reinforce cycles of inequality and impede the realization of inclusive and equitable development.[53] The unequal distribution of power, resources, and opportunities within society is shaped by political dynamics, public policies, economic systems, and the interests of dominant groups controlling access to education, employment, and decision-making processes. The interaction of these factors restricts women's freedoms and choices, perpetuates stereotypes and norms that position men in dominant roles, and generates interconnected inequalities across multiple life sectors. Therefore, understanding gender roles requires a holistic analysis that integrates social, cultural, economic, and political dimensions to develop effective and sustainable empowerment strategies.

D. Gender Equality and Legal Pluralism: The Intersection of Customary Law and Constitutional Principles in Papua

Normatively, the Indonesian Constitution guarantees the principle of gender equality. Article 28D paragraph (1) and Article 28I paragraph (2) of the 1945 Constitution affirm that every citizen is equal before the law and is entitled to freedom from all forms of discrimination.[54] This principle is further reinforced by Indonesia's ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) through Law No. 7 of 1984.[55] However, in practice,

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[51] Matthew Omojemite et al., 'Gender Stereotyping and Social Norms: Exploring Theoretical Perspectives and Educational Implications', *Research in Social Sciences and Technology* 9, no. 3 (2024), https://doi.org/10.46303/ressat.2024.48.

[52] Moghadam and Senftova, 'Measuring Women's Empowerment: Participation and Rights in Civil, Political, Social, Economic, and Cultural Domains'; Permanyer, 'The Measurement of Multidimensional Gender Inequality: Continuing the Debate'.

[53] Diana Binkor Jenbise, 'Suara "Sang Cenderawasih" Yang Membisu: Perjuangan Para Perempuan Papua Dalam Menggapai Keadilan', *Jurnal Perempuan* 26, no. 3 (2021): 185–94, https://doi.org/10.34309/jp.v26i3.627.

[54] Manitra and Prabandari, 'Indonesian Constitutional Guarantees Against Discriminatory Treatment: An Empirical Study'.

[55] Purwanti et al., 'Empowering Women: A Reflection on Protecting Against Dating Violence In the Indonesian Context'.

Papua still experiences a disharmony between customary values and these constitutional principles. Customary leadership systems in various Papuan communities typically position men as the highest authority in customary deliberations, communal land management (*tanah ulayat*), and strategic decision-making processes. This limits women's participation in customary political processes and their formal representation in local governmental institutions. This reflects a gap between normative guarantees and empirical realities, thus necessitating harmonization efforts that are not only legal-formal but also address social and cultural dimensions. These efforts require the reinterpretation of customary values, strengthening women's roles, and integrating gender equality perspectives into governance and customary institutions sustainably.

For example, some gender-based violence practices are sometimes legitimized within customary frameworks.[56] In resolving domestic conflicts, women are often positioned as the parties expected to comply in order to preserve familial harmony. Therefore, the disharmony between customary values and constitutional principles stems from differing normative orientations. The Constitution guarantees both formal and substantive equality, while certain customary practices maintain patriarchal patterns that restrict women's agency. Consequently, efforts must be made to reinterpret and reformulate customary norms through dialogical and participatory approaches, ensuring that cultural values are preserved without compromising justice, gender equality, and the protection of women's human rights. This approach emphasizes collaboration among customary leaders, women leaders, local communities, and legal institutions to ensure that social and legal transformation proceeds in a coherent, sustainable, and socially accepted manner within indigenous communities.

Customary law is part of legal pluralism, as it coexists with national and international legal systems and reflects locally developed norms, values, and practices within indigenous societies.[57] This pluralism allows interaction, adaptation, and sometimes conflict among different sources of law. Therefore, recognizing customary law is essential to ensuring justice, protecting the rights of local communities, and harmonizing formal law with local wisdom in an inclusive development

[56] Federica Spadazzi et al., 'Gender-Based Violence and Femicide: A Comparative Analysis of the Evolution of International and Italian Legislation to Identify Appropriate Clinical and Judicial Management of Victims of Abuse—The "Pink Code" Pathway and Its Medico-Legal Implications', *Forensic Sciences* 6, no. 1 (2026): 26, https://doi.org/10.3390/forensicsci6010026; Purwanti et al., 'Empowering Women: A Reflection on Protecting Against Dating Violence In the Indonesian Context'.

[57] Amri Panahatan Sihotang et al., 'The Philosophy and Essence of Ustomary Law in Southeast Asia: A Comparison of Indonesia, Vietnam, Thailand', *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 1 (2025): 55–74, https://doi.org/10.29303/ius.v13i1.1647.

framework.[58] Accordingly, mechanisms are required to bridge these differences in a dialogical and participatory manner, ensuring that legal pluralism becomes a space of synergy that strengthens substantive justice and equality for all groups, including indigenous women.

Legal pluralism reflects the coexistence of multiple legal systems within a society, including state law, customary law, and other social norms. This plurality not only demonstrates the diversity of legal sources but also requires mechanisms of harmonization, conflict resolution, and recognition of the legitimacy of each system in order to achieve justice that responds to societal needs while respecting local identity and wisdom. The interaction between customary law and human rights often generates tension, as traditional norms governed by customary law may conflict with nationally and internationally recognized human rights standards. Such tension arises when customary norms restrict the rights of women, children, or marginalized groups. Therefore, a sensitive, inclusive, and dialogical approach is necessary to identify common ground between respect for local wisdom and the fulfillment of fundamental human rights.

Legal pluralism is often not gender-neutral, as many norms, practices, and interpretations within various legal systems—including customary and national law—historically place men in dominant positions, while women face restrictions in access, control, and participation.[59] This reinforces structural inequality and necessitates legal reform and the integration of gender perspectives to ensure that legal plurality reflects justice and equality for all individuals. Plural legal systems can perpetuate gender inequality, as the coexistence of multiple legal sources such as state law, customary law, and social norms does not always guarantee equal protection for women.[60] In many cases, discriminatory customary norms or practices continue to be formally recognized and applied, reinforcing gender subordination, limiting women's access to fundamental rights, and strengthening systemic layers of injustice.[61]

Therefore, customary law reform is necessary to achieve inclusive justice. Although customary law reflects local wisdom and cultural identity, certain practices may be discriminatory toward women and marginalized groups. Context-sensitive reforms that align with human rights

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[58] Jawahir Thontowi, 'Perlindungan Dan Pengakuan Masyarakat Adat Dan Tantangannya Dalam Hukum Indonesia', *Jurnal Hukum Ius Quia Iustum* 20, no. 1 (2013): 21–36, https://doi.org/10.20885/iustum.vol20.iss1.art2.

[59] Dejene Gemechu Chala and Nega Jibat Gemede, 'Legal Pluralism, Gender and Justice: Women's Rights to Property Under Marriage Dissolution Among the Oromo in Jimma, Ethiopia', *Legal Pluralism and Critical Social Analysis* 54, nos 2–3 (2022): 278–96, https://doi.org/10.1080/27706869.2022.2115222; Jill Vickers, 'Territorial Pluralism and Family-Law Reform: Conflicts between Gender and Culture Rights in Federations, North and South', *Politikon* 40, no. 1 (2013): 57–82, https://doi.org/10.1080/02589346.2013.765675.

[60] Rachel Sieder and John-Andrew McNeish, *Gender Justice and Legal Pluralities* (Routledge, 2013).

[61] Jenia Silitonga et al., 'All Eyes on Papua: Potret Ketidakadilan, Krisis Identitas, Dan Disintegrasi Di Negara Kesatuan Republik Indonesia', *Jurnal Review Pendidikan Dan Pengajaran* 8, no. 2 (2025): 5099–113, https://doi.org/10.31004/jrpp.v8i2.45720.

principles and gender equality can create a more just, participatory legal system capable of addressing the challenges of inclusive and sustainable development. Customary law is dynamic and contextual, as its norms, practices, and dispute resolution mechanisms evolve in response to social, economic, and cultural changes. This dynamic nature allows customary law to adapt to community needs, accommodate local values, and respond to contemporary challenges, while integrating gender equality and human rights principles without undermining cultural identity and local wisdom.

E. Addressing Layered Discrimination: Empowering Indigenous Women through Intersectional Approaches

Indigenous women experience layered discrimination as they face simultaneous pressures from cultural norms, customary legal practices, and social structures that place men in dominant roles.[62] This situation limits their access to education, economic resources, decision-making processes, and civil rights, resulting in systemic marginalization and hindering their equal participation in social, political, and economic development. Therefore, affirmative policies, gender-sensitive customary law reforms, and holistic empowerment programs are essential to ensure that indigenous women receive adequate legal protection and equal opportunities in all aspects of social life. Such an approach not only promotes substantive justice but also strengthens social sustainability and inclusiveness within indigenous community development.

Resource conflicts further exacerbate gender inequality, as women in indigenous communities often have more limited access to land, water, and other economic resources compared to men.[63] In cases of resource contestation or allocation, women tend to be marginalized in decision-making and benefit distribution, intensifying inequality, reinforcing exclusion, and obstructing their equitable participation in social, economic, and political development. Women are frequently excluded from decision-making processes at the household, community, and formal institutional levels due to social norms, gender stereotypes, and patriarchal power structures that favor male authority. This exclusion limits women's voices in shaping policies, managing

[62] Saraswati, 'Indigenous Women in the Draft Law of Indigenous Peoples: An Approach Based on Legal Neutrality and Pancasila Values'.

[63] Priya Rajput and Jagdish Jadhav, 'Conflicts Over Natural Resources and Gender-Based Violence at Sialsui, India', *The International Journal of Community and Social Development* 5, no. 4 (2023): 375–93, https://doi.org/10.1177/25166026231214853.

resources, and setting development priorities, reinforcing gender inequality and hindering the realization of inclusive social justice.[64]

Gender injustice is also closely linked to class and ethnicity, as women from minority ethnic groups and lower socioeconomic backgrounds often experience multiple forms of discrimination.[65] They are marginalized not only because of their gender but also face structural barriers in accessing education, employment, healthcare services, and political participation. This intersectional marginalization is complex, interrelated, and perpetuates cycles of inequality across various dimensions of life. Indigenous women face structural marginalization as they exist at the crossroads of gender-based discrimination, patriarchal cultural norms, and broader social and economic inequalities. These conditions limit their access to education, resources, decision-making processes, and legal protection, placing them in vulnerable positions and hindering their full participation in social, political, and economic development.[66]

Intersectionality explains the complexity of gender injustice by highlighting how multiple social identities—such as gender, class, ethnicity, age, and economic status—interact simultaneously to shape unique and layered experiences of discrimination.[67] This approach demonstrates that inequality is not singular but interconnected, requiring empowerment strategies that address all aspects of identity to create more just, inclusive, and effective outcomes. Therefore, policies and empowerment programs must be designed with sensitivity to the diversity of women's experiences, particularly those of indigenous women, ensuring that interventions are not generalized but tailored to address specific needs and comprehensively reduce inequality.

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64 Komisi Nasional Anti Kekerasan terhadap Perempuan, *Suara Perempuan Dalam Kebijakan: Riset Kebijakan Ekstremisme Kekerasan Dan Gender Indonesia* (Komnas Perempuan, 2024), https://komnasperempuan.go.id/pengembangan-pengetahuan-detail/suara-perempuan-dalam-kebijakan-riset-kebijakan-ekstremisme-kekerasan-dan-gender-indonesia.

65 Sunil Mitra Kumar et al., 'Gender, Race and Their Interplay with Economic Status: Intersectionality and Asymmetric Jeopardies in Brazilian Education', *World Development* 199 (March 2026): 107232, https://doi.org/10.1016/j.worlddev.2025.107232; Widjajanti M. Santoso, 'Hubungan Gender Dan Etnisitas: Beberapa Kasus Di Dunia Ketiga', *Jurnal Masyarakat Dan Budaya* 5, no. 2 (2015): 93–108, https://doi.org/10.14203/jmb.v5i2.253.

66 I. Made Anom Wiranata, 'The Dynamics of International Norms Diffusion: The Study of Women Activists in Bali Dinamika Difusi Norma Internasional: Studi Tentang Aktivis Perempuan Di Bali', *Global Strategis* 15, no. 2 (2021): 353–74, https://doi.org/10.20473/jgs.15.2.2021.353-374.

67 Natalis et al., 'Exploring Intersectionality: The Legal Challenges Faced by Indigenous Women in Palm Oil Land Conflicts'; Kimberle Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color', *Stanford Law Review* 43, no. 6 (1991): 1241–99, https://doi.org/10.2307/1229039; Kimberle Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics', *The University of Chicago Legal Forum* 140 (1989): 139–68, https://philpapers.org/rec/CREDTI.

F. Dimensions of Women's Empowerment: Strengthening Resources, Agency, and Achievements for Inclusive Development

Women's empowerment encompasses three interconnected dimensions: resources, agency, and achievements.[68] Resources refer to access to adequate education, economic opportunities, and social services. Agency relates to women's ability to make choices, take decisions, and act in accordance with their own interests. Achievements reflect the tangible outcomes of empowerment, such as improvements in welfare, political participation, and the recognition of social and economic rights.[69]

Access to land is essential for women's empowerment, as ownership and control over land provide a stable economic foundation, enhance productive capacity, generate income, and facilitate access to credit and other resources.[70] Moreover, land ownership strengthens women's bargaining position in household and community decision-making, expands opportunities for social and political participation, and serves as a foundation for long-term independence, security, and well-being.[71]

Education expands women's capacity by enhancing their knowledge, skills, and awareness of their rights, enabling them to make more informed decisions in personal, family, and societal life. It also strengthens their ability to actively participate in economic, political, and social processes, opens equal career opportunities, and serves as a fundamental pillar for long-term empowerment and autonomy.[72]

Women play a significant role in environmental sustainability, as they are often primary managers of natural resources at the household and community levels, including water, forests, and agricultural land. Their active participation in conservation, resource management, and

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[68] Tiia Sahrakorpi and Venkata Bandi, 'Empowerment or Employment? Uncovering the Paradoxes of Social Entrepreneurship for Women Via Husk Power Systems in Rural North India', *Energy Research & Social Science* 79 (September 2021): 102153, https://doi.org/10.1016/j.erss.2021.102153; Kabeer, 'Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment'.

[69] Tika Widiastuti et al., 'Capturing the Barriers and Strategic Solutions for Women Empowerment: Delphy Analytical Network Process', *Journal of Open Innovation: Technology, Market, and Complexity* 10, no. 3 (2024): 100345, https://doi.org/10.1016/j.joitmc.2024.100345.

[70] L. A. Fredrick et al., 'Women and Land Rights: The Impact of Formalization in Tanzania's Coastal Region', *Research in Globalization* 10 (June 2025): 100288, https://doi.org/10.1016/j.resglo.2025.100288; Rajput and Jadhav, 'Conflicts Over Natural Resources and Gender-Based Violence at Sialsui, India'.

[71] Natalis et al., 'Exploring Intersectionality: The Legal Challenges Faced by Indigenous Women in Palm Oil Land Conflicts'.

[72] Widiastuti et al., 'Capturing the Barriers and Strategic Solutions for Women Empowerment: Delphy Analytical Network Process'.

environmental decision-making not only contributes to ecosystem balance but also promotes sustainable, inclusive, and intergenerationally responsible development practices.[73]

Empowerment enhances community welfare, as women with access to resources, education, and economic opportunities can contribute significantly to decision-making, benefit distribution, and the management of social and economic programs. This active participation improves household welfare, strengthens social resilience, stimulates local economies, and fosters more equitable, inclusive, and sustainable communities.[74]

Women's participation strengthens governance by bringing more inclusive, responsive, and equitable perspectives into decision-making, planning, and policy oversight. It also enhances transparency, accountability, and institutional effectiveness, thereby contributing to more democratic, just, and sustainable governance systems.[75] A gender-based economy supports inclusive development by integrating gender perspectives into economic planning, resource allocation, and employment opportunities. This enables women to access equal opportunities, contribute to economic growth, and improve family and community welfare. This approach not only reduces gender inequality but also strengthens the sustainability of social, economic, and political development.

G. Achieving Gender Equality in Papua: Harmonizing National Law with Customary Values Through Dialogue and Empowerment

Legal harmonization requires a dialogical approach, as the differences in values, norms, and interests among various legal systems—including state law, customary law, and human rights principles—cannot be unified unilaterally.[76] Through inclusive and participatory dialogue, stakeholders can identify a fair, context-sensitive, and responsive common ground, thus ensuring legal integration that is not only formal but also legitimate and just. The integration of customary and national law must be context-based, as each community possesses distinct social, cultural, and

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[73] Tri Nurmega Oktarina and Anisa Yulianti, 'The Role of Women in Sustainable Development and Environmental Protection: A Discourse of Ecofeminisme in Indonesia', *Indonesian Journal of Environmental Law and Sustainable Development* 1, no. 2 (2022): 107–38, https://doi.org/10.15294/ijel.v1i2.58137.

[74] Chenaimoyo Lufutuko Faith Katiyatiya and Thobeka Ncanywa, 'Women's Empowerment as a Driver to Household Food Security in the Eastern Cape Province, South Africa: A Structural Equation Model Approach', *Frontiers in Sociology* 11 (2026): 1758912, https://doi.org/10.3389/fsoc.2026.1758912.

[75] Isnaini Rodiyah and Arum Choirun Nisa, 'Government Action on Violence Against Women: Enhancing Good Governance in Regional Units', *Indonesian Journal of Public Policy Review* 24 (2023), https://doi.org/10.21070/ijppr.v24i0.1340.

[76] Robin Perry, 'Balancing Rights or Building Rights?: Reconciling the Right to Use Customary Systems of Law with Competing Human Rights in Pursuit of Indigenous Sovereignty', *Harvard Human Rights Journal* 24 (June 2011): 71–114, informit.T202501300001970090468126 2, https://search.informit.org/doi/10.3316/informit.T202501300001970090468126 2.

historical characteristics that cannot be standardized. A contextual approach allows for more adaptive integration, while respecting local wisdom and ensuring that the principles of justice, gender equality, and human rights remain protected.[77]

Harmonizing national law with customary values in Papua is a critical and complex task in achieving gender equality, a goal that is enshrined in both the Indonesian 1945 Constitution and international human rights frameworks. This process involves aligning the principle of equality before the law with the socio-cultural realities of indigenous communities. The challenge lies in bridging the gap between universal legal principles and the unique customs, traditions, and values of Papuan society. To ensure this harmonization is both effective and accepted, a contextual, dialogical, and participatory approach is required. This approach involves engaging customary leaders, religious figures, and local communities in meaningful dialogue, ensuring that legal reforms are not perceived as foreign impositions but as part of a broader, inclusive process that respects and incorporates local wisdom while safeguarding women's rights.

The principle of equality before the law, as guaranteed by Indonesia's 1945 Constitution, envisions equal rights and protection for all citizens, regardless of gender.[78] However, in the context of Papua, where customary law (adat law) still holds considerable influence, the application of national legal principles can be met with resistance. Customary values often place men in dominant positions within family and community decision-making processes, which can lead to women being marginalized in both public and private spheres. Therefore, in order to align these values with the constitutional principle of gender equality, a dialogue between the government and customary institutions must take place. This is crucial to ensure that the legal integration of gender equality principles is both socially accepted and substantively protective of women's rights.

Harmonization between national law and customary values can be achieved through deliberative forums that bring together local governments, customary institutions, community leaders, and the Papuan People's Assembly (*Majelis Rakyat Papua*). These forums offer an invaluable space where various stakeholders can come together to discuss and align customary values with national legal principles. By fostering an inclusive environment for dialogue, these

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[77] Baselius Afrendi and Sri Widayanti, 'Collaborative Governance Pemerintah Desa, Lembaga Adat Dan Masyarakat Dalam Melestarikan Gawai Dayak', *Journal of Indonesian Rural and Regional Government* 9, no. 2 (2025): 306–15, https://doi.org/10.47431/jirreg.v9i2.720.

[78] Moh Iqra Syabani Korompot et al., 'The Principle of Equality Before the Law in Indonesian Corruption Case: Is It Relevant?', *Journal of Human Rights, Culture and Legal System* 1, no. 3 (2021): 135–46, https://doi.org/10.53955/jhcls.v1i3.13.

platforms provide the opportunity to reinterpret potentially discriminatory customary norms in a way that is consistent with gender equality principles.

For instance, the leadership of customary institutions plays a vital role in guiding social norms within indigenous communities. Therefore, involving these leaders in discussions about gender equality can help ensure that reforms are not only legally sound but also culturally relevant. Such forums also serve as an opportunity to clarify how legal principles can be applied in a way that is respectful of local customs, while still upholding the constitutional guarantees of gender equality. This dialogue encourages the development of legal norms that protect women's rights within the specific socio-cultural context of Papua, ultimately strengthening the legitimacy of legal reforms and fostering a more inclusive governance framework.

In addition to legal reforms, economic empowerment is a cornerstone of gender equality in Papua. Women's economic independence is essential to their ability to fully participate in all aspects of social, political, and economic life. Economic empowerment strategies should be multifaceted, focusing on skills development, entrepreneurship, and economic diversification. Sustainable management of natural resources such as sago, fisheries, and spices offers significant potential for economic growth while empowering women in these sectors. Women, who traditionally play a central role in managing natural resources at the household level, can be equipped with the tools and knowledge necessary to expand these roles into more formal economic activities.

Local tourism development, leveraging Papua's unique natural and cultural assets, also provides an opportunity for women to be economically empowered. By offering women a stake in the development of tourism—whether through hospitality services, handicraft production, or eco-tourism initiatives—Papuan women can access new income streams and entrepreneurial opportunities. These initiatives, however, must be supported by robust education and training programs that provide women with the necessary skills to participate in these industries. Additionally, infrastructure development, particularly in rural and remote areas, is crucial for enabling women to access markets and resources.

The digital transformation of the economy presents another opportunity for women in Papua. Initiatives that support digital literacy, online entrepreneurship, and access to technology are essential to ensure women can compete in the modern economy. Furthermore, these economic empowerment programs must be reinforced by equitable budgeting, economic assistance, and private sector collaboration. Providing women with access to credit, capital, and business

development opportunities ensures that they can actively participate in economic growth and contribute to the sustainable development of Papua.

To foster long-term and sustainable change, women's empowerment in Papua must be accompanied by legal education that is sensitive to local customs and traditions. While national laws guarantee gender equality, these laws can seem distant or irrelevant if they are not presented in a way that resonates with indigenous communities. Culturally-based legal education, which incorporates gender equality principles alongside local wisdom, is more likely to be accepted and embraced by the community.

Gender equality awareness based on local traditions allows for a deeper understanding of the issues women face, and it helps to create a space for dialogue between women and men about their respective roles in society. Legal education that combines both human rights principles and customary values can help bridge the gap between traditional norms and modern legal standards. Empowerment strategies that integrate both customary law and national human rights principles offer a more holistic approach to gender equality, ensuring that legal reforms are not perceived as imposed from the outside but as part of an ongoing process of growth and development.

Moreover, legal education that acknowledges and respects local customs fosters a sense of ownership and responsibility for legal reforms. It helps women understand how to claim their rights and engage with the legal system in a manner that respects their cultural identity. This approach ensures that legal reforms are not only accepted but also actively supported by the community, creating a more sustainable path toward gender equality.

In addition to legal education, community gender education plays a crucial role in shaping the attitudes and behaviors that underpin gender equality. Gender awareness training for both men and women, particularly customary and religious leaders, is essential for creating agents of change within the community. These leaders, who often hold significant influence in Papua's villages and towns, are crucial to driving gender equality initiatives and transforming societal perceptions of gender roles.

Programs such as the "He for She" campaigns, which engage men in the conversation about gender equality, are particularly effective in challenging the traditional gender norms that often place men in dominant roles. Involving men as allies in the fight for gender equality ensures that they are active participants in the process of social transformation, rather than passive observers. Similarly, early gender education, which teaches children about equality and respect from a young age, can help lay the foundation for more equitable gender norms in the future.

Community-based women's rights campaigns, which include skills training, advocacy programs, and economic empowerment initiatives, are also essential for strengthening women's roles within society. By providing women with the tools and resources they need to become economically independent, these programs help women challenge societal norms and claim their rightful place in decision-making processes. This comprehensive approach, which includes both educational and practical empowerment strategies, is crucial for fostering lasting behavioral change and building inclusive social ecosystems.

Religious institutions and civil society organizations play a pivotal role in shaping public opinion and influencing social norms in Papua. Churches, mosques, and local women's organizations are powerful sources of authority and influence in many Papuan communities. Their involvement in gender equality campaigns is crucial for accelerating the harmonization of customary norms with national legal standards.

Religious institutions, in particular, can be instrumental in transforming gender norms by promoting interpretations of religious texts that emphasize gender equality and women's empowerment. By engaging religious leaders in gender equality discussions and encouraging them to advocate for women's rights, these institutions can help shift public perceptions of gender roles and responsibilities.

Civil society organizations, particularly women-led groups, can play a similarly important role in mobilizing grassroots support for gender equality initiatives. These organizations are often in the best position to reach marginalized communities, raise awareness about gender-based violence, and provide women with the resources they need to challenge discriminatory practices. Their involvement in public campaigns, legal advocacy, and social initiatives helps create a more inclusive and supportive environment for women.

Finally, legal reform in Papua must go beyond mere legal integration. It must also address the broader question of decolonizing law. Decolonization in the context of customary law means restoring indigenous legal systems as legitimate sources of law while ensuring they align with international human rights standards and gender equality principles. By doing so, law can become a tool for social transformation that respects local culture and traditions while advancing women's rights.

The harmonization of national law and customary values must be grounded in local values to ensure legitimacy and sustainability. This requires a legal framework that is both responsive to social dynamics and rooted in the traditions and cultural practices of Papua's indigenous communities. The process of legal harmonization must be an ongoing, dialogical one, where the

perspectives of all stakeholders—government, customary leaders, religious institutions, and civil society—are taken into account. Through this collaborative approach, Papua can achieve a legal system that supports gender equality, protects women's rights, and fosters social and economic development that benefits everyone.

H. The Role of Social Justice in Legal Harmonization for Gender Equality in Papua

The principle of social justice, as embodied in Pancasila (the fifth principle) and the 1945 Constitution (Article 33, paragraph (1), and Article 34), emphasizes that every citizen is entitled to equal opportunities in accessing resources, legal protection, and welfare.[79] In the context of Papua, social justice serves as both a moral and legal foundation for assessing and formulating the harmonization between state law and customary values. Therefore, any effort toward legal integration must ensure that the local values accommodated do not contradict the principles of equality and the protection of vulnerable groups, particularly women. This approach creates a legal order that is not only culturally legitimate but also substantively just and inclusive for all members of society.

Fundamentally, both men and women possess equal rights to fair treatment. When an individual experiences discrimination solely based on sex, such treatment constitutes gender injustice. Gender injustice arises when women are treated unfairly because of their gender, often due to excessive patriarchal dominance in social life. This dominance creates systemic inequality that may ultimately lead to violence against women. Gender-based violence frequently reflects oppressive forms of masculinity, particularly within traditional cultures resistant to change, where male behavior may be influenced by uncontrolled emotions such as anger and jealousy.[80]

Social justice encompasses both distribution and recognition.[81] Distribution refers to equitable access to resources, opportunities, and economic benefits, while recognition emphasizes

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[79] Emy Hajar Abra and Rofi Wahanisa, 'The Constitutional Court Ultra Petita as a Protection Form of Economic Rights in Pancasila Justice', *Journal of Indonesian Legal Studies* 5, no. 1 (2020): 187–224, https://doi.org/10.15294/jils.v5i1.35965; Simon Butt and Tim Lindsey, 'Who Owns the Economy? Property Rights, Privatization, and the Indonesian Constitution: The Electricity Law Case', in *Property and the Law in Energy and Natural Resources*, ed. Aileen McHarg et al. (Oxford University Press, 2010), https://doi.org/10.1093/acprof:oso/9780199579853.003.0013.

[80] Elora Halim Chowdhury, 'Rethinking Patriarchy, Culture and Masculinity: Transnational Narratives of Gender Violence and Human Rights Advocacy', *Hawwa* (Leiden, The Netherlands) 12, no. 1 (2014): 79–100, https://doi.org/10.1163/15692086-12341253.

[81] Melanie Killen et al., 'Social and Racial Justice as Fundamental Goals for the Field of Human Development', *Human Development* 65, nos 5–6 (2021): 257–69, https://doi.org/10.1159/000519698.

respect for the identity, rights, and contributions of individuals or groups.[82] These two dimensions are complementary in fostering an inclusive and just society capable of accommodating social, cultural, and economic diversity in a sustainable manner. Meanwhile, the capability approach emphasizes substantive freedom, namely the real ability of individuals to choose and pursue lives they value, measured not only by resource ownership but also by the extent to which individuals have genuine opportunities to develop their potential, participate in society, and achieve dignified well-being.

Inequality in access reflects structural injustice, as disparities in obtaining education, economic resources, public services, and social opportunities indicate the existence of systemic, policy-driven, and institutional barriers that directly or indirectly hinder certain groups, including women, from developing equally.[83] This condition underscores the necessity of structural reforms aimed at eliminating such barriers and creating a more equitable and inclusive distribution of opportunities. Inclusive policies are therefore essential for achieving social justice, as they ensure that all segments of society, including women and vulnerable groups, have equal access to resources, services, and development opportunities. Consequently, inclusive policies not only reduce inequality but also strengthen social cohesion, enhance public participation, and promote just and sustainable development.[84]

Gender equality serves as a key indicator of social justice, as the level of equality between women and men in terms of access, opportunities, participation, and control over resources reflects the extent to which a society guarantees fundamental rights in a fair manner.[85] The higher the level of gender equality, the stronger the foundations of social justice, democracy, and inclusive and sustainable development. Therefore, efforts to achieve gender equality must be integrated into public policy, legal reform, and social practices to ensure comprehensive and sustainable justice for all members of society. In this regard, integrating a gender perspective at every stage of

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[82] Joo-Young Lee, 'Distributive Justice, and Economic and Social Rights', in *Human Rights and Economic Inequalities*, ed. Gillian MacNaughton et al., Globalization and Human Rights (Cambridge University Press, 2021), Cambridge Core, https://doi.org/10.1017/9781009006545.010.

[83] Leonard E. Egede et al., 'Addressing Structural Inequalities, Structural Racism, and Social Determinants of Health: A Vision for the Future', *Journal of General Internal Medicine* 39, no. 3 (2024): 487–91, https://doi.org/10.1007/s11606-023-08426-7.

[84] Parsa Ahmadi Dehrashid et al., 'Healthy Cities as Catalysts for Sustainable Development: A Systematic Review of Co-Benefits, Trade-Offs, and Solutions to the SDGs', *Progress in Planning* 203, no. 1 (2026): 101032, https://doi.org/10.1016/j.progress.2025.101032.

[85] Elaine Unterhalter, 'Global Inequality, Capabilities, Social Justice: The Millennium Development Goal for Gender Equality in Education', *Measurement and Learning: Achievement Beyond the Mainstream* 25, no. 2 (2005): 111–22, https://doi.org/10.1016/j.ijedudev.2004.11.015.

development constitutes a strategic step toward eliminating structural inequalities and fostering a more just, inclusive, and substantively equitable social order.[86]

From the perspective of distributive justice, Papuan women often lack fair access to resource management, particularly concerning communal land (*tanah ulayat*). Applying a social justice framework, the harmonization of law and custom must ensure a more equitable distribution of rights, enabling women not only to act as resource managers but also as decision-makers in land utilization. This aligns with Aristotle's concept of justice as proportional equality, whereby justice is realized when individuals receive shares according to their roles and needs.[87] Procedural justice within customary structures is also problematic, as deliberative processes are often dominated by men, resulting in the marginalization of women's voices. Social justice principles, therefore, require inclusive procedures to ensure women's equal access to customary deliberation processes as well as formal political institutions. Thus, justice concerns not only outcomes but also processes.[88]

Substantive justice in the harmonization of law and custom must be grounded in the recognition of the specific vulnerabilities of Papuan women. For instance, affirmative policies such as the Special Autonomy Regulation mandating a minimum quota of 30% women's representation in the Papuan Regional House of Representatives reflect substantive justice by providing special measures to correct structural inequality.[89] Social justice, in this sense, can function as a bridge to reconcile patriarchal customary norms with egalitarian constitutional principles. Through the reinterpretation of customary values that respect women and the strengthening of positive law, a hybrid legal model can emerge—one that reflects Papuan identity while ensuring gender equality.

Furthermore, progressive law—aligned with the concept of gender justice—positions law as a dynamic instrument oriented toward substantive justice, particularly for vulnerable groups such as women. The harmonization of customary law with gender equality principles is achieved through a contextual reinterpretation of customary values, enabling the transformation of

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[86] Andrea Cornwall and Althea-Maria Rivas, 'From 'Gender Equality and "Women's Empowerment" to Global Justice: Reclaiming a Transformative Agenda for Gender and Development', *Third World Quarterly* 36, no. 2 (2015): 396–415, https://doi.org/10.1080/01436597.2015.1013341.

[87] Anton-Hermann Chroust and David L. Osborn, 'Aristotle's Conception of Justice', *Notre Dame Law Review* 17, no. 2 (1942): 129–43, https://scholarship.law.nd.edu/ndlr/vol17/iss2/2/; Allan Beever, 'Aristotle on Equity, Law, and Justice', *Legal Theory* 10, no. 1 (2004): 33–50, Cambridge Core, https://doi.org/10.1017/S1352325204000163.

[88] Tanja Chopra and Deborah Isser, 'Access to Justice and Legal Pluralism in Fragile States: The Case of Women's Rights', *Hague Journal on the Rule of Law* 4, no. 2 (2012): 337–58, Cambridge Core, https://doi.org/10.1017/S187640451200019X.

[89] Ella S. Prihatini, 'Substantive Representation of Women in Indonesia', in *Substantive Representation of Women in Asian Parliaments* (Routledge, 2022).

discriminatory practices without eliminating local wisdom. This approach also emphasizes the importance of community participation, especially by customary and religious leaders, in promoting inclusive social change. Accordingly, women's empowerment becomes not merely normative but a transformative strategy for achieving justice, welfare, and sustainable development in Papua. This perspective is also consistent with global gender justice principles.

Progressive law prioritizes substantive justice by placing human values, fairness, and social welfare above mere formal compliance with legal rules.[90] This approach encourages judges and policymakers to move beyond rigid textual interpretation and to consider social context, justice values, and real societal impacts, thereby enabling law to function as an instrument of social transformation that supports vulnerable groups and delivers meaningful justice. Law must also be responsive to societal needs as its primary function is not only to regulate but also to protect and fulfill the sense of justice within society. By adapting to social, economic, and cultural dynamics, law becomes an adaptive and relevant instrument capable of addressing real challenges, particularly in protecting vulnerable groups and promoting inclusive and sustainable justice.[91]

Legal reform must eliminate structural inequalities as many forms of injustice are rooted in systems, policies, and institutional practices that have historically marginalized certain groups, including women and indigenous communities. Through regulatory reform grounded in principles of justice and equality, and supported by consistent implementation, legal reform can dismantle structural barriers and create a more inclusive, just, and sustainable social order. A critical approach in legal studies is essential, as it enables deeper analysis of power relations, ideologies, and interests embedded within legal norms and practices. Through such an approach, law is understood not as a neutral set of rules, but as a social product that can either reproduce or challenge injustice, thereby opening pathways for more reflective, emancipatory, and substantively just legal reform.

I. Gender Inclusion and the Role of Indigenous Women in Legal Harmonization

Indigenous women are frequently marginalized within informal legal systems, as decision-making processes and dispute resolution mechanisms in customary structures are often dominated

[90] Satjipto Rahardjo, *Penegakan Hukum Progresif* (Penerbit Buku Kompas, 2010); Satjipto Rahardjo, 'Hukum Progresif: Hukum Yang Membebaskan', *Jurnal Hukum Progresif* 1, no. 1 (2011): 1–24, https://doi.org/10.14710/hp.1.1.1-24.

[91] Suteki and Aga Natalis, 'Mainstreaming Progressive Law: Toward an Emancipatory Paradigm in Legal Higher Education', *Cadernos de Dereito Actual*, no. 27 (2025): 160–83, https://cadernosdedereitoactual.es/index.php/cadernos/article/view/1339.

by men and shaped by patriarchal norms that restrict women's participation.[92] This condition results in the inadequate representation of women's voices and interests, highlighting the need for efforts to strengthen women's roles, reform customary mechanisms to become more inclusive, and integrate gender equality perspectives into informal legal practices. Informal systems often prioritize social harmony over gender justice, as dispute resolution within social and customary contexts tends to emphasize the restoration of relationships and community balance rather than the fulfillment of individual rights.[93] Consequently, women's interests are often compromised in the name of maintaining social stability, underscoring the need for approaches that balance communal harmony with principles of justice and gender equality.[94]

The rights of indigenous women must be recognized globally, as they constitute a vulnerable group facing intersecting forms of discrimination both as women and as members of indigenous communities. Such recognition is essential to ensure the protection of fundamental rights, access to justice, and equal participation in development, thereby enabling human rights principles to be implemented in an inclusive, equitable, and culturally respectful manner at both international and national levels. Accordingly, a collective commitment is required from states, the international community, and local stakeholders to integrate the protection of indigenous women's rights into policies, legal frameworks, and development practices in a sustainable manner.[95]

The leadership of indigenous women is critical for development, as they possess unique local knowledge, lived experiences, and perspectives in natural resource management, conflict resolution, and cultural preservation. Their participation in leadership not only enhances inclusivity and representation but also contributes to the formulation of development policies and practices that are more equitable, sustainable, and responsive to community needs. Meanwhile, gender inequality is closely linked to global social structures, as power relations, international economic systems, and global norms and policies shape the distribution of resources, opportunities, and access between men and women across countries. Such inequalities are influenced not only by local dynamics but also by global forces such as capitalism, globalization,

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92 International Development Law Organization, *Issue Brief: Women and Customary and Informal Justice Systems* (International Development Law Organization, 2020), https://www.idlo.int/publications/issue-brief-women-and-customary-and-informal-justice-systems.

93 Ross Fergusson and John Muncie, 'Conflict Resolution, Restoration and Informal Justice', in *Criminal Justice: Local and Global* (Willan, 2012).

94 Awinaba Amoah Adongo and Vincent de Paul Kanwetuu, 'The Lived Experiences of Women's Identities and Intersections in Accessing Social Justice Within the Ghanaian Informal Legal System: A Phenomenological Investigation', *Women's Studies International Forum* 107 (November 2024): 103005, https://doi.org/10.1016/j.wsif.2024.103005.

95 Ibid.

and uneven development, requiring multi-level approaches that integrate local, national, and international policy frameworks.

Recognition of customary law must be gender-inclusive, as its legitimacy should not come at the expense of equality and justice for women. Therefore, such recognition must be accompanied by reforms of discriminatory norms and practices, strengthened participation of women within customary institutions, and the integration of gender perspectives, ensuring that customary law evolves in a manner that is equitable, responsive, and aligned with human rights principles. In this regard, harmonization between customary law and national legal systems can produce a legal order that not only respects local wisdom but also guarantees the substantive and sustainable protection of women's rights.[96]

Legal harmonization is key to achieving inclusive justice, as the alignment of various legal systems—state law, customary law, and human rights principles—can create a framework that is equitable, non-discriminatory, and responsive to societal diversity. This process facilitates the integration of local values with universal standards, resulting in more comprehensive, just, and sustainable legal protection for all groups, including women and indigenous communities. Accordingly, strong political commitment, adaptive regulatory frameworks, and active public participation are required to ensure that the process of legal harmonization is inclusive, transparent, and oriented toward vulnerable groups.[97]

J. Empowerment and Gender Equality in the Context of Papua

Empowerment derives from the concept of "power," referring to the capacity to act or perform.[98] Accordingly, empowerment can be understood as the process of enabling individuals or groups to become capable, possessing the strength, capacity, or ability to carry out their roles and functions. Fundamentally, empowerment is an effort to enhance the capacity of individuals or marginalized communities so that they can identify, analyze, and determine their needs and potentials, recognize the challenges they face, and select appropriate solutions through the optimal and independent use of available resources.[99]

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96 Ibid.
97 Ibid.
98 Lee H. Staples, 'Powerful Ideas About Empowerment', *Administration in Social Work* 14, no. 2 (1990): 29–42, https://doi.org/10.1300/J147v14n02_03; Ajit Chaudhuri, 'Understanding "Empowerment"', *Journal of Development Policy and Practice* 1, no. 2 (2016): 121–41, https://doi.org/10.1177/2455133315612298.
99 Ruth Alsop et al., *Empowerment in Practice: From Analysis to Implementation* (World Bank Publications, 2006).

Community empowerment is viewed as a form of participation aimed at reducing dependency, both mentally and physically.[100] Participation constitutes a key element in empowerment and development strategies, as it serves as an effective means of mobilizing local resources, organizing labor, utilizing local wisdom, and fostering creativity. Moreover, community participation plays a crucial role in identifying local needs and potentials. Women's empowerment, in particular, represents a process of awareness-raising and capacity-building that enables women to participate more broadly, including in oversight functions, decision-making, and transformative actions aimed at achieving more equitable relations between women and men.

This aligns with the principles of the Convention on the Elimination of All Forms of Discrimination Against Women, which emphasizes the elimination of discrimination and the provision of equal access for women in all aspects of life.[101] It conceptualizes women's empowerment as a process involving resources, agency, and achievements to attain substantive equality. Thus, women's empowerment extends beyond improving access to resources; it also encompasses the capacity to make strategic life choices and achieve tangible outcomes that reflect justice and equality in social, economic, and political spheres. Consequently, policy interventions and empowerment programs must be designed holistically, sustainably, and with sensitivity to local contexts to ensure meaningful and lasting improvements in women's quality of life.

Women's empowerment in environmental governance is expected to strengthen women's capacity as leaders capable of addressing economic, social, and educational challenges. To achieve this, women must enhance their quality through knowledge, education, skills, and the development of positive attitudes and behaviors. Empowerment therefore requires not only hard work but also strategic effort and commitment.[102]

Efforts to address these challenges include increasing public awareness of the importance of gender equality and addressing gender stereotypes through education, training programs, workshops, and improved access to employment opportunities. Such initiatives must involve all stakeholders, including government institutions, civil society organizations, and the private sector,

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[100] Diana Dushkova and Olga Ivlieva, 'Empowering Communities to Act for a Change: A Review of the Community Empowerment Programs towards Sustainability and Resilience', *Sustainability* 16, no. 19 (2024): 8700, https://doi.org/10.3390/su16198700; Brian D. Christens, 'Targeting Empowerment in Community Development: A Community Psychology Approach to Enhancing Local Power and Well-Being', *Community Development Journal* 47, no. 4 (2012): 538–54, https://doi.org/10.1093/cdj/bss031.

[101] Kabeer, 'Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment'.

[102] AS Arya and Rahul Shukla, 'Connecting Women's Empowerment and Environmental Sustainability: A Review', *Multidisciplinary Reviews* 8, no. 9 (2025): 2025298, https://doi.org/10.31893/multirev.2025298; Sania Khan, 'Women Empowerment as a Mediator Between Environmental Conservation and Climate Intervention.', *International Journal of Sustainable Development & Planning* 19, no. 5 (2024): 1855–64, https://doi.org/10.18280/ijsdp.190523.

working collaboratively to promote gender equality. Integrating gender perspectives into policy-making and government programs is essential to ensure that gender inequality issues are adequately addressed. Furthermore, enforcing laws that protect women from discrimination and gender-based violence, while promoting changes in social norms that limit the roles and rights of Papuan women, is critical.

Youth possess significant potential to transform attitudes and norms related to gender roles, particularly in Papua. In many contexts, young people tend to hold more flexible perspectives on gender issues and are more receptive to inclusive values. Youth can be understood in three dimensions: as a transitional generation, and as both creators and consumers of culture. Through a generational approach, it becomes evident that each cohort possesses distinct historical values and social contexts shaped by its era.[103] Youth in transition constitute a distinct analytical approach that conceptualizes youth as a permanent and universal stage in the human life cycle. In relation to youth as both creators and consumers of culture, this perspective highlights the process through which globally circulating youth values are internalized, as reflected in cultural phenomena—such as those observed in Yogyakarta—where dynamic channels of distribution for music and cultural production emerge. These processes facilitate creative expression and cultural transformation. Accordingly, youth occupy a strategic position in advancing more inclusive social change and promoting substantive gender equality within society.

K. Youth Empowerment and Gender Equality: Transforming Social Norms for Sustainable Change in Papua

Building upon the foregoing discussion, actionable measures may include the active engagement of youth in disseminating information on the importance of gender equality and the adverse impacts of gender stereotypes through educational initiatives and seminars. Youth can organize workshops and public discussions addressing gender-related issues, while also participating in decision-making processes and leadership at various levels, including community and national spheres. Such involvement enables them to exert a positive influence on policies and practices that support gender equality. To facilitate this engagement, youth may collaborate with their communities to challenge restrictive social norms and promote more inclusive transformations. Moreover, given their relative proficiency in utilizing technology, particularly

[103] Suzanne Naafs and Ben White, 'Intermediate Generations: Reflections on Indonesian Youth Studies', *The Asia Pacific Journal of Anthropology* 13, no. 1 (2012): 3–20, https://doi.org/10.1080/14442213.2012.645796.

social media and digital platforms, youth possess significant potential to amplify messages on gender equality and catalyze meaningful social change.

Youth empowerment in dismantling stereotypes within inclusive societies entails enabling young people to initiate positive change, including advocating for inclusive gender education in schools and educational institutions. This may involve integrating curricula that address gender equality, stereotypes, and related issues. Additionally, providing skills-based training for communities on identifying and addressing gender stereotypes is essential. Such training may encompass social skills, public speaking, and advocacy competencies. Youth should also encourage broader community participation, fostering opportunities for individuals to contribute to sustainable development initiatives.

The Papua Youth Creative Hub (PYCH) represents a prominent platform for community engagement across Papua, offering a modern facility equipped with comprehensive infrastructure. Former President of the Republic of Indonesia, Joko Widodo, expressed his appreciation and admiration following a direct review of the facilities and the outcomes of programs implemented by Papuan youth across multiple sectors, including fisheries, agriculture, plantations, livestock, education, entrepreneurship, and health. The facility, officially inaugurated on 21 March 2023, was also reported by the Secretariat of the Cabinet of the Republic of Indonesia.

The Papua Youth Creative Hub (PYCH) is equipped with a wide range of facilities designed to support diverse youth activities, including a main building, dormitory facilities, several micro, small, and medium enterprise (MSME) sectors, training and meeting spaces, co-working areas, technology learning centers, and a library building. In addition, it features a tribune-style hall with a capacity of approximately 300 people, suitable for religious performances and other social events. The facility also provides high-speed internet access of up to 100 Mbps throughout the complex. With such comprehensive infrastructure, PYCH is expected to serve as a central hub for creativity, innovation, and youth empowerment in Papua, while enhancing human resource capacity to compete at national and global levels and contributing to inclusive and sustainable regional development.

Gender as a social phenomenon is understood as the societal implications arising from distinctions based on biological sex, whether male or female. These social consequences are reflected in various domains, including the division of labor, wage systems, and processes of socialization. Meanwhile, gender as a cultural phenomenon refers to its implications within patterns of thought and systems of values that emerge from the dualistic classification between men and women. Thus, gender does not merely denote biological differences but also constitutes

a social and cultural construct that shapes power relations, roles, and identities within society, which in turn may either reinforce or challenge gender inequality across different spheres of life.

Gender must also be understood as a form of social consciousness. This perspective emphasizes that not all individuals who recognize differences between men and women necessarily understand that such differences are fundamentally shaped by social and cultural constructions. Gender as social consciousness reflects an awareness among members of society that attributes derived from distinctions between men and women are socially and culturally constructed rather than inherently natural. At this stage, society begins to recognize that the division of labor between men and women is not something innate or predetermined, but rather the result of historical constructions formed through processes of adaptation and interaction between communities and their environments.

L. Conclusion

The conditions in Papua continue to reflect significant disparities. Papuan women play a crucial role in household economies and socio-cultural life; however, their representation in customary deliberations and their involvement in the management of strategic resources remain highly limited. This demonstrates a contradiction between women's substantive roles in society and their formal access to power and resources. Efforts to harmonize law and customary values may be pursued through the strengthening of special regional regulations (Perdasus/Perdasi), dialogue between customary institutions and government authorities, reinterpretation of customary norms that support women's roles, culturally grounded legal education, and the involvement of churches and civil society organizations. Such harmonization seeks to ensure that customary values are respected without undermining the principle of gender equality.

Customary law in Papua exhibits an ambivalent character. On the one hand, it embodies local wisdom that has the potential to support women's strategic roles; on the other hand, it continues to reflect patriarchal practices that limit women's access to and participation in decision-making, particularly in customary leadership and resource governance. This condition reveals a disharmony between customary legal values and the principles of gender equality enshrined in national law and international human rights instruments. Nevertheless, as a living law, customary law is inherently dynamic and can be reinterpreted and reconstructed in accordance with evolving notions of social justice. Therefore, harmonization between customary law and gender equality principles should not be pursued through confrontational means, but rather through dialogical, participatory, and contextual approaches that position indigenous communities as primary stakeholders.

Such harmonization efforts can be realized through the development of gender-responsive regulations, the reinterpretation of discriminatory customary norms, the enhancement of culturally based legal awareness, and the empowerment of women across economic, social, and political domains. In this way, a legal framework can be established that not only preserves the continuity of local values but also advances substantive justice and inclusivity for Papuan women. Ultimately, the realization of an inclusive Papua requires synergy between customary law and national law within a social justice framework, ensuring that women are no longer positioned as passive objects, but rather as active subjects in development and social transformation.

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