

REPRESENTATION OF INHERITANCE RIGHTS IN PATRIARCHAL CULTURE IN BALI BASED ON GENDER EQUALITY THEORY

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Abstract

Gender equality is a concept of balance put forward to equalize the position between women and men. In implementing this concept, Balinese people experience challenges in realizing it, this is due to the influence of patriarchal culture. One aspect that is difficult to implement gender equality is inheritance rights in Bali, due to the concept of patriarchal culture that is intertwined with Hindu religious beliefs. The research method used in this research is a literature review with a narrative literature-overview article approach. This research aims to understand a more specific picture of how patriarchal culture influences inheritance rights and how the transformation that occurs to obtain gender equality can be pursued in a complex cultural context such as in Bali. The results of this study show that the patriarchal culture in Bali is influenced by Hinduism and adat, where men are the main heirs through a major inheritance system, while women often experience marginalization and subordination. The results of this study are expected to provide new insights and encourage changes in a more equitable inheritance system.

Keywords: Patriarchal Culture; Inheritance Rights; Gender Equality; Balinese Society

Abstrak

Kesetaraan gender merupakan suatu konsep keseimbangan yang dikemukakan untuk menyetarakan posisi antara perempuan dan laki-laki. Dalam penerapannya, masyarakat Bali menghadapi tantangan dalam mewujudkan konsep tersebut, yang disebabkan oleh pengaruh budaya patriarki. Salah satu aspek yang sulit diterapkan dalam konteks kesetaraan gender adalah hak waris di Bali, karena konsep budaya patriarki yang melekat erat dengan ajaran agama Hindu. Metode penelitian yang digunakan dalam kajian ini adalah tinjauan pustaka dengan pendekatan artikel naratif-literatur. Penelitian ini bertujuan untuk memahami gambaran yang lebih spesifik mengenai bagaimana budaya patriarki memengaruhi hak waris serta bagaimana transformasi menuju kesetaraan gender dapat diupayakan dalam konteks budaya yang kompleks seperti di Bali. Hasil penelitian menunjukkan bahwa budaya patriarki di Bali dipengaruhi oleh ajaran Hindu dan adat istiadat, di mana laki-laki merupakan ahli waris utama melalui sistem waris utama, sementara perempuan kerap mengalami marginalisasi dan subordinasi. Temuan ini diharapkan dapat memberikan wawasan baru serta mendorong perubahan menuju sistem pewarisan yang lebih adil dan setara.

Kata Kunci : Budaya Patriarki; Hak Waris; Kesetaraan Gender; Masyarakat Bali

INTRODUCTION

Bali Island is known for its enchanting natural beauty, but equally important is the cultural diversity within it. The culture of the Balinese people is heavily influenced by Hindu teachings that are rooted in daily life. One of the dominant cultures in Balinese society is the patriarchal culture. Patriarchal culture emphasizes lineage that comes from the father or male (Sukerti & Ariani, 2014) This view has developed alongside teachings in Hindu scriptures that state that sons have an important role in maintaining the ancestral spirits (*pitara*) and guiding them to heaven after death (Djuniarti, 2020). In this context, men are seen as very important figures in families in Bali, especially in the aspect of inheritance of property.

The patriarchal culture in Balinese society is often considered more advantageous to men than to women (Atmadja *et al.*, 2015). This imbalance raises dilemmas and questions regarding justice and gender equality, which have become important issues in Balinese society. Gender equality is defined as a condition in which men and women have equal rights and opportunities in various aspects of life (Aniqurrohman, 2023). Previous research has shown that the application of patriarchal culture has the potential to cause various forms of discrimination against

women, including marginalization, subordination, and injustice in various fields, including women's social roles and employment (Nanang Hasan Susanto, 2015).

In Bali, one aspect that is greatly influenced by patriarchal culture is the inheritance system. Inheritance rights are one of the fundamental elements in the legal and social order, often reflecting the cultural values and norms that develop in society (Djuniarti, 2020). In Balinese society, the inheritance system adopted is majoritarian and patrilineal, where inheritance usually falls to the eldest son, while women often receive only a small portion or may not receive anything at all (Cahyani & Amelda, 2022). The concept of "*purusa*" (male) and "*predana*" (female) in Balinese culture illustrates that men have the primary role in continuing the lineage, while women are considered as complements in the family (Rahmawati, 2021).

The application of this patriarchal culture creates injustices in inheritance rights, often placing women in a lower position. Women who are married even lose their inheritance rights because they are considered to leave their families and join their husband's family (Jordi *et al.*, 2022). In addition, patriarchal culture also shapes the perception that men are more capable of bearing responsibilities, while women are seen as lacking power in such matters, thus placing women in a subordinate position in society (Modiano, 2021).

Furthermore, based on the article (wahyuni, 2023), 40% of respondents admitted to not knowing or being unfamiliar with the regulations of the Bali MUDP Decision 2010 gives inheritance rights to women. This shows a significant gap in the socialization of these regulations among the Balinese community, even though this rule is supposed to advocate for gender equality in inheritance rights. Furthermore, the majority of married women are considered ineligible for ancestral inheritance, as they are deemed to have "left the household" or left their original family. This condition becomes a limiting factor in the acceptance of inheritance rights according to Balinese customs, which prioritize male heirs.

Due to the issues mentioned, the urgency of this research lies in the fact that although patriarchal culture has long developed in Bali, its impact on women's inheritance rights is still very significant. For example, despite some efforts to change customary law to be more equitable, there is still much ignorance about the applicable rules, leading to discrimination in inheritance distribution that benefits men and harms women. This is evident from the lack of law enforcement that supports gender equality in inheritance, where Balinese customary law has not fully adapted to the principles of justice and the development of the times (Ardika, 2017).

This research uses gender equality theory as the main analytical framework, unlike previous studies that emphasized legal or sociological aspects without linking them to gender theory. Therefore, it is important to examine how gender equality theory can be implemented in the inheritance system in Bali to identify the injustices that occur and offer solutions to achieve better gender equality. This research aims to delve deeper into how patriarchal culture influences the representation of inheritance rights in Bali, as well as how gender equality theory can be used to analyze the imbalances in inheritance distribution. By understanding this disparity, it is hoped that this research can provide new insights and discover motivations and steps to strive for change towards a more equitable inheritance system for both men and women in Bali, within this very complex cultural context.

LITERATURE REVIEW

1. Patriarchal Culture in Bali

Patriarchy or patriarchal in the Indonesian dictionary is defined as a social grouping system that prioritizes the lineage of the father, while culture according to the Indonesian dictionary is defined as a result of human thought that becomes a habit that is difficult to change. Thus, in this case, patriarchal culture is defined as a habit in the social order system that prioritizes the lineage of men or fathers (Halizah & Faralita, 2023).

One area in Indonesia that is considered to have a different concept regarding gender equality as emphasized by the government in KMNPP 2001 is that gender equality is

interpreted as a similar interpretation by the community regarding the similarities and differences between women and men in carrying out various roles they perform is the island of Bali (Hasan & Maulana, 2014). Bali applies a patriarchal culture that is closely related to customs and beliefs. Belief is formed on a perception where perception is defined as an individual's process in seeking information to be understood (Widayani & Hartati, 2015). In one of the Hindu religious texts called *Adiparwa*, it tells a story where only boys can save their ancestors' souls from hell to heaven (Djuniarti, 2020). There are several other concepts that mention how the implementation of patriarchal culture occurs in Bali, such as *Tri Hita Karana*, which is a concept of balance between God, fellow humans, and other living beings. In this concept, it is mentioned that the relationship between male and female humans has their respective roles, resulting in a reciprocal relationship. Women in this concept have the role of serving their husbands, while men have the role of fulfilling their wives' needs; however, there is a misinterpretation that causes men to be considered superior compared to women (Firdaus, 2021). The application of patriarchal culture is also passed down to customary traditions, so women are not much involved in the traditions that are made (Alit Septiari & Widya Dhammayanti, 2023). This is what causes patriarchal culture to still dominate Balinese society to this day. Patriarchal culture in Bali is also applied in various aspects of Balinese community life, one of which is inheritance law. Inheritance law is defined as a provision or guideline that has a relationship with the legacy of assets that are valuable to someone and will be given or passed down to other individuals. (Diana Anisya Fitri Suhartono *et al.*, 2022). The inheritance law system is also related to the kinship system, which is divided into several types, including:

1. Patrilineal System, where in this system, men are prioritized over women to become heirs. In this case, when a woman marries, she will join the man's family; moreover, when the family has descendants, male descendants are considered more deserving of inheritance, due to the greater responsibility of men who are deemed to have to meet their family's needs.
2. Matrilineal System, this inheritance system is the opposite of the patrilineal inheritance system, in this system, inheritance is allowed on the female side. This inheritance system is passed down from mother to her children, especially to daughters.
3. Bilateral Inheritance System, this system is also called the ambilineal inheritance system, where this system makes decisions fairly, where children have the right to receive inheritance from both parents. This system also depicts a balance between daughters and sons who receive equal rights from their parents.
4. Majorat Inheritance System, this inheritance system is made specifically and generally benefits the eldest child. The eldest child will be given the largest portion or the entirety of the inheritance owned (M. Syaikhul Arif, 2022). In the Balinese inheritance system, the patrilineal inheritance system is applied, which causes men to be considered more dominant compared to childrenwomen because men can continue and have responsibilities well in relationships of belief, community, and environmental preservation that are in accordance with Hindu religious beliefs (Alit Septiari & Widya Dhammayanti, 2023).

2. Gender Equality Theory

Gender is simply defined as sex, but over time gender has expanded in meaning due to several factors such as culture, politics, law, and economics (Azizah, 2021). Gender is defined as a character that represents a sex, which describes an implication in social decision-making between the two sexes. Thus, there are several differences assessed between women and men such as character, status, and social opportunities. This creates a stigma where the differences possessed by women and men are the same, thus harming one party when implemented.

In the current implementation of gender, men have a higher position compared to women, this is due to men having a more dominant role image compared to women (Auliyak & Azizah, 2021). This situation refers to equality between men and women, where equality is defined as everything being given equally without regard to sex and justice in opportunities to utilize the resources available in the lives of individuals (Sumar, 2015).

METHOD

In the research titled “Representation of Inheritance Rights in Patriarchal Culture in Bali based on Gender Equality Theory: A Literature Review,” the researcher uses a narrative literature overview article method to explore the representation of inheritance rights in the patriarchal culture that occurs in Bali. The method aims to identify, collect, and analyze relevant journal articles to understand how inheritance rights are represented and evaluated in the context of patriarchal culture and gender equality theory. The literature search process was conducted for approximately 1 month (March-April). In this process, the researcher conducted several selections from the studies that would be used. The researcher used the internet as a medium to search for studies, namely Google Scholar and ResearchGate. The keywords used in this research are “Patriarchal Culture,” “Gender Equality,” “Inheritance Rights,” and “Balinese Society,” which yielded 795 research results. Before searching for studies used in the literature review, the researcher applied several criteria to facilitate the researcher in providing boundaries on the studies used and to make it easier to find suitable studies. The inclusion criteria used are: (1) Journal articles discuss the representation of inheritance rights in patriarchal culture; (2) Journal articles specifically target the patriarchal culture that occurs in Bali; (3) Journal articles focus on gender equality theory; (4) Journal articles published in Indonesian; (5) The time range of journal articles from publication is 10 years, where the studies taken are from the year 2014 until the year 2024. The exclusion criteria applied are: (1) Articles that are not relevant to the research focus, such as discussing only legal aspects without involving cultural or gender contexts; (2) Journal articles that exceed the last 10 years, for example, those published in 2013; (3) Journal articles from unverified sources. Thus, the researcher obtained findings of 12 journal articles based on the established criteria.

RESULTS AND DISCUSSION

In the search of several literatures related to gender role, articles and research journals were found with phenomenological qualitative methods, descriptive qualitative, empirical law, qualitative, normative juridical, socio-legal, theoretical, theory analysis. This research focuses on a region in Indonesia, namely Bali. The results and discussions in these studies provide various perspectives, which will later be linked to gender equality theory.

Based on the summary results from several journals that the researcher has explored, there are various perspectives and thoughts regarding the representation of inheritance rights in the patriarchal culture in Bali based on gender equality theory. For example, there are differences in perceptions of patriarchal culture in Bali between urban and rural communities. This is evidenced by a customary village in Banjar Tegeha, Buleleng Regency, which states that patriarchal culture is still very firm and strong to be maintained; in this village, there are regulations or awig-awig that state that men are placed as the main heirs and play a role as recipients of inheritance who have obligations and responsibilities for everything related to the provision of inheritance (Suryaningrat *et al.*, 2023). In this system, women cannot fully carry out their obligations after marriage and are not recognized as the main heirs according to the applicable customs and awig-awig of the village. In addition, a study revealed similar regulations in the customary village of Jinengdalem, Karangasem, stating that only men have inheritance rights and the position of Hindu women in Bali does not have the right to inherit (Interview with Jinengdalem Customary Leader)(Aldi Putra *et al.*, 2021). It was found that there is a difference in urban areas that have a more developed view compared to rural areas that are still strongly influenced by patriarchal culture. This is evidenced by research results showing that there is a 49-52% involvement of women as labor in Denpasar City, which means the absence of discrimination in urban areas opens wider opportunities for women to participate in claiming their rights, one of which is inheritance rights (Sekar Ayu *et al.*, 2022). The shift in patriarchal culture in urban areas occurs because urban communities experience modernization, which influences perceptions and behavioral patterns of

urban society. In agreement with other studies (Sekar Ayu *et al.*, 2022), it is stated that there is cultural acculturation that arises from the presence of migrants both from outside the island and abroad, which impacts thinking patterns and social structures. In addition, there are several other factors that also influence the perceptions of the Balinese people regarding patriarchal culture, such as education, experience, economy, and the environment of the community in Bali (Hasan & Maulana, 2014). The journal states that the patriarchal culture that occurs in Bali is closely related to Hinduism because in the background of one story in the Hindu religious scripture, it is mentioned that an ancestral spirit will not find a place in heaven if it does not have male descendants, thus this becomes one of the references for the Balinese society that predominantly practices Hinduism and adheres to a patriarchal culture (Djuniarti, 2020). It is stated that the position of men in Balinese customary law holds a higher status, which originated from regulations during the Dutch colonial period through the Balinese Customary Law on October 13, 1900, which states that the status of *purusa* is defined as the ability to manage and continue the *swadharma* (responsibility) of the family to implement *Tri Hita Karana*. Until now, patriarchal culture is still adhered to by the Balinese community and is implemented in life in Bali, one of which is inheritance law. Through several journals, it has been found that the inheritance system used by the Balinese community regarding inheritance rights is the primogeniture inheritance system. The primogeniture inheritance system is an inheritance system that uses a lineage-based system based on male descendants as heirs (Jordi *et al.*, 2022).

This inheritance system prioritizes males to receive inheritance from the family, while females do not receive inheritance. Several studies mention the same thing based on the view that women will leave their families after marriage (Alit Septiari & Widya Dhammayanti, 2023; Sekar Ayu *et al.*, 2022; Swari, 2023). Women who are only children or who only have brothers are usually asked to marry by bringing a man into their family, which is called *nyentana* (Adi Susila & Rahayu Dewi, 2022). In this primogeniture inheritance system, there is often an assumption that male children are the successors of the lineage and the main heirs of family wealth. This view, although not directly mentioned in the Hindu holy scriptures, can be found in several Hindu religious texts and Balinese customary views that are based on the understanding of *dharma* and ancestral successors. One text that can be referenced is the *Dharmasastra* and *Manu Smriti*, which teach about the division of inheritance based on male lineage.

Manu Smriti 9.118: "A son inherits his father's property, and if his father dies, the older son will receive a larger share."

Manu Smriti 9.120: "Inheritance must be given to sons, and in the absence of sons, inheritance can be given to brothers or other male relatives."

In addition, in Balinese customary teachings, it is also found that males are the successors of the family lineage and are entitled to inheritance. Therefore, in the primogeniture inheritance system in Bali, male children become the main heirs, while females receive little or even no inheritance. This is reinforced by Balinese customary leaders, who often refer to the principle of *Purusha* (male) being more dominant compared to *le* (female), thus women are not considered as successors of the lineage according to custom.

In some families that strongly adhere to patriarchal culture, there is even a significant effort to ensure the birth of male children; according to them, nothing is more important than male children (Alit Septiari & Widya Dhammayanti, 2023). Female children are often referred to as merely a "deposit" (Sekar Ayu *et al.*, 2022). However, this creates a stigma that is considered to glorify the position of men compared to women. There is subordination of women due to the strong influence of patriarchal cultural norms. Not only that, Balinese women also often experience marginalization from men. Marginalization is defined as an event where women are limited in taking a role or making decisions (Tegar Derana, 2016). For example, in household economics, men contribute more significantly with a ratio of 53.5%

compared to 46.5% for women (Astiti, 1989). This shows that men are more dominant in providing income or primary economic resources for households, reflecting their dominance in economic roles.

In the representation of inheritance rights in Bali, it is very clear how women cannot simply determine their own decisions. In addition, there are also limitations on roles caused by misconceptions regarding one of the concepts held by Balinese society, namely *Tri Hita Karana*. This concept has 3 parts: *parahyangan* (the role of humans towards God), *pawongan* (the role of humans towards fellow humans), and *palemahan* (the role of humans towards the surrounding environment). In the *pawongan* section, women implement this concept by how women can serve their husbands, such as cooking, cleaning the house, taking care of children, and other household chores, while for men, this concept is implemented by how husbands can meet their wives' needs or work formally. However, this concept has been misinterpreted, leading to the stigma that men are more capable of working compared to women, and even women are considered not to need to pursue education to the highest level because essentially women will only ask men who will become their husbands later (Sekar Ayu *et al.*, 2022).

Based on the findings of the research, patriarchal culture is considered no longer relevant today because it contradicts the concept of gender equality that is currently being promoted (Hasan & Maulana, 2014; Nanang Hasan Susanto, 2015). In this context, many studies and reports reveal that inheritance distribution based on the patriarchal system actually creates injustice and discrimination against women, which increasingly does not align with the principles of justice and gender equality promoted by various modern policies, both in Indonesia and globally. Research conducted by (Jordi *et al.*, 2022) regarding the inheritance system in Bali also shows that 62% of women involved in the survey feel that they are not treated fairly in inheritance distribution. This indicates that women often do not receive inheritance or only receive a very small portion, especially when they are married, as they are considered to leave their original families and follow their husbands' families. This phenomenon shows that inheritance distribution based on the patriarchal system is very irrelevant in the midst of increasing efforts for gender equality. The concept of gender based on psychological concepts can be understood through gender roles and gender attributes (Azizah, 2021). Gender roles are explained as the theory of gender equality from a psychological perspective, stating that essentially women and men do not have visible differences in abilities. However, in the representation of inheritance rights within the patriarchal culture in Bali, it becomes one of the drivers of gender inequality, as it involves marginalization and subordination of women. This requires action to achieve equality gender both in Bali and a broader scope. In this case, it is hoped that the entire community and government will participate in it. Based on the findings of the research, several solutions that can be implemented are summarized into two parts, namely, Improving the level of education, where education is considered to change a person's mindset towards a more positive direction, so that with higher education, the Balinese community can conduct a cultural selection that is relevant to the development of the times (Adi Susila & Rahayu Dewi, 2022). In addition, the role of the government is also needed in enforcing the law more firmly regarding individual rights but dynamically, so that it will be more flexible when implemented in the daily activities of the community (Ardika, 2017). One of the implementations of the government's role in increasing gender equality is the Decision of the Main Assembly of Pakraman Village (MUDP) of Bali Province Number 01/Kep/Psm 3/MDP Bali/X/2010, which was established on October 15, 2010, stating inheritance rights for women. This regulation emphasizes that daughters, both biological and adopted, have the right to inherit from their parents, especially wealth (Lesmana & Lemes, 2016). The portion received is half of what is obtained by sons. However, this regulation also has exceptions for daughters who convert to another religion, who do not have the right to inherit from their parents, limited only to marriage provisions interpreted as a form of affection or appreciation for daughters.

CONCLUSION

The representation of inheritance causes gender inequality that results in marginalization and subordination of women. However, along with the times, patriarchal culture has experienced a shift. The shift in patriarchal culture is caused by the perception that patriarchal culture is no longer relevant in several aspects, for example, in the concept of inheritance when a family has only daughters. Currently, the concept of gender equality is being pursued to create a more inclusive and fair environment for all individuals, both men and women. Concrete actions are needed, such as improving education and a more active role of the government in enforcing laws that support gender equality in Balinese society. It is hoped that this literature review can help its readers understand the representation of inheritance rights against the patriarchal culture that occurs in Bali. It is expected to minimize the gender inequality that occurs and provide a new understanding of the importance of gender equality.

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