

The Legality of "*Pecalang Perempuan*" as a Symbol of Gender Equality in the Traditional Balinese Security System

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Abstract. In Regional Regulation Number 4 of 2019 concerning Customary Villages, it is stipulated that *pecalang* is a traditional security officer in Bali formed by Customary Villages, with the task of maintaining security, order, and order of the community in the Customary Village area. This study aims to examine the legality and evolving role of *pecalang*, traditional security officers in Bali, with particular attention to the inclusion of women in this institution. Using a normative legal research method with a legislative approach, the research analyzes Regional Regulation Number 4 of 2019 on Customary Villages and Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, both of which regulate *pecalang* as community-based security. The findings reveal that while the structure and leadership of *pecalang* remain predominantly male, reflecting Balinese patriarchal traditions, the emergence of female *pecalang* marks a significant shift toward gender equality without contravening either positive law or customary law, provided their appointment is achieved through customary deliberation and aligns with *awig-awig* provisions. The study concludes that strengthening the legitimacy and sustainability of female *pecalang* requires formal recognition through revisions of *awig-awig* or village *perarem*, capacity-building through training and debriefing, local government endorsement, and community-wide socialization. These measures have important implications for fostering inclusive participation in customary security structures and promoting gender-sensitive development in Balinese society.

Keywords: *Pecalang*; Female *Pecalang*; Gender Equality; Legality

1 Introduction

Patriarchy is a behavior that makes men dominate in various aspects of life, such as politics, economics, social, and culture [1]. Women are placed in a weaker position resulting in gender injustice and discrimination against women [2]. This view often hinders women's contribution in public sector, including education, politics, and economics [3]. The 2023 Komnas Perempuan Annual Record shows that there were 4,374 cases of violence against women in Indonesia [1]. This culture causes men to feel superior and behave arbitrarily towards women [4].

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Pecalang is a traditional security organization that plays an important role in maintaining security and order in Balinese traditional villages [5]. *Pecalang* is also called the traditional Balinese police, playing an important role in maintaining harmony, order, and social stability in Bali [6]. In Regional Regulation Number 4 of 2019 concerning Customary Villages, it is stipulated that *pecalang* is a traditional security officer in Bali formed by Customary Villages, with the task of maintaining security, order, and order of the community in the Customary Village area. *Pecalang*, which is self-defense security, is also regulated in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia that self-defense is tasked with assisting the National Police of the Republic of Indonesia. In practice, *pecalang* are generally tasked with securing traditional ceremonies and religious activities, as well as helping to solve social problems within the scope of traditional villages. However, as their duties expand, they are involved in traffic management, securing public events, and even in handling emergency situations. Some of the involvement of *pecalang* in public security is reflected in security during the *Covid-19* Pandemic to educate the public about the prevention of the spread of the *Covid-19* virus. In addition, *pecalang* is also involved in securing the G20 Summit in 2022 in Bali [7].

Despite having strong legal legitimacy, the leadership structure and practice of *pecalang* is still dominated by men. This is in line with patriarchal values that are rooted in the Balinese traditional order. The visual identity of *pecalang* is often associated with symbols of masculinity, such as checkered cloth, *keris*, and *udeng*. This reflects the conventional division of social roles and shows how customary systems often ignore women's involvement in strategic roles. In the midst of modernization and the gender equality movement, the involvement of women as *pecalang* began to emerge as a new phenomenon that challenged traditional norms. For example, at Pura Luhur Batukaru, Wongaya Gede Village, Tabanan Regency, a number of women began to be involved in security duties, especially in reprimanding *female detractors* who dressed immodestly when entering the holy area. In *Pakraman Kertha Jaya Pendem* Village, Jembrana, *female pecalang* was even inaugurated with *male pecalang* and given a mandate to deal with social problems such as domestic violence and juvenile delinquency [20]. This involvement shows that women are not only able to carry out the function of *pecalang*, but also bring new perspectives and approaches that are more sensitive to social issues.

This phenomenon creates new dynamics in customary law and positive law. On the one hand, the involvement of women as *pecalang* has the potential to strengthen the security system based on local wisdom. However, on the other hand, the absence of specific regulations on *female pecalang* in regional regulations and national laws causes legal gaps and potential conflicts of norms between customary law, regional regulations, and national laws. The selection and involvement of *pecalang* which is still fully under the authority of the customary village also shows that there is no standard that regulates the principle of equality in this structure.

Therefore, an in-depth study is needed on the legal position and legality of *female pecalang* and the influence of *female pecalang* on gender equality in Bali. So that this research becomes relevant in two domains at once. First, academically, it can enrich the discourse on gender equality in the context of indigenous peoples which has been limited so far. Second, practically, the results of this study can be used to formulate policy recommendations (*policy briefs*) that encourage women's contributions and a more inclusive and sustainable customary security system. In the context of Bali as a region that maintains traditional values in the midst of globalization, this study also serves as an important reference in balancing cultural preservation with the principle of gender justice.

This research will contribute to the study of gender equality in indigenous peoples, especially in the context of traditional Balinese security systems by providing insights for the local government of Bali Province and indigenous village stakeholders to support the more

inclusive involvement of women in *pecalang* organizations with clear legality; and helping Balinese indigenous peoples understand the importance of gender equality to increase the effectiveness of indigenous systems in efforts to empower women in indigenous peoples through increased representation and recognition of their roles.

2 Methods

Research method is an effort or approach used to explore a problem using scientific methods carefully and precisely, with the aim of obtaining data, analyzing data, and reaching systematic conclusions [8].

1) Types of Research

In this study, the author uses normative legal research. In legal research, there are several types of research, including normative/doctrinal legal research, empirical legal research, and normative-empirical legal research. The basis for conducting normative or doctrinal research is to examine the internal aspects of positive law; This type of research is often referred to as normative legal research [9]. Therefore, in this study, the author uses normative legal research by analyzing Regional Regulation Number 4 of 2019 concerning Customary Villages and *Awig-awig* related villages that have a *female Pecalang organization*, namely Wongaya Gede Traditional Village in Tabanan and *Pakraman Kertha Jaya Pendem Village* in Jembrana.

2) Research Approach

The research approach is the researcher's perspective in choosing the scope of discussion which is expected to provide clarity in the description of the substance of the scientific work. In normative legal research, there are five approaches, namely the legal approach, the case approach, the conceptual approach, the historical approach, and the comparative approach. In this study, the author uses a legal approach that is carried out by examining and analyzing all laws and regulations related to the legal issues being researched. Therefore, in this study, the author uses a legal approach by analyzing Regional Regulation Number 4 of 2019 concerning Customary Villages and *Awig-awig* related villages that have a *female Pecalang organization*, namely Wongaya Gede Traditional Village in Tabanan and *Pakraman Kertha Jaya Pendem Village* in Jembrana. This approach was chosen to obtain data from applicable regulations as material for analysis of the legality of *female pekalang*.

3) Legal Resources

The data sources used in normative legal research are referred to as legal materials. Legal material is material used to analyze applicable laws or research. In normative legal research, legal materials are only obtained through secondary data, which consists of primary legal material, secondary legal material, and tertiary legal material.

(1) Primary legal material is legal material that has authority, consisting of laws and regulations, official records or minutes in the preparation of laws, and court decisions. In this study, the primary legal materials used are as follows:

- 1) Regional Regulation Number 4 of 2019 concerning Customary Villages;
- 2) *Awig-awig* Wongaya Gede Traditional Village, Tabanan Regency;
- 3) *Awig-awig Pakraman Kertha Jaya Pendem Village* in Jembrana.

(2) Secondary legal material is legal material in the form of publications about the law, but not official documents such as books, legal journals, and commentaries on court decisions. In this study, the author uses secondary legal material in the form of legal journals containing articles on *pecalang*, gender equality, *women's pecalang*, customary law, and articles and journals related to the legality of a customary organization.

- (3) Tertiary legal material is legal material that provides an explanation of primary and secondary legal material, such as legal dictionaries, encyclopedias, cumulative indexes, and so on. In this study, the author uses a legal dictionary to translate the legal terms found, and also uses the Indonesian Dictionary (KBBI) to ensure that the language used in this study is the correct and correct Indonesian language in accordance with the KBBI, as well as to determine the meaning of certain terms in Indonesian.
- 4) Legal Data Collection Techniques
Based on the collection method, the data is divided into two categories: 1) normative research data collected through document studies, which involves collecting and examining documents that provide the information needed by the researcher; 2) empirical research data obtained through field studies, which involve direct fieldwork through interviews, observations, or testing. Therefore, in normative legal research, only data collection techniques in the form of document studies or literature reviews are used [10]. In this study, the author uses a data collection technique in the form of document studies by collecting legal materials, reading, analyzing, and concluding data obtained from these legal materials, starting from Regional Regulations, related laws, and *Awig-awig* of Wongaya Gede Traditional Village in Tabanan and *Pakraman* Kertha Jaya Pendem Village in Jembrana which have a *women's pecalang* organization.
- 5) Legal Material Analysis Techniques
The data or legal material obtained, both primary and secondary legal materials, can be processed and analyzed qualitatively and/or quantitatively. Data analysis used in normative law research is a qualitative analysis by describing data in the form of organized, coherent, logical, non-overlapping, and effective sentences. Therefore, in this study, the author analyzes legal material using qualitative analysis techniques.

3 Results and discussions

3.1 The Legality of *Pecalang Perempuan* in Legal Regulation in Indonesia

Pecalang is an important part of the institutional structure of the traditional Balinese security system which has the main function to maintain order and security in the implementation of traditional activities, religious ceremonies, and social activities of the indigenous Balinese people. The existence of *pecalang* has been going on for generations in the lives of the indigenous people of Bali, but it is synonymous with the role of men. Normatively, the regulation regarding *pecalang* is contained in Bali Provincial Regulation Number 4 of 2019 concerning Customary Villages [11]. In Article 1 number 13, it is stated that *pecalang* is a customary security unit formed by customary villages and is tasked with assisting the implementation of *awig-awig* and maintaining order during customary activities in the customary village area. Then in Article 30 paragraph (1) it is stated that customary villages have the authority to form customary security units called *pecalang*. Furthermore, *pecalang* is also regulated in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia that *pecalang* is a form of self-defense that is tasked with assisting the National Police of the Republic of Indonesia. Based on these regulations, *pecalang* already has clear legality in Indonesia, especially in Indonesian national law.

Social and cultural developments have given rise to a phenomenon towards gender equality in Bali, the phenomenon is the emergence of *female pecalang* as a new face of women's contribution in the Balinese indigenous people. Women's involvement in traditional institutions is not only a symbol of progress, but also a form of active participation in maintaining Balinese cultural values. *Female pecalang* can be found at Pura Luhur Batukaru, Wangaya Gede Village, Tabanan Regency, as many as 16 women began to be involved in

security duties, especially in reprimanding female *detractors* who dress immodestly when entering the sacred area [12]. In *Pakraman* Kertha Jaya Pendem Village, Jembrana, as many as 4 female *pecalang* were even inaugurated with male *pecalang* and given a mandate to deal with social problems such as domestic violence and juvenile delinquency [13]. The number of female *pecalang* in Bali is described in the following table.

Table 1. Number of Female Pecalang in Balinese Traditional Villages

Traditional Village	Number of Female Pecalang
Wangaya Gede Village, Tabanan Regency	16
<i>Pakraman</i> Kertha Jaya Pendem Village, Jembrana Regency	4

Pecalang has been legally and clearly regulated in Bali Provincial Regulation Number 4 of 2019 concerning Customary Villages and Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. However, in both regulations, there is no clause that mentions female *pecalang* or a clause that limits the membership of *pecalang* to only men. So this is an opportunity as well as an unclear legal basis for women to participate and contribute to the traditional Balinese security system which has been dominated by men.

Furthermore, in the view of customary law, which is known as a living legal system based on traditional values, there is an expression that reads "*Mawa Cara Village, Mawa Tata State*" which has the meaning that each customary village or region has its own rules, meaning that each village has the authority to regulate its own internal mechanisms in accordance with mutual needs and agreements. In customary law, there is no explicit prohibition on women to be involved as *pecalang*. In addition to customary law, the legal basis used in customary villages is *awig-awig*, in general *awig-awig* is customary law rules that function to regulate the lives of indigenous village communities to create order, tranquility, and peace, as well as justice in indigenous peoples. In the view of the *awig-awig* of the customary village which is a written customary law that functions as the constitution of the customary village, *pecalang* is traditionally referred to as a group tasked with maintaining security and order in the village. Based on this, the existence of *pecalang* is legal based on customary law and *customary village awigs*. However, there is no mention of the presence of female *pecalang* or the prohibition of women's contribution as *pecalang*, this shows that the presence of female *pecalang* is legal during its formation based on the agreement of the customary village.

The phenomenon of female *pecalang* is one of the developments in customary law in Bali, but it is a question whether its existence in indigenous peoples has a strong legal basis or not, due to the unclear regulation that mentions the female *pecalang* clause. So that female *pecalang* is legal and does not violate national law or customary law, but its existence has a strong legal basis in laws and customary law. Therefore, it is necessary to adjust *awig-awig* as a form of evolution of customary law in facing the demands of the times, so that the legality of female *pecalang* in *awig-awig* will become legal under customary law if it has gone through a deliberation process and is stated in the official decision of the customary village or through *awig-awig* Customary villages, as well as in Bali Provincial Regulation Number 4 of 2019 concerning Customary Villages does not explain or prohibit the contribution of women as *pecalang*, this regulation also does not limit that *pecalang* membership is only male. Even in practice, customary villages began to involve women in customary security activities, especially when the activities involved the majority of women. So that the existence of female *pecalang* is a form of response to customary law to social needs and to strengthen the role of women in maintaining culture and security without abandoning traditional values.

Based on the above, it was found that the existence of *female pecalang* in the traditional Balinese security system does not contradict positive law or customary law, as long as it is obtained through the customary deliberation mechanism and does not violate the provisions of *awig-awig*. The Regional Regulation of the Province of Bali provides a legal basis for customary villages to determine their institutional structure independently. Meanwhile, adaptive customary law and *awig-awig* provide space for women to be involved in social structures that were previously patriarchal [14]. Thus, *female pecalang* is a tangible representation of the values of inclusivity, gender equality, and the transformation of customary law towards a more adaptive and participatory indigenous people. However, because this study only examines normatively based on national law and customary law, namely *awig-awig*, support from all parties, including local governments and customary institutions, is needed to continue to encourage women's participation in the strengthening of customary institutions in a sustainable manner by ensuring and guaranteeing the legality of the existence of *women pecalang* and guaranteeing the legal force of the rights and authorities of the *female pecalang* in the Balinese Traditional Village.

3.2 The Influence of Pecalang Perempuan on Gender Equality in Bali

Gender equality is equal access to rights or opportunities that are not affected by gender, in short, gender equality means that there are no differences in rights and opportunities for women and men [15]. The issue of gender equality is important for human rights and the welfare of society regardless of the differences in race, gender, opinions, and abilities of each individual. One example of gender inequality is the gender pay gap, access to education, and domestic violence. Women are often considered weaker than men, and men are often considered more privileged than women. For example, men are often considered more deserving to get an education, women are considered to only work at home so they are not allowed to receive education.

Women's involvement in customary institutions has been implemented in various regions. Generally, the role of women in the implementation of customary practices in each region is very necessary in the field of knowledge, preservation and social linkage, which even though it causes women to have limitations in formal decision-making. There is one unique example where women are involved in leadership structures side by side with men. The community exists in the Karangasem area, precisely in *Tenganan Pegringsingan* in Karangasem, Bali. This tradition is called *Ulu Upad*. Women in this tradition have a very strategic and complex role to understand in depth the customary rules that apply so that later women can participate in their implementation. Then it is not only in the Bali area, but also the participation of women in the implementation of customary rules located in several areas outside Bali called the Alliance of Indigenous Peoples of the Archipelago (AMAN). AMAN has management structures in various regions throughout the archipelago, including Sumatra, Kalimantan, Java, Nusa Tenggara, Sulawesi, Maluku, and Papua. In the management of AMAN, the role of women is officially regulated to become members of the board at the regional and national levels. In the National AMAN Council (DAMANNAS) which is taken from 7 representatives of the relevant regions, each region sends two representatives as administrators consisting of one man and one woman. With the management structure of the Nusantara Indigenous Women's Association (PEREMPUAN AMAN) starting from the national to regional levels, it is able to strengthen the role of women in the management of indigenous communities. Outside Bali, women officially participate actively in the management of indigenous communities with evidence of the existence of the AMAN indigenous community. With the existence of structured SAFE WOMEN, the role of women is seen as the same as men, so that there is no difference in thinking about the capacity and abilities between women and men [8].

In the life of Balinese society, patriarchy is still very thick, Balinese women often only focus on household affairs, their contributions are limited in the political realm and other public spaces, in fact men take more roles in activities in the public sphere. However, recently there has been a phenomenon of *female pecalang* in customary security units that have historically been held by men. This phenomenon is a form of development and gender equality in the traditional Balinese security system. *Pecalang* which is usually carried out by married men, now women are involved there as *female pecalang* with different duties and authorities from men, *female pecalang* is in charge of activities that involve many women in it. The involvement of women in the Balinese customary security structure is a symbol that Balinese customary law is dynamic following the changing times and the needs of the community.

The presence of women in *pecalang* creates a new representation in customary institutions that were previously dominated by men. This provides social legitimacy to women's ability to carry out traditional tasks that have been considered unsuitable for them. *Female pecalang* is a symbol of "gender mainstreaming" in the customary space. Their participation helps to dispel the stereotype that women only deserve to be in the domestic and ritual realms. By becoming *pecalang*, women get a new space in decision-making, social interaction, and involvement in the implementation of traditional activities. This has a direct impact on increasing women's confidence and leadership capacity in their communities. Women's involvement in *pecalang* opens up new opportunities for women to enter other customary structures, such as the Village Krama Council or even the Alit Council. The presence of *female pecalang* also has an impact on the transformation of values in the indigenous people of Bali. Women who used to be passive participants in customary activities are now beginning to be seen as an active part of the customary security and implementation system.

The involvement of women above along with the presence of *female pecalang* shows progress in gender equality, women who have been experiencing a lot of patriarchy so that their involvement is often limited in various public spheres. So that this involvement shows positive progress towards gender equality in Indonesia, especially in Bali through *women's pecala*. However, this study has not specifically examined the challenges of *female cavalry*, because in reality there are still many challenges faced. The presence of *female pecalang* is vulnerable to rejection from conservative traditional leaders, gender stereotypes, and lack of structural support are the main obstacles, even women who appear in customary public spaces still often receive resistance from the community, both subtly (social exclusion) and openly. Then another challenge faced is that *female pecalang* is not contained in *awig-awig* or *perarem* in traditional villages. As a result, their positions often lack a strong customary legal basis, making them vulnerable to being ignored or dismissed. Thus, to strengthen the presence and contribution of Balinese women as *female pecalang women*, it is very necessary to strengthen the legality of *female pecalang legality*, including the revision of *awig-awig* or *village perarem* to include the role of women in the *pecalang* structure; training and debriefing for *female pecalang*; local government support for the official recognition of *female pecalang women*; as well as socialization to traditional leaders and the community about the role of women in the traditional Balinese security system, namely *Pecalang*.

4 Conclusion

The existence of *female pecalang* in the traditional Balinese security system does not contradict positive law or customary law, as long as it is obtained through the customary deliberation mechanism and does not violate the provisions of *awig-awig*. The Regional Regulation of the Province of Bali provides a legal basis for customary villages to determine their institutional structure independently. Meanwhile, adaptive customary law and *awig-*

awig provide space for women to be involved in social structures that were previously patriarchal. Thus, female *pecalang* is a tangible representation of the values of inclusivity, gender equality, and the transformation of customary law towards a more adaptive and participatory indigenous people. It needs support from all parties, including local governments and customary institutions, to continue to encourage women's participation in strengthening customary institutions in a sustainable manner. However, to strengthen the presence of *female pecalang*, a strategy to strengthen the legality of *female pecalang* is needed, including the revision of *awig-awig* or village *perarem* to include the role of women in the structure of *pecalang*; training and debriefing for *female pecalang*; local government support for the official recognition of *female pecalang*; as well as socialization to traditional leaders and communities about the role of women in the traditional Balinese security system, namely *Pecalang*. In the life of Balinese society, patriarchy is still very thick, Balinese women often only focus on household affairs, their contributions are limited in the political realm and other public spaces, in fact men take more roles in activities in the public sphere. The involvement of women in various regions outside Bali along with the presence of *female pecalang* shows progress in gender equality, women who have been experiencing a lot of patriarchy so that their involvement is often limited in various public spheres. So that this involvement shows positive progress towards gender equality in Indonesia.

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